

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.6630 of 2011

ORDER:

Heard learned counsel appearing for the parties.

2. The subject matter of the writ petition relate to a few disputes perceived by the petitioner after successful execution and completion of Budpur Reservoir, Budpur village, Atmakur Mandal, Mahabubnagar District.

3. The petitioner prays for Mandamus declaring action of respondents 3 and 4 in imposing penalty of Rs.36/- per cubic meter for non-production of proof of payment of royalty from the running bills of the petitioner as illegal, arbitrary and contrary to G.O.Ms.No.23

I & CAD (PWCOD) Department dated 05.03.1999.

4. The petitioner though complains that respondents 3 and 4 are insisting upon production of proof of payment of seigniorage charges to the department, no order or proceeding is placed before the Court to consider the writ prayer. The fact of the matter is G.O.Ms.No.23 dated 05.03.1999, while introducing reforms in Public Works Department, has provided for simplified procedures in a few matters of execution of contracts and production of proof of certificates etc. According to petitioner, the clearance certificate need not be produced for appropriate payment or deduction is already effected by Mines Department and still levy and demand of penalty without passing an order is illegal.

5. The respondents in spite of receipt of notice have not filed counter affidavit and a request for grant of time on their behalf is made by the learned Assistant Government Pleader. The limited relief this Court is contemplating to grant in the writ petition, the request for adjournment can be rejected.

6. I am satisfied the writ petition can be disposed of by this order. The petitioner is given four (4) weeks time from the date of receipt of a copy of this order to make representation to respondents 2 and 3 on the application of G.O.Ms.No.23 dated 05.03.1999 to the grievance complained in the present writ petition. The second respondent, on receipt of such representation, considers and passes appropriate orders and communicates to the petitioner. At this stage of the matter, the merits of the petitioner's claim are not considered by this Court. It is for the second respondent to decide and communicate its decision.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 1, 2016
DSK