

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.25812 of 2012**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India, questioning the action of the 3<sup>rd</sup> respondent in refusing to issue dispatch permits in favour of the petitioner for black granite mineral.

Heard learned counsel for the petitioner and learned Government Pleader for Mines and Geology.

This Court, on 10-09-2012 in W.P.M.P.No.32893 of 2012 passed an interim order, directing the 3<sup>rd</sup> respondent to issue dispatch permits to the petitioner subject to the condition of the petitioner depositing Rs.50,000/- within a period of two weeks from the date of receipt of a copy of the order.

The sum and substance of the case of the petitioner as submitted by learned counsel for the petitioner is that as against the demand notice bearing No.152/Q/2010, dated 27-07-2012 issued by the Assistant Director of Mines and Geology, Warangal, the petitioner herein preferred a statutory appeal under Rule 35 of A.P. Minor Mineral Concession Rules, 1966 on 13-08-2012 and the same is pending consideration. It is further submitted by learned counsel for

the petitioner that in view of the above said demand notice the Assistant Director of Mines and Geology, Warangal refused to issue dispatch permits despite paying necessary seigniorage fee.

On instructions, it is submitted by learned Government Pleader for Mines and Geology that appeal filed by the petitioner is still pending consideration before the Director of Mines and Geology.

Since the appeal is pending consideration before the Director of Mines and Geology, this Court deems it appropriate to dispose of the present writ petition by directing the Director of Mines and Geology to pass appropriate orders on the said appeal filed by the petitioner herein against the demand notice, dated 27-07-2012 while continuing the interim orders granted by this Court, pending such exercise by the Director of Mines and Geology.

For the aforesaid reasons, the writ petition is disposed of, directing the Director of Mines and Geology – 2<sup>nd</sup> respondent herein to pass appropriate orders on the appeal, dated 13-08-2012 preferred by the petitioner under Rule 35 of the A.P. Minor Mineral Concession Rules, 1966 against the demand notice bearing No.152/Q/2010, dated 27-07-2012 after giving notice and opportunity of being heard to the petitioner herein within a period of three (3) months from the

date of receipt of a copy of this order. Pending such exercise, the interim order, dated 10-09-2012 passed in W.P.M.P.No.32893 of 2012 shall continue to operate.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

**A.V. SESA SAI, J**

October 19, 2016

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