

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 23129 of 2016

Date : 10.11.2016

Between :

Smt V Uma Santhi W/o V Venkateswara Reddy
R/o Plot No. 201, Subbareddy Towers
Anjaiah Road, Ongole, Prakasam district

Petitioner

And

State of A P
Industries and Commerce (M.I) Department
Secretariat, Hyderabad
Rep by its Principal Secretary and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was served show cause notice dated 7.6.2016 alleging violation of the quarry lease granted and undertaking mineral operations beyond boundaries of the quarry lease granted. Petitioner filed detailed explanation to the said show cause notice on 23.6.2016. Considering the explanation, the Assistant Director of Mines and Geology passed orders dated 1.7.2016 rejecting his explanation holding that petitioner is liable to pay normal seigniorage fee and double the market value and levied total amount of Rs.1,11,65,250/-. Aggrieved thereby, this writ petition is filed. This Court granted interim suspension of payment by order dated 20.7.2016.

2. Counter affidavit is filed on behalf of 6th respondent praying to dismiss the writ petition.

3. Heard Sri O Manohar Reddy, learned counsel for petitioner and learned Government Pleader for Mines and Geology. With the consent of learned counsel writ petition is disposed of finally.

4. In addition to the contentions on merits, learned counsel for petitioner contended that the order of the Assistant Director/third respondent dated 1.7.2016 is bereft of reasons. He being a quasi judicial authority, while determining the right of the petitioner to carry out quarry operations based on the lease granted to him, ought to have assigned reasons in support of his decision by considering the explanation submitted by the petitioner. Whereas, no reasons are assigned and simply in one sentence, it is held that the explanation is not satisfactory and hence rejected.

5. Learned Government Pleader would submit that against the order of the Assistant Director, effective and efficacious remedy by way of revision under Rule 35-A of the A.P. Minor Mineral Concession Rules,

1966 is available and without exhausting the said remedy this writ petition is filed and same is not maintainable. However, learned Government Pleader could not effectively answer the contention of the learned counsel for petitioner that no reasons are assigned in support of the decision.

6. The Assistant Director was acting as quasi judicial authority in exercise of powers vested in him by the Act. When he is determining the rights of the petitioner with reference to his entitlement to undertake quarrying operations and when he is fixing financial liability on the petitioner, it is necessary for him to assign due reasons in support of the decision, while rejecting the explanation. The principle of law on this subject as held in **Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi and Ors**¹ is well settled and needs no reiteration. Thus, impugned order is not sustainable on this ground alone. When the order is ex facie illegal, Court need not compel the petitioner to avail the alternative remedy under the Rules. The order is set aside and the matter is remanded to the Assistant Director, Mines and Geology-third respondent, to consider the explanation submitted by the petitioner on 23.6.2016 and pass appropriate orders as warranted by law by assigning cogent reasons in support of his decision within a period of four weeks from the date of receipt of copy of this order.

7. Accordingly the writ petition is allowed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 10.11.2016

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¹ AIR 1978 SC 851

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