

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.33326 of 2015

ORDER:

The grievance of the petitioner is with regard to the order dated 15.07.2015 whereby his appeal was dismissed by the Government of Andhra Pradesh through the Director of Mines and Geology, on the short ground that the petitioner failed to attend the hearing despite three notices being issued to him.

As Sri V. Jagapathi, learned counsel for the petitioner, asserted that the petitioner was not served any notice and that the final order dated 15.07.2015 was not even sent to the correct address, this Court directed production of the record.

Today, the learned Assistant Government Pleader for Mines and Geology produced the record and having noted the contents thereof, he fairly stated that earlier, the petitioner was residing at the address which was indicated in the final order dated 15.07.2015, but in his appeal he had indicated his address at a different location viz., Karakambadi Village, Renigunta Mandal, Chittoor District. Learned Assistant Government Pleader further conceded that the petitioner had informed the authorities of the change of his address to the present location by submitting a declaration in Form J. In spite of the same, it appears that the mining authorities went by the earlier address of the petitioner and sent notices to him at that location. In effect, the petitioner was never given an opportunity to attend the hearing of his appeal.

On this short ground, the impugned order dated 15.07.2015 is set aside and the matter is remitted to the appellate authority for consideration afresh of the appeal in accordance with law after giving due opportunity of hearing to the petitioner. As this Court has not gone into the merits of the matter, all issues are left open.

The writ petition is accordingly allowed to the extent indicated above. The appellate authority shall endeavour to dispose of the

appeal expeditiously and in any event, not later than eight (8) weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:01.03.2016

GJ