

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.2049 of 2017

ORDER:

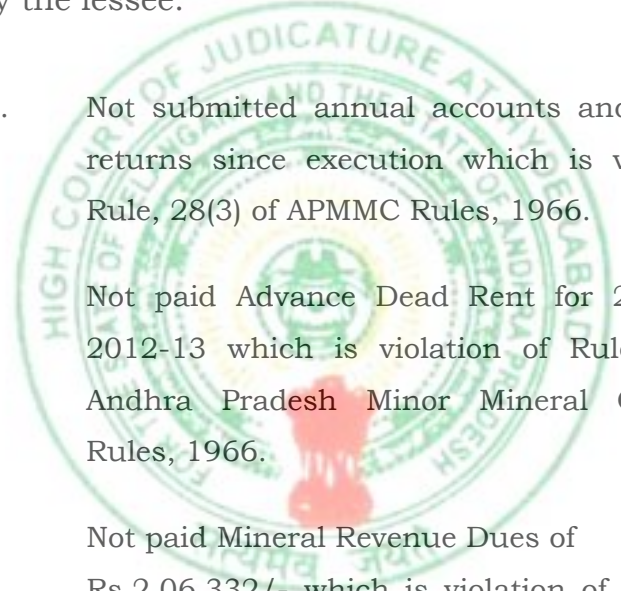
This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the 2nd respondent in Proceedings No.34453/R3-1/2012, dated 11.02.2014, in determining the Quarry Lease granted to the petitioner over an extent of 1.629 Hectares in Survey No.253 of Muthukula Village, Pullalacheruvu Mandal, Prakasham District, as arbitrary, illegal, unjust, unconstitutional and contrary to the Mines and Minerals (Development & Regulation) Act, 1957, and the A.P. Minor Mineral Concession Rules, 1966, and the rules made there under apart from being in violation of Articles 14, 19(1)(g) and 300A of the Constitution of India and consequently call for records in the Proceedings No.34453/R3-1/2012, dated 11.02.2014, and set aside the same.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner was granted quarry lease for Marble over an extent of 1.629 Hectares in Survey No.253 of Muthukula Village, Pullalacheruvu Mandal, Prakasham District, by Proceedings No.5931/R3-2/2006, dated 02.08.2006, for a period of 20 years and that the said lease is valid for the period from 19.10.2006 to 18.10.2026.

The main grievance of the petitioner is that the quarry lease of the petitioner for marble was determined by the 2nd respondent vide impugned proceedings No.34453/R3-1/2012, dated 11.02.2014. Aggrieved by the same, the present writ petition is filed.

4. On perusal of the impugned proceedings, dated 11.02.2014, it is evident that the Assistant Director of Mines and Geology, Markapur, submitted proposals for determination of the quarry lease held by the petitioner on the following breaches committed by the lessee:

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- “1. Not submitted annual accounts and quarterly returns since execution which is violation of Rule, 28(3) of APMMC Rules, 1966.
 2. Not paid Advance Dead Rent for 2009-10 to 2012-13 which is violation of Rule 31(iv) of Andhra Pradesh Minor Mineral Concession Rules, 1966.
 3. Not paid Mineral Revenue Dues of Rs.2,06,332/- which is violation of Rule 29 of Andhra Pradesh Minor Mineral Concession Rules, 1966.
 4. Not obtained dispatch permits since February, 2007.”

Accordingly, a show cause notice was issued to the lease holder, but the same was returned by the Postal Department as undelivered with an endorsement that “Addressee left” and therefore, it was observed that the petitioner is not interested in conducting the quarrying operations. Accordingly, the quarry lease held by the petitioner for marble over an extent of 1.629 Hectares

in Survey No.253 of Muthukula Village, Pullalacheruvu Mandal, Prakasham District, was determined under Rule 12(5)(h)(xii) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 and Security Deposit was forfeited to the Government.

5. Learned counsel for the petitioner submitted that the petitioner was not served with any such show cause notice before determining the lease and issued the determination proceedings and that the petitioner is residing in the same address and that against the said impugned proceedings No.34453/R3-1/2012, dated 11.02.2014, the petitioner filed revision before the 1st respondent on 04.08.2016 and the same was returned stating that there is a delay in filing the revision. Learned counsel prays to set aside the impugned proceedings No.34453/R3-1/2012, dated 11.02.2014.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and since there is a delay of two years two months in preferring the revision petition, this Court is of the view that the writ petition can be disposed of with the following direction:

The petitioner is directed to prefer a fresh revision petition before the concerned revisional authority along with a petition to condone the delay in preferring the revision petition by informing the grounds on which the delay has occurred in filing the revision petition on or before 25.08.2017. On filing of such revision petition along with condone delay petition, the concerned revisional authority is directed to decide the issue of delay, in accordance with law, and pass appropriate orders in the revision petition, in

accordance with law, as expeditiously as possible, more preferably within a period of eight (8) weeks from the date of receipt of the said revision petition along with the delay petition.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 17th July, 2017

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