

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7455 of 2017

ORDER:

The revision filed by the petitioner is rejected by the 1st respondent by order dated 11-01-2017 on the ground that the petitioner has not filed the revision within the stipulated time and there is a delay of one year two months in filing the revision. The delay condonation petition filed by the petitioner was rejected and consequently the revision also came to be rejected.

The reason for delay stated by the petitioner is that his father was expired on 17-05-2015, whereas the impugned order in the revision was on 06-04-2015. As the petitioner was not aware of the demand, dated 06-04-2015 and also on account as the petitioner's father was looking after the business and on the demise of the petitioner's father on 17-05-2015, the petitioner could not file the revision in time.

Learned counsel for the petitioner submits that the revisional authority ought to have taken into consideration of all these aspects. Learned counsel also submits that in similar circumstances, this Court directed to entertain the revision in W.P.No.35332 of 2016.

Learned Government Pleader opposed the writ petition and submits that the lease granted in favour of the

petitioner's father was expired on 21-11-2016 and the petitioner has no right to further extract the mineral.

Admittedly, the father of the petitioner had passed away on 17-05-2015 and the petitioner filed the death certificate of his father issued by the competent authority. As seen from the record, the demand notice is 06-04-2015 and the petitioner's father was expired on 17-05-2015 and it is possible that the petitioner was not aware of the said demand notice.

Considering the fact that the petitioner's father was the lessee and there is huge demand of Rs.1,65,31,500/- made on the father of the petitioner, the revisional authority could have taken a lenient view subject to imposing certain conditions.

In the facts and circumstances of the case and considering the revenue involved, this Court is of the considered opinion that the revision shall be taken on file and the same shall be processed, in accordance with law subject to the condition of petitioner depositing the seigniorage fee of Rs.27,55,250/-, which is alleged to have been evaded by the father of the petitioner, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that till the disposal of revision, the petitioner is not entitled to extract any mineral. The entire

exercise of revision shall be completed within a period of three (3) months from the date of petitioner complying with the condition of depositing seineorage fee as directed above.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

March 03, 2017

Pn

CHALLA KODANDA RAM, J



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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