

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26116 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Mines & Geology for respondent Nos.1 to 4.

In the present writ petition, filed under Article 226 of the Constitution of India, challenge is to the proceedings, dated 22.05.2017, issued by respondent No.3-Deputy Director of Mines & Geology, Visakhapatnam.

By virtue of proceedings No. 2079/MDL-SKL(T)/2015, dated 22.05.2017, respondent No.3 cancelled the Mineral Dealer Licence held by the petitioner herein and by way of proceedings No.3349/Q4T/2015, dated 22.05.2017, respondent No.3 also cancelled the temporary permit granted earlier in favour of the petitioner.

Earlier, the petitioner filed W.P.No.18162 of 2017 before this Court and this Court way of an order, dated 07.06.2017, disposed of the said writ petition with liberty to the petitioner to avail alternative remedy of appeal before the Director of Mines and Geology. Subsequently, the petitioner filed a statutory appeal before respondent No.2-Director of Mines & Geology, Ibrahimpattam, Vijayawada on 17.06.2017 and according to the

learned counsel for the petitioner, the same is pending consideration till today.

The grievance of the petitioner precisely in the present writ petition, as advocated by the learned counsel for the petitioner, is that though the petitioner presented the statutory appeal as long back as on 17.06.2017, no orders have been passed by respondent No.2 either interlocutory or final. It is further submitted by the learned counsel for the petitioner that in view of the said inaction on the part of respondent No.2 in passing any orders on the appeal, the petitioner is sustaining irreparable loss and injury.

It is pleaded in the affidavit filed in support of the writ petition that at the behest of certain disgruntled persons, the impugned orders came to be passed for no fault of the petitioner. It is also pleaded by the petitioner that he invested huge amounts and engaged labour.

Having heard the learned counsel for the petitioner so also the learned Government Pleader for Miners & Geology, this Court is of the considered opinion that the ends of justice would be served if the appellate authority is directed to pass appropriate orders on the appeal, dated 17.06.2017, preferred by the petitioner against the orders impugned in the present writ petition by fixing some timeframe.

For the aforesaid reasons, the writ petition is disposed of directing respondent No.2 to pass appropriate orders on the appeal, dated 17.06.2017, said to have been preferred by the petitioner against the orders impugned in the present writ petition, within a period of two months from the date of receipt of a copy of this order, after giving notice and opportunity of hearing.

Consequently, Miscellaneous Petitions, if any pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:04.08.2017.
kdl



A.V.SESHA SAI, J