

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

WRIT PETITION No.32163 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Geology.

The Director of Mines & Geology, Guntur-2nd respondent herein, vide show cause notice No.2187/R3-1/2017 dated 24.01.2017, directed the petitioner herein to show cause as to why the quarry lease of the petitioner herein should not be determined on the ground of the alleged due of Rs.28,75,392/-. In response to the said show cause notice, petitioner herein submitted an explanation vide Ref.No.MMPL/DMG/AP/YM313/2016-17 dated 26.04.2017. The Director of Mines & Geology, Guntur-second respondent herein, vide D.Dis.Proceedings No.2187/R3-1/2017 dated 20.07.2017, ordered determination of the quarry lease of the petitioner herein under Rule 12 (5) (h) (xii) & (xiii) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for brevity, 'the Rules'). The said order is under challenge in the present Writ Petition.

According to the learned counsel for the petitioner the order impugned is highly illegal, arbitrary and is a patent violation of principles of natural justice. It is further submitted that, though the petitioner herein submitted an explanation/reply in response to the show cause notice, the second respondent did not consider the contents of the said

explanation which obviously resulted in determination of the lease.

On the other hand, it is submitted by the learned Government Pleader that there is no illegality nor there exists any procedural infirmity in the impugned action and only after issuing a show cause notice and after considering the same the Director of Mines & Geology-second respondent determined the lease of the petitioner herein and, as such, the petitioner also cannot complain of violation of principles of natural justice.

There is absolutely no dispute with regard to the fact that, in response to the show cause notice dated 24.01.2017, the petitioner herein submitted an explanation/reply on 26.04.2017. In the said explanation the petitioner herein brought to the notice of the Director of Mines & Geology-second respondent various aspects touching the issue, but the second respondent, in the impugned order, except referring to the explanation offered by the petitioner herein, did not consider the contents of the explanation offered by the petitioner herein. In the considered opinion of this Court, the said exercise undertaken by the second respondent is a patent violation of principles of natural justice besides being opposed to the very spirit and object of the provisions of the Rules. Therefore, the order impugned cannot be sustained in the eye of law.

Accordingly, Writ Petition is allowed, setting aside the order of determination passed by the Director of Mines & Geology, Guntur-second respondent herein vide proceedings in D.Dis.Proceedings No.2187/R3-1/2017 dated 20.07.2017 and the matter is remitted to the second respondent herein for fresh consideration of the issue and for passing appropriate orders taking into consideration the explanation offered by the petitioner herein.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

21st September, 2017
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A.V.SESHA SAI, J

