

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.14995 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

‘...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the amendment issued to the rule 12(5)(h)(viii) of APMMC Rules, 1966 vide G.O.Ms.No.29 I & C (Mnes) Dept., dated 15-02-2017 as illegal, arbitrary and violation of principles of natural justice and also contrary to Sec.15(J) of the Mines and Minerals (Regulation & Development) Act 1957 and further declare that the amendment issued to the Rule 12(5)(h)(viii) of APMMC Rules, 1966 in vide G.O.Ms.no.29 I&C (Mines) Dept. dt.15-02-2017 prohibiting the transfer of unexpired portion of the lease has no application to the applications that were pending as on the date of issuing impugned rules more particularly to the petitioner application dt.14-09-2016 and pass such other order or orders as this Hon'ble Court may fit and proper in the interest of justice.” (Reproduced verbatim)

2. I have heard the submissions of *Sri G.Seena Kumar*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Mines & Geology, appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 2nd respondent to consider and dispose of the transfer application of the petitioner pending before the said authority in strict accordance with the procedure established by law, the ends of justice would be met and the grievance of the petitioner would stand redressed.

4. Learned Government Pleader for respondents 1 to 3 endorses the said submission.

5. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the transfer application, dated 14.09.2016, of the petitioner, in strict accordance with the procedure established by law, however, within a period of four weeks from the date of receipt of a copy of this order; and communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

21.12.2017
RAR

M. SEETHARAMA MURTI, J

