

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.4193 OF 2018

O R D E R :

In this Writ Petition, petitioner is challenging the inaction of the respondents in implementing the Memo No.11104/TDR/AH/2015 dt.24.06.2016 issued by the 2nd respondent in an appeal preferred by the petitioner under Rule 35 of A.P. Minor Mineral Concession Rules, 1966 against a demand notice dt.03.06.2015 issued by the Assistant Director of Mines and Geology, Tandur.

2. In the said order, the 3rd respondent had issued certain directions for conduct of survey with the aid of Additional Director of Survey and Land Records and for demarcation of the leased area of the petitioner and issuance of fresh demand as per the survey and inspection to be done.

3. Counsel for petitioner contends that these directions contained in the order dt.24.06.2016 of the 3rd respondent have not been implemented and that the survey has not been done.

4. The Government Pleader for Industries appearing for respondents states that a Joint Survey was done using the Differential Global Positioning System (DGPS) on 04.01.2018 and that further action would be taken pursuant to the said survey.

5. Counsel for petitioner states that the petitioner is entitled to file objections to the said survey and only thereafter, the 4th

respondent can pass any order pursuant to the order of the 3rd respondent.

6. The Government Pleader for Industries appearing for respondents does not dispute that the petitioner is entitled to object to the survey and that any such objections filed by the petitioner are to be considered by the 4th respondent before he passes a fresh order in terms of the order dt.24.06.2016 of the 3rd respondent.

7. Therefore, this Writ Petition is disposed of directing the petitioner to file objections to the DGPS survey dt.04.01.2018 conducted by the respondents within a period of two (02) weeks from today; on receipt of the said objections, the 4th respondent shall pass a fresh reasoned order, after hearing the petitioner or his counsel, within a further period of four (04) weeks from the date of filing of the objections filed by the petitioner, and communicate it to the petitioner. No order as to costs.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

27th March, 2018.

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