

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5796 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Mines for respondents and perused the prayer in the writ petition with supporting affidavit and the impugned order.

2. The prayer in the writ petition reads as follows:

“.....to issue a appropriate Writ, in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the revision application in vide Letter No.20772/M.I(1)/2016-I, dated 14.3.2017 on the ground of delay as illegal, arbitrary, and contrary to law of principles of natural justice and consequently direct the 1st respondent to hear and dispose of the Revision application dt.13.12.2016 on merits which was filed against the determination order, dt.05.07.2016 of the 2nd respondent and pass such other order or orders as deem fit and proper in the interest of justice and equity.”

3. The impugned order is in saying the revision filed beyond 90 days contemplated by Rule 35-A of the A.P. Minor Mineral Concession Rules, 1966 (for short, 'the Rules') and thereby rejected. In fact, undisputedly there is an application to condone the delay with medical certificate and Rule 35-C of the Rules provides where satisfied from showing cause for filing of the revision beyond the prescribed period under Rule 35-A of the Rules, the authority can entertain.

4. Having regard to the above, the writ petition is allowed directing the authority to entertain the revision, by virtue of this order, and dispose of on other merits, preferably within four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

23rd February 2018

mar

