

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21341 of 2007

ORDER:

In this writ petition, petitioner challenges, Memo, dated 18.06.2007, issued by respondent No.2-Government of Andhra Pradesh, Department of Industries & Commerce, Hyderabad rejecting his application, dated 05.10.2004, filed for excavation of iron ore and red oxide in an extent of land, admeasuring 14.100 Hectares in Survey No.1 of Malpanagudi Village, D.Hirelal Mandal, Ananthapuramu District.

Learned counsel for the petitioner submits that on an earlier occasion, the application submitted by the petitioner was rejected on the ground that the subject land therein has been reserved for exploitation by the Andhra Pradesh Mineral Development Corporation; that as per Rule 26 (1) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules'), the petitioner was not given any opportunity by respondent No.2 before rejecting his application, dated 05.10.2004, and that the impugned memo is not the reasoned one. He also submits that similar writ petitions being W.P.Nos.14818 and 9723 of 20017 are pending and that the Hon'ble Supreme Court seized of the issue relating to the determination of boundaries between the States of Karnataka and Andhra Pradesh in SLP No.7366-7367 of 2010.

Learned Special Government Pleader appearing on behalf of the Learned Advocate General Submits that the impugned order may be set aside and the matter may be remanded to

respondent No.2 for fresh consideration, in accordance with the Rules.

In those circumstances, the writ petition is allowed by setting aside the impugned Memo. The matter is remanded to respondent No.2, who in turn shall consider and dispose of the same afresh, strictly in accordance with the Rules, within a period of eight weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:03.10.2018

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