

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10704 of 2012

ORDER:

The proceedings dated 29.02.2012 issued by the Director of Mines and Geology, and the demand notice issued by the Additional Director of Mines and Geology dated 14.12.2010, are subjected to challenge in this Writ Petition, as being arbitrary and illegal.

By proceedings dated 14.12.2010, the petitioner was informed that the Director of Mines and Geology had determined the quarry lease granted to the petitioner for colour granite over an extent of 5.00 hectares in V.J. Puram village of Madugula Mandal, Visakhapatnam District for non-payment of advance dead rent for the year 2008-09; the petitioner was informed that, as per the Mineral Revenue Assessment for the year 2010-11 upto 30.11.2010, he had to pay Mineral Revenue Dues in respect of the said quarry lease which represented dead rent of Rs.5,59,726/-, and interest thereon of Rs.1,88,839/- i.e., a total sum of Rs.7,48,565/-. Aggrieved thereby the petitioner carried the matter in appeal to the Director of Mines and Geology, contending that he had surrendered the quarry lease by way of a notarised affidavit dated 07.07.2008, through the Assistant Director of Mines and Geology; and he was only liable to pay mineral rent upto the date of surrender i.e., 07.07.2008; and his security deposit be adjusted till that date. The Assistant Director of Mines and Geology reported that the petitioner was due Rs.7,48,565/- towards dead rent, on finalisation of the mineral revenue amount for the year

2009-10. While the petitioner claimed that he had furnished an affidavit, a verification of the in-ward register did not disclose receipt of any such affidavit regarding surrender of the quarry lease. The Director of Mines and Geology, therefore, refused to believe the contention of the petitioner that he had furnished an affidavit seeking termination of the lease by 07.07.2008. The appeal filed by the petitioner was dismissed, and the demand notice was confirmed. Aggrieved thereby this Writ Petition.

Sri K.A. Narasimham, Learned Counsel for the petitioner, would reiterate the very same contentions as were urged before the Director of Mines and Geology, and would submit that the petitioner had filed a notarised affidavit seeking termination of the lease by 07.07.2008. The fact, however, remains that the Director of Mines and Geology has recorded a finding that the in-ward register of the Assistant Director of Mines & Geology did not disclose receipt of any such affidavit.

While exercising jurisdiction under Article 226 of the Constitution of India, this Court would neither sit in appeal over the order passed by the Director of Mines and Geology nor would it substitute its views for that of his. It is only if the finding of fact, recorded in the impugned order, is either perverse or is based on no evidence would interference by this Court be justified. In the exercise of its power of judicial review, this Court would not re-appreciate facts to come to a conclusion different from that of the Director of Mines and Geology. In the present case, the Director of Mines and Geology was satisfied, on the basis of the information furnished to him by the Assistant Director of Mines and Geology, that the in-ward register did not disclose receipt of the said letter

dated 07.07.2008. This finding of fact, in the order of the Director of Mines and Geology, can neither be said to be perverse nor to be based on no evidence.

I see no reason, therefore, to interfere with the order of the Director of Mines and Geology. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.07.2018

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