

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.39794 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ, order or direction more so one in the nature of Mandamus declaring sub clause (viii) of clause (h) of sub-rule (5) of Rule 12 as prospective in nature and not applicable to the existing leaseholders granted for the purpose of non-captive consumption and set aside the impugned orders issued by the 2nd Respondent vide D.Dis. Proceedings No.15430/R1-1/2016 dt. 18.05.2017 as illegal, arbitrary, violative of Article 14 of the Constitution of India and consequently direct the Respondents to consider their application for transfer dated 16.12.2015 in accordance with the Rules in vogue as on the date of the said application and without reference to the amended Rule 12(5)(h)(viii) of the A.P. Minor Mineral Concession Rules, 1966 notified vide G.O.Ms.No.29, Industries and Commerce (Mines-II) Department, dated 15.02.2017, in the interest of mineral development, law and justice.”

2. At the hearing, learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely covered by the common order of this Court, dated 06.12.2017, in W.P.Nos.37319 and 38948 of 2017.

3. Learned Government Pleader for Mines and Geology appearing for respondents 1 to 5 though is in agreement with the said submission of the learned counsel for the petitioner, submits that in a similar matter, against the order passed by this Court, a writ appeal is filed and the Division Bench of this Court granted *status quo* orders therein.

4. However, the issue involved in the present writ petition is squarely covered by the afore-stated common order of this Court is not in dispute.

5. Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated common order of this Court in afore-stated Writ Petitions, this Writ Petition is allowed and the proceedings impugned in this writ petition are set

aside and the second respondent is directed to consider the application for transfer, dated 16.12.2015, of the petitioner afresh as per the un-amended Rule 12(5)(h)(viii) of the A.P. Minor Mineral Concession Rules, 1966, which was in force at the time of the submission of application of the petitioner, without reference to the amended Rule notified *vide* G.O.Ms.No.29, Industries and Commerce (Mines-II) Department, dated 15.02.2017, and pass apposite orders in strict accordance with procedure established by law within two (02) months from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter.

6. The Registry is directed to enclose a copy of the common order of this Court, dated 06.12.2017, passed in W.P.Nos.37319 and 38948 of 2017, to this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 05.01.2018
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