

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.44433 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the amendment issued to the Rule 12(5)(h)(Viii) of APMMC Rules, 1966 vide G.O.Ms.No.29, I & C (Mines) Dept dt.15.02.2017 as illegal, arbitrary and violation of principles of Natural justice and also contrary to Sec.15 (J) of Mines and Minerals (Regulation & Development) Act, 1957 and further declare that the amend issued to the Rule 12(5)(h)(Viii) of APMMC Rules, 1966 vide G.O.Ms.No.29, I & C (Mines) Dept dt.15.02.2017 prohibiting the transfer of unexpired portion of the lease has no application to the application that were pending as on the date of issuing impugned rules more particularly to the petitioner application dt.01.09.2016 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of learned counsel for the petitioner and of learned Government Pleader for Mines and Geology appearing for respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the second respondent to consider and dispose of the transfer application of the petitioner pending before the said authority in strict accordance with procedure established by law, the ends of justice would be met and the grievance of the petitioner would stand redressed.

4. Learned Government Pleader for Mines and Geology endorses the said submission while *inter alia* submitting that there are no instructions as of now as to whether the application of the petitioner is already disposed of by the authorities concerned.

5. Recording the submissions, the writ petition is disposed of directing the second respondent to consider and dispose of the transfer application, dated 31.08.2016 (received on 01.09.2016), of the petitioner, in strict accordance with procedure established by law, if not already disposed of, however, within a period of four weeks from the date of receipt of a copy

of this order and communicate the decision taken thereon to the petitioner within a week thereafter.

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: 02.01.2018

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