

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11927 OF 2019

DATED :19.06.2019

Between :

M/s.Venkateswara Stone Crushers,
Rep., by its Proprietor Smt.Sarada,
W/o.late Venkata Narasimha Rao,
R/o.Nidamanur Village and mandal,
Nalgonda District.

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Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Industries & Commerce (M.I) Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Mines & Geology and Sri Venkata Reddy Donthireddy, learned counsel for the 5th respondent.

2. The application for grant of quarry lease for Rough Stone and Road Metal over an extent of 10.00 Hectares in Sy.No.244 of Kesavapuram, Damarcherla Mandal, Nalgonda District is in issue, and claimed by the petitioner as well as 5th respondent. The application submitted by the 5th respondent was rejected by the Deputy Director of Mines and Geology vide his proceedings dated 19.10.2016 and appeal preferred by the 5th respondent on 13.12.2018 was rejected by the appellate authority vide his order dated 08.01.2019 on the ground of delay in preferring the appeal. Aggrieved thereby 5th respondent preferred Revision on 31.01.2019 under Rule 35-A of Telangana State Minor Mineral Concession Rules, 1966. This Revision was allowed by order dated 27.03.2019. In the meantime i.e., on 30.01.2019 the application of petitioner for grant of quarry lease was accepted and directions were issued to take further steps. However, in view of the order of the Revisional authority dated 27.03.2019 the Deputy Director of Mines and Geology passed orders on 13.05.2019 recalling the earlier order dated 30.01.2019. Aggrieved by the order of the Revisional authority dated 27.03.2019 and consequential order of Deputy Director dated 13.05.2019, this writ petition is filed.

3. The primary contention of learned counsel for the petitioner is that the order of Revisional authority was not preceded by notice and opportunity though the Revisional authority recognizes the factum of awarding licence to the petitioner, and the same is liable to be set aside on that sole ground. Learned counsel further submits that on account of decision made by the Revisional authority behind the back of petitioner, consequential orders are passed by the Deputy Director and the same is also illegal.

4. Learned counsel appearing for the 5th respondent fairly submits that as the order of Revisional authority was not preceded by notice and opportunity, the order may be set aside and matter be remanded to the Revisional authority for re-consideration of the Revision after giving due opportunity to the petitioner herein.

5. Having regard to the fair submission of learned counsel for the 5th respondent, the order dated 27.03.2019 is set aside and the consequential order dated 13.05.2019 is also set aside and the matter is remanded to the Revisional authority for consideration of Revision preferred by the 5th respondent on 31.01.2019, after affording due opportunity to the petitioner herein. As both counsel requests for early decision by the Revisional authority in the Revision preferred by the 5th respondent, I deem it proper to issue following directions :

Learned counsel for the 5th respondent shall serve copy of Revision preferred by the 5th respondent to the counsel for petitioner by 20.06.2019. Petitioner shall be at liberty to file objections to the Revision petition within two weeks from 20.06.2019. A copy of the objections may also be served on

counsel appearing for 5th respondent or learned counsel for the 5th respondent herein or to 5th respondent. It is open to the 5th respondent to file reply to the objections, if any, within one week thereafter. On receipt of objections from the petitioner and reply from the 5th respondent, the Principal Secretary to Government, Industries & Commerce shall fix a date for hearing with advance notice to the parties; shall hear respective submissions and pass orders within two weeks from the date of conclusion of submissions by respective parties. The issue of granting quarry lease rights shall be kept on hold till a decision is made by the Revisional authority.

6. With the above directions, the Writ Petition is allowed. Pending miscellaneous petitions, if any, shall stand closed.

19th June, 2019
Rds

P.NAVEEN RAO,J