**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**
**(Special Original Jurisdiction)**

THURSDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**HON'BLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 2111 OF 2025**

**Between:**

M/s. Jai Jeenmata Granites, Sy.No.2, Geddelapoluru Village, Meliaputi Mandal Srikakulam District, Represented by its Proprietor, Ram Nivas.

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Department of Mines and Geology, Secretariat building at Velagapudi.
2. Divisional Mines and Geology Officer, Tekkali, Srikakulam District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the Demand Notice No. 1497/MDL/2022-11 dt.27.06.2023 issued by Respondent No.2 without considering the reply given by the petitioner for the Show cause notice dt. 16.09.2022 and thereby insisting the petitioner to pay an amount of Rs.5,44,351/- towards penalty as arbitrary, illegal in violation of Principles of Natural Justice without jurisdiction and violative of Article 14 and 19 of Constitution of India and contrary to APMMC Rules, 1966 consequently set aside the same.

**IA NO: 1 OF 2025**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Demand Notice No. 1497/MDL/2022-11 dt.27.06.2023 issued by Respondent No.2 pending disposal of WP.

**Counsel for the Petitioner: SRI K SAI NAVEEN REPRESENTING M/S. UTTARA LEGAL**

**Counsel for the Respondents: GP FOR MINES AND GEOLOGY**

**The Court made the following: ORDER**

APHC010033402025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3310]
(Special Original Jurisdiction)

THURSDAY ,THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 2111/2025**

**Between:**

M/s. Jai Jeenmata Granites, ...PETITIONER

**AND**

The State Of Andhra Pradesh and Others ...RESPONDENT(S)

**Counsel for the Petitioner:**

1.UTTARA LEGAL

**Counsel for the Respondent(S):**

1.GP FOR MINES AND GEOLOGY

**The Court made the following:**

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

> *"... pleased to issue a Writ order or direction especially one in the nature of Writ of Mandamus declaring the Demand Notice No 1497/MDL/2022-11 dt 27.06.2023 issued by Respondent No.2 without considering the reply given by the petitioner for the Show cause notice dt 16.09.2022 and thereby insisting the petitioner to pay an amount of Rs.5,44,351/- towards penalty as arbitrary, illegal in violation of Principles of Natural Justice without jurisdiction and violative of Article*

*14 and 19 of Constitution of India and contrary to APMMC Rules 1966 consequently set aside the same and pass..."*

2. Heard Mr K.Sai Naveen, learned counsel for the petitioner and the learned Government Pleader for Mines and Geology appearing for Respondents.

3. On hearing, learned counsel for the petitioner submits that the matter is squarely covered by the order passed by this Court in W.P.No.1645 of 2025, dated 24.01.2025, and hence, requests this Court to pass similar order in this petition also. The operative portion of the said order is as follows:-

> *6. Considering the submissions of learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology, the 1st respondent is directed to consider and dispose of the Revision filed by the petitioner, dated 12.06.2023 within a period of two (02) months from the date of receipt of a copy of this order.*
>
> *7. With the above directions, this Writ Petition is disposed of at the stage of admission. There shall be no order as to costs.*

4. Learned Government Pleader for Mines and Geology appearing for the respondents opposed for grant of any relief in the writ petition and prayed to dismiss the same.

5. In view of the submission made by both the learned counsels and upon perusing the entire material available on record, this Court deems fit to dispose of the present Writ Petition in terms of the said order.

6. Accordingly, this Writ Petition is disposed of in terms of the order passed in W.P.No.1645 of 2025, dated 24.01.2025. There shall be no order as to costs.

7. The Registry is directed to attach a copy of the order passed in W.P.No.1645 of 2025, dated 24.01.2025 to this order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

**Sd/- V SAVITHRI GOWRI**
**ASSISTANT REGISTRAR**

**SECTION OFFICER**

**To,**

1. The Principal Secretary, Department of Mines and Geology, Secretariat building at Velagapudi, Amaravathi, Guntur District.
2. The Divisional Mines and Geology Officer, Tekkali, Srikakulam District.
3. One CC to M/s. Uttara Legal Advocate [OPUC]
4. Two CCs to GP for Mines and Geology, High Court of Andhra Pradesh. [OUT]
5. Three CD Copies

**(Along with a copy of order dt. 24.01.2025 in WP No. 1645 of 2025)**

**TF**

HIGH COURT

DATED:30/01/2025

ORDER

WP.No.2111 of 2025




DISPOSING OF THE W.P., WITHOUT COSTS

APHC010031542025

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3310]**
**(Special Original Jurisdiction)**

FRIDAY ,THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 1645/2025**

**Between:**

Tirumala Granites **...PETITIONER**

**AND**

The State Of Andhra Pradeshq and Others **...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.UTTARA LEGAL

**Counsel for the Respondent(S):**

1.GP FOR MINES AND GEOLOGY

**The Court made the following:**

**ORDER**

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

> *"... pleased to issue a Writ order or direction especially one in the nature of Writ of Mandamus declaring the Demand Notice No.1497/MDL/2022-6, dt 12.06.2023 issued by Respondent No.2 without considering the reply given by the petitioner for the Show cause notice dt 12.09.2022 and thereby insisting the petitioner to pay an amount of Rs.16,80,572/- towards penalty as arbitrary, illegal in violation of Principles of*

*Natural Justice without jurisdiction and violative of Article 14 and 19 of Constitution of India and contrary to APMMC Rules, 1966 consequently set aside the same and pass....*

2. The case of the petitioner in brief is that the petitioner is a Partnership firm and was granted a Mineral dealer license (for short 'the MDL') on 09.10.2018 by the Deputy Director of Mines and Geology, Srikakulam for a period of 20 years. Thereafter, 2nd respondent had issued a *show-cause* notice on 16.08.2022 wherein it was mentioned that the technical staff had visited the petitioner's unit on 06.04.2022 and reported that there are 3 number of raw granite blocks of 301 cbm. As per the inspection report, the difference quantity is 4 cbm available in the MDL unit of the petitioner. In response to the same, the petitioner has submitted explanation on 12.09.2022 explaining the reasons. Thereafter, Respondent No.2 has passed the impugned demand notice, dated 12.06.2023 imposing a penalty of Rs.16,80,572/- which is inclusive of normal seignorage fee, consideration amount, five times penalty, DMF and MERIT in exercise of power under Rule 26(3) (ii) of APMMC Rules. The petitioner was advised to file revision before the Government and accordingly, the petitioner filed revision on 23.08.2023. During pendency of the Revision, Respondent No.2 is threatening to take action against the demand notice, dated 12.06.2023. Hence, the present Writ Petition is filed.

3. Heard Mr K.Sai Naveen, learned counsel representing on behalf of Uttara Legal for petitioner and Smt Sudeepthi, learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

4. On hearing, while reiterating the averments made in Writ Petition learned counsel for the petitioner submits that aggrieved by the Demand Notice, dated 12.06.2023, the petitioner has filed revision before the 1st respondent. During pendency of the said Revision, the 2nd respondent is proceeding to take steps in pursuance of the impugned Demand Notice, dated 12.06.2023 which is illegal and arbitrary. Hence, the learned counsel for the petitioner requests to pass appropriate orders.

5. Smt Sudeepthi, learned Assistant Government Pleader for Mines and Geology appearing for the respondents opposed for grant of any relief in this Writ Petition and prayed to dismiss the same.

6. Considering the submissions of learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology, the 1st respondent is directed to consider and dispose of the Revision filed by the petitioner, dated 12.06.2023 within a period of two (02) months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of at the stage of admission. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

**DR. K. MANMADHA RAO, J.**

*Date: 24.01.2025*
*TM*