APHC010559922024

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

MONDAY ,THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 29174/2024

Between:

M Jayaramulu **...PETITIONER**

AND

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

Counsel for the Petitioner:

1. K NAVEEN KUMAR

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:

> *"…..declaring the order passed by the 1st respondent herein in vide Memo No.111/M.I(1)/2020 dated 12.03.2024 in the revision preferred by the petitioner against the demand Notice No.133/M2/2003 dated 10.10.2019 as arbitrary, illegal, unjust, unconstitutional and contrary to Mines and Minerals (Development and Regulation) Act, 1957 and Minor Mineral Concession Rules, 1966 and the rules made there under apart from being violation of Articles 14, 19 (1) (g) and 300A of the constitution of India and consequently*

call for records in the demand Notice No.133/M2/2003 dated 10.10.2019 and set aside the same and pass such other order or orders….."

2. Facts of the case, in brief, are that the petitioner was granted mining lease for Dolomite over an extent of 5.503 Hectares i.e. Ac.13.60 cents in Sy.No.14 of Kistipadu Village, Peddavadugur Mandal, Ananthapuramu District vide G.O.Ms.No.633, Industries & Commerce (M.III) Department, dated 22.12.2000 and sanction order was issued by the then Assistant Director of Mines and Geology vide proceedings No.64/M1/2001, dated 20.06.2001 for a period of twenty (20) years, valid up to 19.06.2021. The petitioner invested huge amounts for development of the quarry, for that he has raised investments with high rate of interest. While so, the officials of the Regional Vigilance and Enforcement Officer, Ananthapuramu along with local revenue officials, have inspected the premises of the petitioner on 05.05.2017 and basing on the inspection report, the 4th respondent has issued show-cause notice dated 16.08.2018. Thereafter, the petitioner has submitted his explanation on 18.09.2018. But the 4th respondent without considering his explanation, has issued the demand notice bearing No.133/M2/2003, dated 10.10.2019 directing the petitioner to pay an amount of Rs.54,43,120/- towards normal seigniorage fee and market value of Rs.1,36,07,800/-, totalling to Rs.1,90,50,920/- for the quantity of 68,039 MTs of Dolomite within fifteen days from the date of receipt of the notice. Aggrieved by the said demand notice, the petitioner has preferred statutory revision before the 1st respondent under Rule 35A of A.P. Minor Mineral Concession Rules, 1966, on 07.01.2020

by raising several grounds in the revision touching the veracity of the inspection and survey proceedings. However, without considering all the grounds raised in the revision, the revisional authority partly allowed the revision vide Memo No.111/M.I(1)/2020, dated 08.02.2022, without exercising the revisional jurisdiction vested with the revisional authority.

Aggrieved by the said revisional order, the petitioner filed W.P.No.13220 of 2023 before this Court, wherein this Court has passed orders setting aside the Memo No.111/M.I(1)/2020, dated 08.02.2022 issued by the 1st respondent and remitted back the matter to 1st respondent on 12.05.2023 for fresh consideration. But the revisional authority without even providing any opportunity of personal hearing to the petitioner, has confirmed the previous revisional order vide Memo No.111/M.I(1)/2020, dated 08.02.2022, which is against the principles of natural justice and the petitioner was served with the copy of the revisional order vide Memo No.111/M.I(1)/2020, dated 12.03.2024. Hence the present writ petition is filed.

3. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology, appearing for the respondents 1 to 4.

4. Perused the material available on record.

5. On hearing learned counsel for the petitioner submits that despite the specific directions given by this Court on 12.05.2023, the revisional authority

failed to provide an opportunity of personal hearing before passing the impugned order dated 12.03.2024. The petitioner argues that this action violates the principles of natural justice, as they were not given an opportunity to present their case in person before the revisional authority.

6. Per contra, learned Assistant Government Pleader contends that the revisional authority, after considering the material available on record only, has passed the impugned order in accordance with the relevant rules and regulations. Further stated that the decision was taken based on the inspection reports and other relevant documents and that no further hearing was necessary as the issue had been sufficiently considered.

7. Having regard to the submissions made by both learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology, it appears that the petitioner had raised several grounds in the revision petition filed before the 1st respondent, narrating about the veracity of the inspection and survey proceedings. These are significant issues that warranted a full and fair consideration. The revisional authority’s failure to engage with these concerns properly and to provide the petitioner an opportunity to present his case personally is a breach of procedural fairness. In light of the foregoing, this Court finds that the revisional authority's failure to provide an opportunity of personal hearing to the petitioner before passing the order dated 12.03.2024 is in clear violation of the principles of natural justice and the specific directions of this Court in its order dated 12.05.2023. Hence, the

impugned revisional order passed by the 1st respondent is liable to be set aside.

8. Therefore, the Writ Petition is disposed of, setting aside the impugned revisional order dated 12.03.2024 vide Memo No.111/M.I(1)/2020, passed by the 1st respondent and the matter is remanded back to the 1st respondent for fresh hearing and consideration, by taking into consideration the grounds urged in the revision and explanation submitted by the petitioner to the demand notice dated 10.10.2019 and pass appropriate orders, in accordance with law, within a period of four (04) months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive steps against the petitioner. There shall be no order as to costs.

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

DR. K. MANMADHA RAO, J.

Date: 06.01.2025

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HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION No.29174 of 2024

Date : 06.01.2025

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