High Court of Andhra Pradesh

Back

Principlal Bench at Andhra Pradesh

Case Details

Case Type	: WP	
Filing Number	: 10240/2020	Filing Date: 16-03-2020
Registration Number	: 7813/2020	Registration Date: 19-03-2020
CNR Number	**: APHC01-012502-2020**	

Case Status

First Hearing Date	**: 20th March 2020**
Decision Date	**: 28th March 2022**
Case Status	**: CASE DISPOSED**
Nature of Disposal	**: --ALLOWED NO COSTS**
Coram	**: 3206R RAGHUNANDAN RAO**
Bench	**: Single Bench**
State	**: ANDHRAPRADESH**
District	**: CHITTOOR**
Judicial	**: WRIT Section**
Causelist Name	**: DAILY LIST**
Short Order	**: ADJOURNED**

Petitioner and Advocate

1) N. Srinath Reddy,

Advocate- M VENKATA RAMANA REDDY

Respondent and Advocate

1) State of Andhra Pradesh,

Advocate - GP FOR MINES AND GEOLOGY (AP)
2) The Director of Mines and Geology

3) The Joint Director of Mines and Geology

4) The Assistant Director of Mines and Geology,

Acts

Under Act(s)	Under Section(s)
01- CONSTITUTION OF INDIA	226

IA Details

IA Number	Party	Date of Filing	Next Date	IA Status
IA/1/2020 **Classification :** Suspension Petition	N. Srinath Reddy,	19-03-2020	--	Pending
IA/2/2020 **Classification :** Vacate Stay Petition	State of Andhra Pradesh,	01-09-2020	--	Pending

History of Case Hearing

Cause List Type	Judge	Business On Date	Hearing Date	Purpose of hearing
	R RAGHUNANDAN RAO	28-03-2022		Disposed
			20-03-2020	ADMISSION (MINES AND INDUSTRIES)
CAUSE LIST MOTION HEARING	B KRISHNA MOHAN	13-05-2020		ADMISSION (MINES AND INDUSTRIES)
DAILY LIST	G. SHYAM PRASAD	05-08-2020	02-09-2020	INTERLOCUTORY(MINES & INDUSTRIES)
DAILY LIST	T. RAJANI	02-09-2020	16-09-2020	INTERLOCUTORY(MINES & INDUSTRIES)
CAUSE LIST MOTION HEARING	J K MAHESHWARI	01-10-2020		FOR EXTENSION OF INTERIM ORDERS
DAILY LIST	BATTU DEVANAND	08-04-2021	15-04-2021	ADMISSION (MINES AND INDUSTRIES)
DAILY LIST	BATTU DEVANAND	16-04-2021	23-04-2021	ADMISSION (MINES AND INDUSTRIES)
DAILY LIST	R RAGHUNANDAN RAO	24-03-2022	28-03-2022	ADMISSION (MINES AND INDUSTRIES)

Orders

Order Number	Judge	Order Date	Order Details
1	B KRISHNA MOHAN	13-05-2020	View
2	G. SHYAM PRASAD	05-08-2020	View
3	T. RAJANI	02-09-2020	View
4	J K MAHESHWARI	01-10-2020	View
5	R RAGHUNANDAN RAO	24-03-2022	View
6	R RAGHUNANDAN RAO	28-03-2022	View

Category Details

Category	WP (28)
Sub Category	MINES, INDUSTRIES AND COMMERCE (MISC.MATTERS) (32)

OBJECTION

Sr.No.	Scrutiny Date	OBJECTION	Compliance Date	Receipt Date
1	19-03-2020	All Objections are Complied	--	--

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION Nos.7813 of 2020 & 5897 of 2021

COMMON ORDER:

The petitioner had been granted a quarry lease for Black Granite over an extent of 3.000 Hectares of land in Sy.No.242 of Yerrasanipalli Village and Sy.No.697 of Thamballapalli Village, Thamballapalli Mandal, Chittoor District, for a period of 20 years from 03.10.2011 to 02.10.2031. The said lease had been determined by an order of the 2nd respondent dated 31.07.2018 in proceedings No.1410/RS-1/2018. Aggrieved by the said order, a Revision was filed before the 1st respondent under Rule 35-A of the A.P.Minior Mineral Concession Rules 1966. This Revision was allowed by the 1st respondent by an order dated 20.01.2020 vide Memo No.10527/M.1(1)/2018-3. The Revisional Authority, while setting aside the determination orders had made the said order subject to payment of Rs.4,28,450/- towards seignorage fee and Rs.17,13,800/- towards penalty. Aggrieved by the said condition imposed on the petitioner and aggrieved by the fact that the said order does not contain any reasons, the petitioner has approached this Court, by way of W.P.No.7183 of 2020. This Court by an order dated 13.05.2020 had granted stay of operation of the impugned proceedings on deposit of the seignorage fee of Rs.4,28,450/-. The petitioner submits that the said order has been complied with.

2. Subsequently, the petitioner had sought to continue quarry operations and had applied for transit permits for transportation of the quarried material. However, the respondents were not permitting the petitioner to take up quarry operations in the said mining area. Aggrieved by the said steps taken by the respondents to stop the petitioner from carrying on mining activities, the petitioner had approached this Court by way of W.P.No.5897 of 2021.

3. Sri P. Veera Reddy learned senior counsel, appearing for Ms.Sodum Anvesha learned counsel for the petitioner contends that the 1st respondent, in W.P.No.7813 of 2020, after having set aside the determination order could not have made the said order subject to payment of further money by the petitioner. He further submits that no reasons are given as to why such a condition has been imposed on the petitioner. He would submit that such an imposition without even giving any reasons, is clearly arbitrary and violative of Article 14 of the Constitution of India.

4. Sri P.Veera Reddy learned senior counsel would further submit that once the said condition had been stayed by this Court, the respondents would be duty bound to permit the petitioner to carry on quarry operations and the respondents cannot prohibit the petitioner from carrying on quarry operations in the mine area. He submits that any such action is clearly arbitrary and highhanded.

5. Heard the learned Government Pleader for Mines.

6. A perusal of the impugned Memo No.10527/M.1(1)/2018-3 dated 20.01.2020 in W.P.Bo.7813 of 2020 would show that no reasons have been given as to why such conditions were being imposed on the petitioner. The absence of reasons is a clear case of violation of principles of natural justice in as much as neither the petitioner nor the Higher Authority would have any idea as to what went on in the mind of the authority while passing such an order.

7. In the circumstances, W.P.No.7813 of 2020 is allowed and the Revision filed by the petitioner is remanded back to the 1st respondent to pass appropriate orders, after giving an opportunity to the petitioner and by giving reasons. This order shall be passed within a period of six weeks from the date of receipt of this order. As the Revisional order itself has been set aside in W.P.No.7813 of 2020, the issue of whether the petitioner can go ahead with the quarry operation in the mine area would depend on the final disposal of the Revision by the 1st respondent. In the circumstances, no further orders would be required in W.P.No.5897 of 2021 and it is accordingly, closed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

R. RAGHUNANDAN RAO, J.

28th March, 2022

RJS

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION Nos.7813 of 2020 & 5897 of 2021

28th March, 2022

RJS.