

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

FRIDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 10476 OF 2024



Between:

P. Adinarayana, S/o Ramachandrayya, aged about 60 years, Occ: Contractor
R/o Flat No 150 Kodali Residency, 2nd cross 4th Road, Jawahar Autonagar,
Vijaywada, Krishna Dist.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Mines and Geology Department. Secretariat Buildings, Velagapudi, Amaravati.
2. The Director, Mines and Geology Department, Govt of A.P., Ibrahimpatnam, NTR Dist.
3. The Deputy Director, Mines and Geology Department. Govt of A.P. Vishakapatnam, Vishakapatnam Dist.
4. The Assistant Director, Mines and Geology department, Vishakapatnam, Vishakapatnam Dist.
5. The Zonal Manager, APIIC Limited, Industrial Estate, Kanchara palem, Vishakapatnam. Vishakapatnam Dist.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of **WRIT OF MANDAMUS** to declaring the inaction on the part of the 1st respondent herein on pendency of the Revision application dt 5-4-2023 under rule 35 or 35(A) in form J of the APMMC Rules 1966 as against the

demand notice 614/TP/2021 dt 31-3-2023 for an amount of Rs.20,97,278/- of the 4th respondent as illegal arbitrary and violative of Articles 14,16,21 of the Constitution of India and consequentially to direct the 1st respondent to consider and pass appropriate orders on the Revision application filed by the petitioner dt 5-4-2023 under rule 35 or 35(A) in form J of the APMMC Rules 1966.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to consider and pass appropriate orders on the Revision application filed by the petitioner dt 5-4-2023 under rule 35 or 35(A) in form J of the APMMC Rules 1966 as against the demand notice 614/TP/2021 dt 31-3-2023 for an amount of Rs.20,97,278/- of the 4th respondent, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI. BOKKA SATYANARAYANA

**Counsel for the Respondent Nos. 1 to 4: ASST.GP FOR MINES &
GEOLOGY**

**Counsel for the Respondent No.5: SRI J. UGRANARASIMHA, SC FOR
APIIC**

The Court made the following: ORDER



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

[3209]

**FRIDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO:10476/2024

Between:

1. P.Adinarayana, S/o Ramachandrayya, aged about 60 years,
Occ Contractor, R/o Flat No.150, Kodali Residency,
2nd cross 4th Road, Jawahar Autonagar, Vijaywada,
Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary,
Mines and Geology Department, Secretariat Buildings,
Velagapudi, Amaravati.
2. The Director, Mines and Geology Department, Govt of A.P.,
Ibrahimpattam, NTR District.
3. The Deputy Director, Mines and Geology Department, Govt of
A.P. Vishakapatnam, Vishakapatnam District.
4. The Assistant Director, Mines and Geology Department,
Vishakapatnam, Vishakapatnam District.
5. The Zonal Manager, APIIC Limited, Industrial Estate, Kanchara
Palem, Vishakapatnam. Vishakapatnam District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus to declaring the inaction on the part of the 1st respondent herein on pendency of the Revision application dt.5.4.2023 under Rule 35 or 35(A) in form J of the APMMC Rules 1966 as against the demand Notice 614/TP/2021 dt.31.3.2023 for an amount of Rs.20,97,278/- of the 4th respondent as illegal arbitrary and violative of Article 14, 16, 21 of the constitution of India and consequentially to direct the 1st respondent to consider and pass appropriate orders on the Revision application filed by the petitioner dt.5.4.2023 under rule 35 or 35(A) in form J of the APMMC Rules 1966 and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to consider and pass appropriate orders on the Revision application filed by the petitioner dt.5.4.2023 under Rule 35 or 35(A) in form J of the APMMC Rules 1966 as against the demand notice 614/TP/2021, dt.31.3.2023 for an amount of Rs.20,97,278/- of the 4th respondent, pending disposal of the above writ petition and to pass such

Counsel for the Petitioner:

1.BOKKA SATYANARAYANA KAMLA

Counsel for the Respondents:

1.GP FOR MINES AND GEOLOGY

The Court made the following ORDER:

Heard the learned counsel for the petitioner. Also heard the learned Assistant Government Pleader for Mines and Geology appearing on behalf of the respondent Nos.1 to 4, and Mr.J.Ugranarasimha, learned Standing Counsel for the 5th respondent.

2. The grievance of the petitioner in the present writ petition, in short, is that despite the pendency of the revision petition against the demand notice dated 31.3.2023 before the 1st respondent, the authorities concerned are insisting to pay the demanded amount of Rs.20,97,278/- in respect of gravel and building stone alleged to have been illegally transported by the petitioner.

3. The learned counsel for the petitioner made submissions with reference to the averments made in the writ petition, which need not be stated in detail. Suffice to state that the petitioner made an application for grant of temporary permit for quarrying land of an extent of 39.45 Hectares in Survey Nos.197 and 198 of Gurrampalem Village for excavation of gravel and building stone. He submits that pursuant to the survey and inspection stated to have been conducted by the Technical staff, the 4th respondent issued a show cause notice dated 15.3.2023 alleging that the petitioner illegally excavated certain quantities of gravel and building stone and thereafter issued demand notice dated 31.3.2023 calling upon him to pay the penalty of Rs.20,97,278/- within fifteen (15) days from the date of receipt of the said notice.

4. He further submits that aggrieved by the demand notice, the petitioner filed a revision petition before the 1st respondent on 05.4.2023 and the efforts made by the petitioner for securing hearing in the revision are not fructified in view of the forthcoming elections to the Parliament and the State Assembly. The learned counsel submits that even though the revision petition is pending, the Mining authorities are insisting to pay the aforesaid amount and are threatening to take coercive action against the petitioner, which is not tenable or sustainable in Law. He submits that if the petitioner is compelled to pay

the demanded amount during the pendency of the revision petition before the 1st respondent, he would suffer serious prejudice, irreparable loss and Revision becomes infructuous. He also submits that in the event of the petitioner succeeding in the revision petition, he would not be in a position to recover the amount paid by him. Making the said submissions, the learned counsel seeks appropriate directions.

5. The learned Assistant Government Pleader, on securing instructions, submits that the revision petition filed by the petitioner is still pending before the 1st respondent.

6. Considering the submissions made, this Court is inclined to dispose of the writ petition, with a direction to the 1st respondent to pass appropriate orders in the revision petition filed by the petitioner, in accordance with Law, after giving due opportunity of hearing to the petitioner, as expeditiously as possible, within a period of three (3) months from the date of receipt of a copy of this order.

7. Till appropriate orders, as indicated above, are passed by the 1st respondent, there shall be a direction to the respondent Nos.2 to 4 not to give effect to the demand notice dated 31.3.2023.

8. With the above directions, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- S.SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Mines & Geology Department, State of Andhra Pradesh Secretariat Buildings, Velagapudi, Amaravati, Guntur District.

2. The Director, Mines & Geology Department, Govt of A.P.,
Ibrahimpattanam, NTR District.
3. The Deputy Director, Mines & Geology Department, Govt of A.P.
Vishakapatnam, Vishakapatnam District.
4. The Assistant Director, Mines & Geology Department, Vishakapatnam,
Vishakapatnam District.
5. The Zonal Manager, APIIC Limited, Industrial Estate, Kanchara Palem,
Vishakapatnam, Vishakapatnam District.
6. One CC to Sri. Bokka Satyanarayana, Advocate [OPUC]
7. Two CCs to GP for Mines & Geology, High Court of Andhra Pradesh.
[OUT]
8. One CC to Sri J. Ugranarasimha, SC for APIIC. [OPUC]
- 9. Three CD Copies.**

gl



HIGH COURT

DATED:03/05/2024

ORDER

WP.No.10476 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**