



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE THIRTIETH DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY ONE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO
WRIT PETITION NO: 21074 OF 2021**

Between:

M/s. Federation of Minor Minerals Industry, (FEMMI), Rep. by its Secretary General Dr. Chatti Hanumanth Rao, S/o. Srinivasa Chatti, Age 59 years, Occu Business, Regd. Off 24-88/7, Srinivasa Nagar, Simhachalam, Vishakhapatnam, Andhra Pradesh.

...Petitioner

AND

1. The Government of Andhra Pradesh, Industries and Commerce (Mines. III) Department, Represented by the Principal Secretary, Room No.102, Ground Floor, Block No.2, A.P. Secretariat, Velagapudi, Guntur District, A.P
2. The Director of Mines and Geology, Department of Mines and Geology, Anjaneya Towers, D.No.7-104, B-Block, 5th and 6th Floors, Ibrahimpatnam, Vijayawada-521456, A.P
3. The Ministry of Mines Government of India, Rep. by its Secretary Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi -110001

...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 writ, order or direction more particularly one in the nature of Writ of MANDAMUS under article 226 of Constitution of India, declaring the impugned G.O.Ms.21 dated 25.03.2021 and G.O.Ms.No.42 dated 07.06.2021 issued by the Government of Andhra Pradesh, levying Consideration Amount on Minor Minerals in addition to the Seigniorage fee, DMF and MERIT as Arbitrary, Illegal, without competence, Ultra Vires and violative of fundamental rights enshrined under the Constitution of India, besides contrary to Section 15 (3) of the Mines and Mineral (Development and Regulation) Act, 1957 and un-constitutional and consequently strike down/set aside the impugned G.O.Ms.21 dated 25-03-2021 and G.O.Ms.No.42 dated 07-06-2021 declaring it as arbitrary and without competence and ultra vires in the interest of justice and equity.

IA NO: 1 OF 2021

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 grant stay of operation of the impugned G.O.Ms.21 dated 25-03-2021 and G.O.Ms.No.42 dated 07.06.2021 pending disposal of the writ: petition in the interest of justice and equity, pending disposal of WP 21074 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Venkat Reddy Donthi Reddy, Advocate for the Petitioner and GP for Mines & Geology for the Respondent No.2 and Sri N.Harinath, Assistant Solicitor General for the Respondent No.3, the Court made the following.

ORDER:

“While making initial argument that under sub-section (3) of Section 15(1) of the Mines and Minerals (Development and Regulation) Act, 1957, the State is refrained from enhancing only the dead rent or royalty, but not other components of consideration and therefore, the petitioner has no prima facie case, learned Assistant Advocate General sought time for filing a detailed counter and to raise other points.

Post on 25.10.2021 in Motion List.

Till then the respondent authorities shall not insist the petitioner to pay the amount in terms of G.O.Ms.No.42, Industries & Commerce (M.III) Department, dated 07.06.2021." ✓

//TRUE COPY//

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
SECTION OFFICER

For

To,

1. The Principal Secretary, Government of Andhra Pradesh, Industries and Commerce (Mines. III) Department, Room No.102, Ground Floor, Block No.2, A.P. Secretariat, Velagapudi, Guntur District, A.P
2. The Director of Mines and Geology, Department of Mines and Geology, ✓
Anjaneya Towers, D.No.7-104, B-Block, 5th and 6th Floors, Ibrahimpatnam, Vijayawada-521456, A.P
3. The Secretary, Ministry of Mines Government of India, Shastri Bhawan, Dr. ✓
Rajendra Prasad Road, New Delhi -110001 (Addresses 1 to 3 by RPAD)
4. One CC to Sri. Venkat Reddy Donthi Reddy, Advocate [OPUC] ✓
5. One CC to Sri N.Harinath, Assistant Solicitor General [OPUC] ✓
6. Two CCs to GP for Mines & Geology, High Court of AP [OUT] ✓
7. One spare copy

MM



HIGH COURT

UDPRJ

DATED:30/09/2021

NOTE: POST ON 25.10.2021 IN MOTION LIST

ORDER

WP.No.21074 of 2021

INTERIM DIRECTION

