

(SHOW CAUSE NOTICE BEFORE ADMISSION)

[3338]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND TWENTY TWO



:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA
AND
THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO: 21789 OF 2022

Between:

Dwaram Lakshmi Devi, W/o. Ramachandra Reddy, aged 73 years, R/o. 30-661-4A,
Bommala Satram Village, Nandyal Mandal, Kurnool District, Andhra Pradesh.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. By its Principal Secretary, Industries and Commerce Department, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Director of Mines & Geology, Ibrahimpatnam, Krishna District, Andhra Pradesh.
3. The Deputy Director of Mines & Geology, Government of Andhra Pradesh, Kurnool District, Andhra Pradesh.
4. The Assistant Director of Mines & Geology, Kurnool District, Andhra Pradesh

Respondents

WHEREAS the Petitioner above named through her Advocate SRI.V.SAI KUMAR presented this 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 or Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the action of the 1st and the 2nd respondent giving effect to G.O.Ms. No. 19 dated 26.04.2022 Industries and Commerce (Mines-III) Department by holding the transit passes by the 4th respondent with respect to payment of differential amount of Security Deposit which is equivalent to 3 times of Annual Dead Rent/security deposit in pursuance to Amendments made in Andhra Pradesh Minor Mineral Concession Rules 1966 through Industries and Commerce (M-III) department dated 26.04.2022 as illegal, arbitrary, ultra vires contrary to the Mines and Minerals (Development and Regulations) Act 1957 and Andhra Pradesh Minor Mineral Concession Rules 1966, and against Articles 14, and 19 of the Constitution of India consequentially direct the respondents 2 to 4 herein to issue transit passes to the petitioner as per the lease agreement in Proceedings No. 3632/M4/2003 dated 02.04.2005 without giving effect to G.O.Ms. No. 19 dated 26.04.2022 Industries and Commerce (Mines-III) Department as well as per work orders.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.V.Sai Kumar Advocate for the Petitioner and of learned Government Pleader for Mines & Geology for Respondents, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Industries and Commerce Department, State of Andhra Pradesh, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.

2. The Director of Mines & Geology, Ibrahimpatnam, Krishna District, Andhra Pradesh.
3. The Deputy Director of Mines & Geology, Government of Andhra Pradesh, Kurnool District, Andhra Pradesh.
4. The Assistant Director of Mines & Geology, Kurnool District, Andhra Pradesh

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 20.08.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 2 to 4 herein to issue transit passes to the petitioner as per the lease agreement in Proceedings No.3632/M4/2003, dated 02.04.2005 as well as per work orders without giving effect to G.O.Ms.No.19, dated 26.04.2022 Industries and Commerce (Mines-III) Department, pending disposal of the Writ Petition No.21789 of 2022, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

(Through Physical Mode)

Heard Mr.V.Sai Kumar, learned counsel for the petitioner.

Issue notice to the respondents.

Learned Government Pleader for Mines & Geology would accept notice on behalf of the respondents.

As the respondents are duly represented, no formal steps are called for.

Post this case along with W.P.No.14827 of 2022.

Meanwhile, no coercive steps shall be taken against the petitioner on account of non-payment of dues.

**Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce Department, State of Andhra Pradesh, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Director of Mines & Geology, Ibrahimpatnam, Krishna District, Andhra Pradesh.
3. The Deputy Director of Mines & Geology, Government of Andhra Pradesh, Kurnool District, Andhra Pradesh.
4. The Assistant Director of Mines & Geology, Kurnool District, Andhra Pradesh (1 to 4 by RPAD along with a copy of petition and affidavit)
5. One CC to SRI.V.SAI KUMAR Advocate [OPUC]
6. Two CCs to GP for Mines & Geology, High Court Of Andhra Pradesh. [OUT]
7. The Section Officer, Writ (Non-service), High Court Of Andhra Pradesh.
8. The Section Officer, Writ (Posting), High Court Of Andhra Pradesh
9. Two spare copies

HIGH COURT

HCJ & DVSSJ

DATED:22/07/2022

NOTE: POST THIS CASE ALONG WITH W.P.No.14827 OF 2022

ORDER

WP.No.21789 of 2022

DIRECTION

