

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

THURSDAY, THE THIRD DAY OF OCTOBER,

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO

IA No. 1 OF 2024

IN

WP NO: 21446 OF 2024



Between:

Sandu Sreeramulu, S/o. Sandu Uttama Rao, aged about 50 years, R/o. H.No.7-9-2-6-203, Dhrona Heights, Dhrona Apartments, Nehru Nagar, Dhona Town, Nandyal District- 512 222, Andhra Pradesh.

...Petitioner

AND

1. State of Andhra Pradesh, rep. By its Prl., Secretary Industries AND Commerce (Mines II) Department Secretariat Buildings, Velagapudi, Amaravathi
2. The Director of Mines AND Geology, Department of Mines and Geology Ibrahimpatnam, Vijayawada, Krishna District
3. The District Mines AND Geology Officer, Kurnool, Kurnool District.
4. Divisional Mines and Geology officer (FAC), Banaganapalli, Nandyal District.

...Respondents

Counsel for the Petitioner

: Sri G N UMA RANI

Counsel for the Respondents

**: ASSISTANT GP FOR MINES
AND GEOLOGY**

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 suspend the Show cause Notice NO.7508/M4/2000 dated 19.06.2024, and Consequential Demand Notice NO.7508/M4/2000, dated

03.09.2024 by the Divisional Mines and Geology Officer, Banaganapalli, Nandyal District (Erstwhile Kurnool District), Pending disposal of WP No. 21446 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

“Heard Smt G.N.Uma Rani, learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

2. Perused the material available on record.

3. On hearing, learned counsel for the petitioner while reiterating the averments made in the writ petition submits that though the petitioner has submitted his explanation to the show-cause notice, dated 1906.2024 issued by the 4th respondent, without considering the same, the 4th respondent has issued the Demand Notice No.7508/M4/2000, dated 03.09.2024, imposing penalty against the petitioner, which is illegal and arbitrary, She further submits that, in similar circumstances, a batch of Writ Petitions were filed before this Court reported in GSR Stone Crushers Vs. State of AP¹, wherein it was held that the authorities of Mines Department cannot determine the

¹ 2023 (1) ALT 312 (AP)

culpability of the person said to be in violation of MMDR Act or APMMC Rules and levy a penalty and further held that it is only a Court of competent jurisdiction which go into these questions and levy penalties.

4. Per contra, learned Assistant Government Pleader appearing for the respondents submits that the 4th respondent has power to impose penalty and also having power to determine the culpability and therefore, the 4th respondent has issued the impugned Demand Notice, dated 03.09.2024. He further submits that this Writ Petition is not covered by a batch of writ petitions referred to above and hence, requests time to file counter.

5. Having regard to the facts and circumstances of the case and on considering the submissions of the learned counsel for the petitioner, the respondents are directed not to take any coercive steps against the petitioner pursuant to the show-cause notice No.7508/M4/2000, dated 19.06.2024 and Consequential Demand Notice No.7508/M4/2000, dated 03.09.2024 issued by the 4th respondent, till the next date of hearing."

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

For


SECTION OFFICER

To

1. The Principal Secretary, State of Andhra Pradesh, Industries AND Commerce (Mines II) Department Secretariat Buildings, Velagapudi, Amaravathi

2. The Director of Mines AND Geology, Department of Mines and Geology
Ibrahimpattanam, Vijayawada, Krishna District. (Addressee nos.1 & 2 by
Special Messenger)
3. The District Mines AND Geology Officer, Kurnool, Kurnool District.
4. Divisional Mines and Geology officer (FAC), Banaganapalli, Nandyal
District.(Addressee nos.3 & 4 by RPAD)
5. One CC to Sri G N Uma Rani, Advocate [OPUC]
6. Two CCs to GP for Mines & Geology, High Court of Andhra Pradesh.
[OUT]
7. **One spare copy**

CVSS

HIGH COURT

Dr.KMR,J

DATED:03/10/2024

POST THE MATTER ON 28.10.2024.

ORDER

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DIRECTION