

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE FOURTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 22102 OF 2024



Between:

B Pulla Reddy, S/o. B. Ranga Reddy, aged about 54 years, R/o. H.No.5/65,
Peapully (Village AND Mandal) 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
Ibrahimpattanam, Vijayawada, Krishna District
3. The District Mines AND Geology Officer, Kurnool, Kurnool District.
4. Divisional Mines and Geology officer, (FAC), Banaganapalli, Nandyal
District

...Respondents

~ Petition under Article 226 of the Constitution of India ^{is filed} praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be
pleased issue a writ or direction, more particularly one in the nature of Writ of
Mandamus declaring the Show Cause Notice No. 3950/M4/2004 dated
13.06.2024, and Consequential Demand Notice No. 3950/M4/2004, dated
03.09.2024 by the Divisional Mines and Geology Officer, Banaganapalli,
Nandyal District (Erstwhile Kurnool District) as arbitrary, bad in law, illegal,
unjust, against principles of natural Justice and unconstitutional and to set
aside the same.

IA NO: 1 OF 2024

Petition under Section 151 CPC ^{is filed} 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.3950/M4/2004 dated 13.06.2024, and Consequential Demand Notice NO.3950/M4/2004, dated 03.09.2024 by the Divisional Mines and Geology Officer, Banaganapalli, Nandyal District (Erstwhile Kurnool District), Pending disposal of WP 22102 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

Petition under Section 151 CPC ^{is filed} praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to take any coercive steps pursuant to demand notice against the petitioner, Pending disposal of WP 22102 of 2024, 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 Ms. G N Uma Rani, Advocate for the Petitioner and of GP for Mines & Geology for the Respondents, the Court made the following

ORDER:

“Learned counsel for the petitioner has placed the judgment of this Hon’ble Court in the case of *GSR Stone Crushers, Srikakulam District v. State of Andhra Pradesh and another* reported in 2023(1) ALD 631, wherein the learned single Judge of this Court held that

“...the Assistant Director of mines or any other authority of the State cannot determine the culpability of the person said to be in violation of the MMDR Act or the Concession rules or levy a

penalty and it is only a court of competent jurisdiction which can go into these questions and levy penalties set out under rule 26 of the concession rules or under any of the other provisions of the MMDR Act or the Concession rules."

Notice, dated 06.09.2024 issued to the petitioner is in violation of Rule 26 (3)(ii) and Rule 34 of the A.P.Minor Mineral Concession Rules, 1966 and the same was assailed in the present writ petition. In view of the judgment of this Court (referred supra), *status quo* existing as on today shall be maintained, for a period of three weeks.

List the matter on 14.10.2024."

SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR
ch
SECTION OFFICER

//TRUE COPY//

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To,

1. The Prl., 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 Ibrahimpatnam, 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 Ms. G N Uma Rani, Advocate [OPUC]
6. Two CCs to GP for Mines & Geology, High Court of Andhra Pradesh. [OUT]
7. One spare copy

HIGH COURT

TRR,J

DATED:04/10/2024

LIST THE MATTER ON 14.10.2024.

ORDER

WP.No.22102 of 2024

DIRECTION

