

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.19294 OF 2023

Between:

P.Ram Prakash Chowdary, S/o. late
Bhaskar Reddy, Aged about 45 years, R/o.
4-42/1, Near S.R.H.School, Bethamcherla
Village & Mandal, Kurnool District.

... Petitioner

Versus

1. The State of Andhra Pradesh, represented
by its Principal Secretary, Industries &
Commerce Department, Secretariat
Buildings, Velagapudi, Guntur District and
three others.

... Respondents

Counsels for the petitioners : Sri Kirthi Teja Kondaveeti

Counsel for respondent Nos.1 to 4 : GP for Industries &
Commerce

ORDER

The present writ petition is filed under Article 226 of the
Constitution of India seeking the following relief:

“... to issue Writ Order or Direction more particularly one in
the nature of Writ of Mandamus declaring the Demand
Notice No.461/Vg/2007 dated 18.07.2023, issued by the
Divisional Mines and Geology Officer, Banaganapalle,
Kurnool District as wholly illegal, arbitrary and violative of
Articles 19 and 21 of the Constitution of India apart from
being violative of principles of natural Justice and
consequently declare that the petitioner is not liable for

payment of any amount as demanded by the respondents and pass such other or further orders..”

2. The case of the petitioner, in brief, is that:

(a) Petitioner's father was granted 3 quarry leases for Limestone Slabs (Black) (1) in Sy.No.312/2A3 over an extent of 0.765 hectares vide proceedings No.3722/M4/2004 dated 16.12.2005 (2) in Sy.No.312/2A1 over an extent of 0.640 hectares vide proceedings No.6374/M4/02 dated 01.08.2003 issued by the Deputy Director of Mines and Geology, Kurnool and (3) in Sy.No.312/2A over an extent of 0.402 hectares vide proceedings No.1499/M4/2003 dated 01.08.2003 issued by the Deputy Director of Mines and Geology, Kurnool. Initially, the quarry leases were granted for a period of 10 years. Thereafter two quarry leases which expired on 22.10.2013 were extended upto 22.10.2023. Regarding the 3rd quarry lease which was expired on 15.12.2015, renewal application was filed and the same is pending.

(b) Father of the petitioner died on 10.05.2021. The Assistant Commissioner of Mines and Geology, Banaganapalle issued proceedings No.3966/QL/2013 dated 28.07.2021, declaring the petitioner as legal heir and the successor of quarry

lease for Limestone Slabs (Black) over an extent of 0.640 hectares in Sy.No.312/2A1 of Palkur Village, Banaganapalle Mandal, Kurnool District.

(c) The Divisional Mines and Geology Officer, Banaganapalle – respondent No.4 affixed show-cause notice bearing S.C.Notice No.461/Vg/2007 dated 09.05.2023 (affixed on 21.06.2023) on the house of the petitioner. It was alleged that the petitioner had evaded and transported 33,035.929 meters of Limestone Slabs (Black) without payment of seigniorage fee. The Regional Vigilance and Enforcement Officer, Kurnool addressed a letter to the Director of Mines and Geology, Banaganapalle to initiate steps to realise an amount of Rs.3,28,85,684/- from the petitioner.

(d) Petitioner submitted representation dated 26.06.2023, to supply certain documents to submit explanation. However, without furnishing the documents sought by the petitioner to submit reply, respondent No.4 issued demand notice *vide* proceedings No.461/Vg/2007 dated 18.07.2023, by stating that the petitioner exhibited negligence and therefore directed the petitioner to pay an amount of Rs.3,28,85,684/-. Aggrieved by the same, the above writ petition is filed.

3. Heard Sri Kirthi Teja Kondaveeti, learned counsel for the petitioner and learned Assistant Government Pleader for Mines and Geology appearing for respondent Nos.1 to 4.

4. As seen from the material papers filed along with the writ petition, respondent No.4 issued show-cause notice *vide* S.C.Notice No.461/Vg/2007 dated 09.05.2023. Petitioner made representation dated 26.06.2023 to the office of respondent No.4, requesting to furnish certain documents. The Officer of respondent No.4 received the same on 26.06.2023. Without furnishing the documents required by the petitioner, respondent No.4 issued demand notice dated 18.07.2023 *vide* proceedings No.461/Vg/2007.

5. In the demand notice, respondent No.4 noted request of the petitioner to furnish documents enabling him to submit explanation. Having received the request of petitioner, respondent No.4 did not furnish the documents sought for by the petitioner. The act of respondent No.4 in issuing demand notice, without furnishing documents sought for by the petitioner, amounts to violation of principles of natural justice.

6. In view of the same, the demand notice issued by the respondent No.4 *vide* proceedings No. 461/Vg/2007, dated

18.07.2023, is set aside. The matter is remitted to the respondent No.4. The 4th respondent shall furnish the documents sought for by the petitioner within a period of two weeks. On receipt of the documents, petitioner shall submit explanation within a period of two weeks thereafter. Respondent No.4 shall consider the objections objectively, in accordance with law, and communicate the same to the petitioner.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SUBBA REDDY SATTI

Date: 04.08.2023
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Date: 04.08.2023
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