

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH  
(Special Original Jurisdiction)**

TUESDAY , THE TWENTY SIXTH DAY OF DECEMBER  
TWO THOUSAND AND SEVENTEEN

PRESENT

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION NO: 43625 OF 2017**

Between:

M/s. Bhavani Metals, Rep by its Managing Partner Sri T. Appa Rao, S/o.  
Narasaiah, Aged 51 years, Occu: Business, R/o. H.No.8-1-159, Gattaigudem,  
Palvancha, Khammam District, Telangana

.....PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary,  
Industries and Commerce Department Secretariat, Hyderabad,  
Telangana
2. Director of Mines and Geology BRKR Bhavan, 8th floor, Tank Bund  
Road Hyderabad, Telangana
3. The Assistant Director of Mines and Geology, Kothagudem, Telangana

.....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 an order or writ, more particularly one in the nature of Writ of MANDAMUS declaring the action of Respondent No.1 in dismissing the Revision application filed by the petitioner without any reasoning vide proceedings Memo No.18406/M.I(2)/2012-7, dtd.13.10.2017 as arbitrary, illegal, unjust, against the principles of natural justice and violative of fundamental rights guaranteed under Art.14, 19 & 21 of Constitution of India besides contrary to the Telangana Minor Mineral Concession Rules 1966 and consequently set aside the same

**WPMP NO. 54085 OF 2017**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings vide Memo No.18406 /M.I (2) / 2012 -7, dt. 13.10.2017, pending disposal of the Writ Petition

**Counsel for the Petitioner: SRI VENKAT REDDY DONTI REDDY**

**Counsel for Respondent: GP FOR MINES AND GEOLOGY (TG)**

The Court at the Stage of Admission, made the following: ORDER

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.43625 OF 2017**

**ORDER:**

In this Writ Petition, challenge is to the revisional order, dated 13.10.2017, passed by the Principal Secretary to Government, Industries and Commerce Department, whereby, the said revisional authority confirmed the Demand Notice bearing No.1115/MDR/2011, dated 03.11.2011, issued by the Assistant Director of Mines and Geology, Kothagudem.

2. Learned counsel for the petitioner would submit that in response to the show-cause notice, dated 08.08.2011, a reply, dated 12.09.2011, was submitted by the petitioner and that the petitioner has also submitted adequate proof in support of his contentions by means of documentary evidence and that without properly appreciating the explanation and the documentary evidence, the Demand Notice was issued and that thereafter, without any reason, much less valid and sustainable reason, the revisional order was passed and therefore, the present Writ Petition is filed.

3. At the hearing, learned counsel for the petitioner would submit that the impugned revisional order may be set aside with a direction to the revisional authority to decide the matter afresh in strict accordance with the procedure established by law after properly considering the evidence produced by the petitioner and, after giving an opportunity to the petitioner to produce further evidence, if any, before the said authority.

4. Learned Government Pleader for Mines and Geology endorses the said submission.

5. Recording the submissions, the impugned revisional order is set aside directing the revisional authority to decide the matter afresh in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to the petitioner and also to produce any further evidence, if any, in support of his case. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, the Demand Notice, dated 03.11.2011, shall remain in abeyance.

6. Accordingly, the Writ Petition is allowed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

**Sd/-N. PURUSHOTHAM REDDY  
ASSISTANT REGISTRAR**

//TRUE COPY//

  
SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce Department, State of Telangana, Secretariat, Hyderabad, Telangana
2. The Director of Mines and Geology BRKR Bhavan, 8th floor, Tank Bund Road Hyderabad, Telangana
3. The Assistant Director of Mines and Geology, Kothagudem, Telangana
4. One CC to Sri Venkat Reddy Donthi Reddy, Advocate, (OPUC)
5. Two CCs to GP for Mines and Geology (TG), High Court of Judicature at Hyderabad., (OUT)
6. Two CD Copies

  
mbs

**HIGH COURT**

**DATED:26/12/2017**



**ORDER**

**WP.No.43625 of 2017**

**ALLOWING THE WRIT PETITION  
AT THE STAGE OF ADMISSION  
WITHOUT COSTS**

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*18/1*