

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 438 AND 439 OF 2016

WA NO.438 OF 2016:

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 04.11.2015 in WP.No. 35577 of 2015 on the file of the High Court.

Between:

Union of India, Represented by the Secretary, Ministry of Mines, Government of India, Shastri Bhavan, New Delhi

...APPELLANT/RESPONDENT NO.1

AND

1. M/s. Sai Minerals (A Partnership Firm), Represented by its Power of Attorney Holder and Managing Partner (Shri I. Vijay Bhaskar, S/o. Shri I. Rajaiah) House No. 9-1-202/1, Bhagathnagar, Karimnagar - 505001, Telengana.
2. The State of Telangana, represented by the Principal, Secretary to Government, Industries and Commerce Department, Government of Telangana Secretariat, Hyderabad
3. The Director of Mines, Government of Telangana,, BRKR Buildings, Lower Tank Bund Road, Hyderabad
4. The Asst. Director of Mines and Geology,, Government of Telangana, Karimnagar.

...RESPONDENTS/RESPONDENTS 2 TO 4

I.A. NO: 2 OF 2016(WAMP. NO: 883 OF 2016)

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 permit the petitioner herein to raise additional grounds in the above W.A.SR No.3384 of 2016.

I.A. NO: 4 OF 2016(WAMP. NO: 1167 OF 2016)

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 operation of the order dated 04/11/2015 in W.P. No. 35577 of 2015 of the learned single Judge of this Hon'ble Court, pending disposal of W.A.

**Counsel for the Appellant: SRI B. NARASIMHA SHARMA,
ADDITIONAL SOLICITOR GENERAL FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL**

**Counsel for Respor dent No. 1: Dr. VENKAT REDDY DONTIREDY,
SENIOR COUSNEL FOR
Ms. GOURIDEVI KRISHNAIAH**

**Counsel for Respor dent Nos. 2 to 4: SRI MAHESH RAJE,
GP FOR MINES AND GE:OLOGY**

WA NO: 439 OF 2016

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 14/09/2015 passed in WP No.28468 of 2015 on the file of the High Court.

Between:

Union Of India, Represented by the Secretary, Ministry of Mines, Government of India, Shastri Bhavan, New Delhi

...APPELLANT/RESPONDENT NO.1

AND

1. Smt. Urmilla Chowdary, W/o Vinod Chowdary, R/o H. No. 4-3-5519, Near Shendi Depot, Opposite Anand Bhavan, Bhukthapur Adilabad District. Telangana.
2. The State of Telangana,, represented by the Principal Secretary to Government, Industries and Commerce Department, Secretariat, Hyderabad
3. The Director of Mines,, Government of Telangana, BFKR Buildings, Lower Tank Bund Road, Hyderabad
4. The Assistant Director of Mines and Geology,, Mancherial, Adilabad District

...RESPONDENTS/RESPONDENTS 2 TO 4

I.A. NO: 2 OF 2016(WAMP. NO: 882 OF 2016)

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 permit the petitioner herein to raise additional grounds in the above W A SR No.24352 of 2016

I.A. NO: 3 OF 2016(WAMP. NO: 1155 OF 2016)

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 operation of the order dated 14/9/2015 in WP No.28468 of 2015 of the learned single Judge of this Hon'ble court, pending disposal of the W.A.

**Counsel for the Appellant: SRI B. NARASIMHA SHARMA,
ADDITIONAL SOLICITOR GENERAL FOR
SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL**

Counsel for Respor dent No. 1: SMT. N. SHOBA

**Counsel for Respor dent Nos. 2 to 4: SRI MAHESH RAJE,
GP FOR MINES AND GE:OLOGY**

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL Nos.438 and 439 of 2016

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. B.Narasimha Sharma, learned Additional Solicitor General of India representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the appellant.

Dr. Venkat Reddy Donthireddy, learned Senior Counsel representing Ms. Gouridevi Krishnaiah, learned counsel for respondent No.1 in W.A.No.438 of 2016.

Mr. Mahesh Raje, learned Government Pleader for Mines and Geology Department for respondent Nos.2 to 4.

2. W.A.No.438 of 2016 has been filed against an order dated 04.11.2015 passed by learned Single Judge in W.P.No.35577 of 2015. W.A.No.439 of 2016 has been filed against an order dated 14.09.2015 passed by learned Single Judge in W.P.No.28468 of 2015.

3. Facts giving rise to filing of these appeals briefly stated are that in W.P.No.35577 of 2015, respondent No.1 assailed the validity of the letter dated 03.08.2015 passed by the Government of India, by which the State of Telangana was informed that the recommendation made by it for prior approval under Section 5(1) of the Mines and Minerals (Development and Regulation) Act, 1957 for the purpose of availing exemption under Section 10(A)(2)(c) of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015 could not be accepted. The proposal was returned with a request to the State Government to take necessary action as per amended Act. In W.P.No.28468 of 2015, respondent No.1 assailed the validity of the order dated 31.07.2015. The learned Single Judge by orders dated 04.11.2015 and 14.09.2015 allowed the writ petitions namely W.P.No.35577 of 2015 and W.P.No.28468 of 2015. In the aforesaid factual background, these intra court appeals have been filed.

4. Learned Additional Solicitor General of India submitted that the learned Single Judge on the first date of

hearing has, without affording an opportunity to the appellant to file the counters, erred in deciding the writ petitions finally by allowing the same. It is submitted that the issue involved in both the writ petitions is not covered by order dated 01.09.2015 passed in W.P.No.18035 of 2015.

5. On the other hand, learned Senior Counsel for respondent No.1 in W.A.No.438 of 2016 though disputed the fact that the issue is not covered by the order dated 01.09.2015 passed in W.P.No.18035 of 2015, yet fairly conceded that the writ petitions were allowed on the first date of hearing without affording an opportunity to the appellant to file the counters.

6. Ordinarily, we would have dealt with the issue on merits. However, in case the appeals are decided on merits, right of appeal of one of the parties would be affected.

7. Therefore, in the peculiar facts and circumstances of the case, since the impugned orders dated 04.11.2015 and 14.09.2015 have been passed by the learned Single Judge without affording an opportunity to the appellant to file the

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counters, the same are set aside. The writ petitions are pending before this Court since 2015. As undertaking given by learned Additional Solicitor General of India, the appellant shall file counter affidavits within an outer limit of three weeks. The learned Single Judge is requested to decide the writ petitions afresh expeditiously.

8. Accordingly, the Writ Appeals are disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

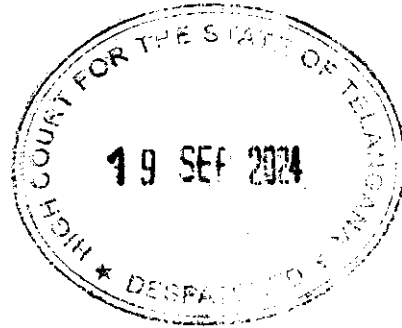
1. M/s. Sai Minerals (A Partnership Firm), Represented by its Power of Attorney Holder and Managing Partner (Shri I. Vijay Bhaskar, S/o. Shri I. Rajaiah) House No. 9-1-202/1 Bhagathnagar, Karimnagar - 505001, Telangana.
2. The Principal, Secretary to Government, Industries and Commerce Department, Government of Telangana Secretariat, State of Telangana, Hyderabad
3. The Director of Mines, Government of Telangana,, BRKR Buildings, Lower Tank Bund Road, Hyderabad
4. The Asst. Director of Mines and Geology,, Government of Telangana, Karimnagar.
5. The Secretary, Union of India, Ministry of Mines, Government of India, Shastri Bhavan, New Delhi
6. One CC to Sr Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
7. Two CCs to SP For Mines & Geology, High Court for the State of Telangana. [OUT]
8. One CC to Ms. Gouridevi Krishnaiah, Advocate(OPUC)
9. One CC to Smt. N. Shoba, Advocate(OPUC)
10. Two CD Copies

MBC
GJP



HIGH COURT

DATED: 27/06/2024



COMMON JUDGMENT

WA NO: 438 AND 439 OF 2016

DISPOSING OF THE WRIT APPEALS

WITHOUT COSTS

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27/08/24
bv