

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.4112 of 2006

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
08.	30.12.2022	<p><u>HCJ & CVBRJ</u></p> <p style="text-align: center;"><u>I.A.Nos.1, 2 & 3 of 2022</u></p> <p>Heard Ms. Manasa, learned counsel representing Mr. Challa Gunaranjan, learned counsel for the petitioner; Ms. Premalatha Sheri, learned Assistant Government Pleader for Industries and Commerce Department for respondent Nos.1 & 2; and Ms. Kommineni Mani Deepika, learned counsel for respondent No.3.</p> <p>The related writ petition was filed questioning the constitutionality of Andhra Pradesh Mineral bearing Land (Infrastructure) Cess Act, 2005 being violative of the provisions of the Constitution of India and as well as provisions of the Mines and Minerals (Regulation and Development) Act, 1957.</p> <p>By order dated 20.02.2017, the writ petition was dismissed for non-prosecution.</p> <p>We find from the materials on</p>	<p>Transferred to i/o folder, before corrections, if any.</p>

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		<p>record that the related writ petition was posted for hearing on 16.02.2017. As there was no representation on behalf of the petitioner, the case was deferred to 20.02.2017. On that day also, there was no representation on behalf of the petitioner. Therefore, on 20.02.2017, the writ petition was dismissed for non-prosecution.</p> <p>The application for restoration has been filed after 2097 days, which would be about six years. Reason given for such delay is that petitioner was under the impression that the matter was pending adjudication. After coming to know about the dismissal, the related restoration petition has been filed. Paragraph 6 of I.A.No.1 of 2022 reads as follows:</p> <p>“6. It is respectfully submitted that we were under the impression that the matter is pending adjudication. However on learning about the dismissal, immediately the present restoration petition has been filed. As the cess paid is subject to the final outcome of the writ petition, it is imperative that the matter be decided on merits. If not the petitioner will suffer severe hardship.</p>	

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		<p>Further no prejudice or harm would be caused to the Respondents', if the present application is allowed. Non prosecution of the matter was neither wilful nor wanton."</p> <p>We are afraid on such bald and vague averments, we cannot consider condoning delay of more than 2000 days. The bench while dismissing the writ petition on 20.02.2017 had rightly observed that at the distant point of time there was no question of entering into the validity of the impugned enactment. The point of time has become more distant now.</p> <p>We are therefore not inclined to condone the delay. However, it would be open to any aggrieved person to raise the challenge in an appropriate proceeding, if any cause arises.</p> <p>Subject to the above, all the interlocutory applications are dismissed.</p> <div style="text-align: right;"> <hr/> HCJ <hr/> CVBRJ </div> <p>KL</p>	