

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NO: 25189 OF 2009**

**Between:**

Jathot Mark Raju, S/o. Hemu, R/o. Mudigonda Village, Nekkonda Mandal,  
Warangal District.

**...PETITIONER**

**AND**

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Secretariat, Hyderabad
2. The State of Andhra Pradesh, Rep. by its Secretary, Legislative Affairs and Justice Department, Secretariat Buildings, Secretariat, Hyderabad
3. The State of Andhra Pradesh, Rep. by its, Secretary, Industries and Commerce, Secretariat buildings Secretariat, Hyderabad
4. The Director, Mines and Geology, 8<sup>th</sup> Floor, B.R.K.R. Bhavan, Hyderabad
5. The Assistant Director, Mines and Geology, Kothagudem, Khammam District, A.P.

**...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 a writ order or direction more particularly one in the nature of writ of Mandamus declaring that Andhra Pradesh Mineral Bearing Lands (Infrastructure) Cess Act 2005 (Act 38 of 2005) and G.O.Ms. No. 312 dt.22-11-2006 imposing Cess/Tax of Rs. 50/- per tonne or Rs. 100/- per tonne on Iron Ore as the case may be (Ex. P1) are ultra virus of Entries 54, 96 and 97 of List-1-Union List of Seventh Schedule read with Articles 245, 246, 265 and 248 of

Constitution of India and arbitrary under Article 14 violative of Article 19(1)(g) of Constitution of India and illegal and abintio void,

**I.A. NO: 1 OF 2009(WPMP. NO: 32815 OF 2009)**

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 G.O.Ms.No.312 issued by the Industries and Commerce (M1 (2) Department dt.22-11-2006 imposing cess/tax of Rs. 50/- per tonne or Rs. 100/- per tonne of Iron Ore as the case may be pending disposal of the writ petition,

**Counsel for the Petitioner: SRI V. V. ANIL KUMAR**

**Counsel for the Respondents: SRI MOHD. IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL FOR THE STATE**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION No.25189 of 2009**

**ORDER:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. Mohd. Imran Khan, learned Additional Advocate General appears for the State.

2. In this Writ Petition, the petitioner has prayed for the following relief:

“For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring that Andhra Pradesh Mineral Bearing Lands (Infrastructure) Cess Act, 2005 (Act 38 of 2005) and G.O. Ms.No.312, dated 22.11.2006 imposing Cess/tax of Rs.50/- per tonne or Rs.100/- per tonne on Iron Ore as the case may be (Ex P1) are ultra virus of Entries 54, 96 and 97 of List-I-Union List of Seventh Schedule read with Articles 245, 246, 265 and 248 of Constitution of India and arbitrary under Article 14, Violative of Article 19(1)(g) of Constitution of India and illegal and abintio void.”

3. Learned Additional Advocate General would submit that the State is not collecting cess/tax @ Rs.50/- per tonne or Rs.100/- per tonne on Iron Ore as specified in the impugned G.O. issued pursuant to the Andhra Pradesh Mineral Bearing

Lands (Infrastructure) Cess Act, 2005, as such, the cause in this Writ Petition does not survive and the Writ Petition has been rendered infructuous.

4. In view of aforesaid submission, the Writ Petition is dismissed as infructuous.

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

SD/-N.SRIHARI  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. One CC to Sri V. V. Anil Kumar, Advocate [OPUC]
2. Two CCs to The Additional Advocate General for the State, High Court for the State of Telangana, at Hyderabad[OPUC]
3. Two CD Copies

T J  
KKS



HIGH COURT

DATED:21/08/2024

ORDER

WP.No.25189 of 2009



DISMISSING THE WRIT PETITION AS  
INFRACTUOUS

WITHOUT COSTS.

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Bm  
21/9/24