

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.36934 of 2015

ORDER:

This writ petition was filed challenging the demand notice dated 04.06.2012 issued by the Assistant Director of Mines and Geology, Eluru, West Godavari District.

The claim of the petitioner was that the said demand notice was never served upon him. However, the Assistant Director of Mines and Geology, Eluru, West Godavari District, furnished written instructions dated 16.11.2015 to the office of the learned Government Pleader for Mines and Geology stating that the impugned notice was, in fact, served on the petitioner and was duly acknowledged by him.

Thereupon, the petitioner filed affidavit dated 24.11.2015 conceding that he did, in fact, receive the demand notice on 07.06.2012, but misplaced the cover without opening the same. He further stated that due to loss of memory he made a statement to the contrary in the affidavit filed in support of the writ petition.

As the petitioner is aged 60 years, this Court deems it appropriate to give him the benefit of doubt. As the impugned demand notice can be challenged independently by way of the statutory remedy provided under the Andhra Pradesh Minor Mineral Concession Rules, 1966, this Court deems it unnecessary to adjudicate the matter on merits.

The writ petition is accordingly closed permitting the petitioner to avail the statutory remedy within one month from today in accordance with law. It shall be open to the petitioner to seek condonation of the delay in availing the statutory remedy and in the event such an application is made, the same shall be considered by the statutory authority as per law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:27.11.2015

GJ