

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.16413 of 2015

ORDER:

In the present writ petition, the challenge is the order passed by the 2nd respondent-Director of Mines and Geology, Hyderabad vide proceedings No.10779/R1-1/2012 dated 14.5.2014. By virtue of the said order, the Director of Mines and Geology granted quarry lease for colour granite in respect of 2.000 Hectares in Sy.Nos.77/5, 77/9, 77/10, 78/2, 79/1 and 124/1P of Patrunivalasa Village, Srikakulam Mandal, Srikakulam District in favour of 8th respondent herein.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Mines and Geology and Sri Sampath Prabhakar Reddy, learned counsel appearing for Respondent No.8, apart from perusing the material available on record.

3. The learned counsel appearing for Respondent No.8 strenuously contends that there are no merits in the writ petition and there is no illegality nor any material infirmity in the impugned order, as such, the present writ petition is not maintainable and the petitioner is not entitled for any relief from this Court under Article 226 of the Constitution of India.

4. Further, the learned Government Pleader has taken a preliminary objection as to the maintainability of the writ petition. The learned Government Pleader contends that the petitioner herein without exhausting the alternative remedy of appeal as provided under Rule 35 of the A.P. Minor Mineral Concession Rules, 1966, has directly approached this Court under Article 226 of the Constitution of India. Rule 35 of the A.P. Minor Mineral Concession Rules, 1966 reads as under:

“Appeal: An appeal against any order passed by the Assistant Director or Deputy Director, Joint Director under these rules shall lie to the Director within a period of two months from the date of communication of such order to the party aggrieved and an appeal against an order of the Director shall be to the Government in like manner.”

5. It is very much clear from a reading of the above said rule that as against the orders passed by the Director of Mines and Geology, appeal lies to the Government. In view of availability of alternative statutory remedy to the petitioner herein, this Court is not inclined to entertain the present writ petition. However, it is open for the petitioner to avail the said alternative remedy as provided under A.P. MMC Rules, 1966.

6. For the aforesaid reasons, the writ petition is dismissed. However, it is open for the petitioner to avail alternative statutory remedy of appeal as provided under Rule 35 of A.P. Minor Mineral Concession Rules, 1966, in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 28.7.2015
DA

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.16413 of 2015

28.7.2015

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

W.P.No.16413 of 2015

Between:

P.Appala Naidu

.. Petitioner

And

State of Andhra Pradesh, rep. by its
Principal Secretary, Department of Mines & Geology,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28.7.2015

SUBMITTED FOR APPROVAL

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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| 1. | Whether the Reporters of Local Newspapers may be allowed to see the judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |