

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

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WRIT PETITION NO.466 OF 2012

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ORDER:

In the present writ petition, challenge is made to the orders of the 3rd respondent herein-Deputy Director of Mines & Geology, Guntur, vide proceedings No.4108/Q3/2010, dated 08-08-2011.

2. Heard Mr.Srinivasulu Kurra, learned counsel appearing for the petitioner and the learned Government Pleader for Mines & Geology, appearing for the respondents.

3. According to the petitioner herein, he submitted an application on 17-04-2010 to the 1st respondent herein for grant of quarry lease for gravel in respect of the area situated in Sy.No.160 of Annangi village, Maddipadu Mandal, Prakasam District and the application of the petitioner was forwarded to the 2nd respondent herein. The 3rd respondent herein, vide proceedings, dated 08-08-2011, rejected the application of the petitioner herein. Calling in question, the validity and legal sustainability of the said order passed by the 3rd respondent, the present writ petition is filed.

4. 1st respondent herein-Assistant Director of Mines & Geology, Ongole, filed counter affidavit, denying the averments made in the affidavit filed in support of the writ petition and justifying the impugned action of the 3rd respondent herein.

5. A perusal of the order impugned shows that basing on the recommendations made by the 1st respondent herein, the 3rd respondent herein rejected the application of the petitioner. In this context, it is noteworthy that any order passed by the Assistant Director or Deputy Director or Joint Director of Mines & Geology is appealable to the Director of Mines & Geology under Rule 35 of the A.P. Minor Mineral Concession Rules, 1966. In the instant case,

without availing the alternative remedy of statutory appeal, the petitioner herein has approached this Court directly by way of the present writ petition under Article 226 of the Constitution of India. In view of availability of effective alternative remedy of appeal to the petitioner herein, this Court does not find any reason to interfere with the order impugned in the present writ petition. It is always open to the petitioner herein to file an appeal before the Director of Mines & Geology against the order impugned in the present writ petition.

6. For the aforesaid reasons, without going into the merits of the matter, the writ petition stands disposed of, keeping it open to the petitioner herein to file a statutory appeal before the 4th respondent herein-Director of Mines & Geology, Hyderabad, within a period of one month from the date of receipt of a copy of this order and if any such appeal is filed by the petitioner herein within the time stipulated, appropriate orders be passed in accordance with law after giving notice and opportunity to the petitioner herein within two months thereafter. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

DATED: 01-12-2015

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