

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

**WEDNESDAY, THE SEVENTH DAY OF OCTOBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32892 of 2015

Between:

Balireddypalem Gram Panchayat,
Vakadu Mandal, SPSR Nellore District,
Rep. by its Sarpanch K. Damodar Redy,
S/. Radhakrishna Reddy,
Aged 49 years, Balireddypalem,
Vakadu Mandal, SPSR Nellore District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Prl. Secretary,
Irrigation Department,
Secretariat Buildings, Hyderabad & 5 others
.. Respondents

The Court made the following:

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ORDER:

The petitioner Gram Panchayat challenges the action of the respondent authorities in identifying location for allotment of sand reach within the area of the petitioner Gram Panchayat for mining purposes.

2. When the matter is taken up for consideration, learned Assistant Government Pleader represents that in accordance with para 19 of the notification issued in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, an appeal shall lie against any decision recognizing or identifying particular sand reach and the petitioner has invoked the jurisdiction of this Court without availing the said remedy of appeal.

3. As seen from the Rule-19 of G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, an appeal is provided to any person, who is aggrieved by any decision made or order passed under the said G.O. Therefore, the petitioner has an effective remedy by way of appeal against any decision taken in terms of the orders in G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, and without availing the said remedy of appeal, the petitioner could not have invoked the jurisdiction of this Court. No reasons are assigned in the affidavit filed in support of the writ petition as to why the petitioner could not avail the remedy of appeal when it is provided to him.

4. Thus, the Writ Petition is, accordingly, dismissed, leaving it open to the petitioner to avail the remedy of appeal and as and when such an appeal is filed in terms of the provision contained under Rule-19 of G.O.Ms.No.95, Industries & Commerce (Mines-IV) Department, dated 28.08.2014, the same shall be considered objectively within the time fixed therein. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 7th October, 2015

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