

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.32411 of 2010

ORDER:

The petitioner is a lessee of quarry lease for Granite in Chittoor District in Survey No.82 Hill adjoining 81, Upparapalli Village, Somala Mandal, Chittoor District for a period of twenty years commencing from 05.01.2007 to 05.01.2027. While so, respondent No.3 issued a show cause notice on 06.11.2010 asking the sleeping partner to show cause as to why action should not be taken for illegal transportation of 11 black granite blocks totalling to quantity of 71.485 cubic meters and also for some other omissions. She submitted her explanation in November 2010 denying the illegal transportation of minerals. However, a demand notice was issued on 20.11.2010 by respondent No.3 demanding an amount of Rs.8,64,426/- towards normal Seigniorage fee and five times penalty. Challenging the same, the present writ petition was filed.

This Court by order dated 23.12.2010 granted interim stay to the extent of penalty imposed on the petitioner, however, the petitioner was directed to deposit the Seigniorage fee for transportation of granite to the extent of Rs.1,44,071/- and accordingly, the petitioner paid the said amount.

A counter is filed on behalf of the respondents justifying the demand notice.

This Court is not inclined to go into merits of the case as there is alternative remedy of appeal against the impugned demand notice, for which the petitioner is given liberty to file an appeal within thirty (30) days from the date of receipt of a copy of this order and the

amount already deposited by the petitioner will be subject to further orders to be passed in the appeal, which shall be disposed of within six (6) months from the date of receipt of the appeal.

With the above observations, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

12.04.2016

MVA