

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12057 of 2012

ORDER:

1. The petitioner is a lessee of laterite in an extent of 7.47 hectares in Sy.No.354/1/1 to 354/1/15 of Mallampally village, Mulugu Mandal, Warangal District for a period of 20 years granted under G.O.Ms.No.21, Industries and Commerce (M.II) Department, dated 22.01.2005. The lease deed was executed on 07.04.2005. While so, a check was conducted when the vehicle of the petitioner was going at Tirumalaiahpalem, Khammam District on 28.11.2011. It was noticed that 24 MTs of laterite was being transported through the transit forms 3439 and 3540 to Bhadradi Sponge Iron Ore of Appala Narasimhapuram village, Nelakondapally Mandal, Khammam District. A show cause notice was issued on 29.02.2012 seeking explanation for imposition of royalty plus price of the mineral as per Section 21 (5) of Mines and Minerals (Development and Regulation) Act, 1957, for supplying the mineral to various sponge iron ore units. The petitioner submitted the explanation stating that the mineral supplied by it was only laterite but not iron ore. However, having not being satisfied with the explanation, a demand notice was issued to the petitioner on 03.04.2012 for alleged misuse of transit forms issued for laterite, which was utilized for the purpose of iron ore. Challenging the said demand notice, the present writ petition was filed.

2. A detailed counter-affidavit was filed by the 2nd respondent stating that the transported mineral was not laterite but iron ore only.

3. This Court is not inclined to go into the merits of the case as there is a right of revision against the impugned demand notice to the 1st respondent.

4. This Court, while issuing notice before admission on 24.04.2012, directed the respondents not to take any coercive steps against the petitioner since the petitioner undertook to pay the demanded amount in the event of the petitioner not succeeding in the writ petition. But, in view

of the disposal of the present writ petition giving liberty to the petitioner to avail alternative remedy of revision before the 1st respondent, the said interim order shall continue for a period of three months from today in order to enable the petitioner to avail the alternative remedy of revision.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

19-04-2016

Gsn