

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.32636 of 2011

ORDER:

The petitioner was granted two quarry leases over an extent of 1.500 hectares and 2.000 hectares in Survey No.231/P of Chiyeedu Village, Anantapur Mandal and District by the Deputy Director of Mines and Geology, Kurnool vide proceedings dated 29.03.2008 and 04.06.2008 respectively. When quarrying operations were going on, the petitioner received a demand notice, dated 14.11.2011, asking the petitioner to pay normal Seigniorage fee along with five times penalty. The present writ petition was filed challenging the said demand notice on the ground of violation of principles of natural justice as no show cause notice was issued nor any procedure was followed before issuing the demand notice.

This Court by order dated 16.12.2011 suspended the demand notice and also gave liberty to the respondents to issue appropriate notice calling for the petitioner's explanation and consider the same as per law. The said order has been in operation till today. However, this Court is not inclined to entertain the present writ petition in view of the availability of alternative remedy of appeal against the demand notice.

Since the order of suspension has been in operation since 16.12.2011, it is in the fitness of things to continue the said order for a period of ninety (90) days from today. In the meanwhile, liberty is given to the petitioner to file an appeal in accordance with law to the competent authority, who shall consider the same and pass appropriate orders as per law.

Accordingly, 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

23.02.2016

MVA