

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22300 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the proceedings of the 3rd respondent dated 28.04.2017 and the action of the 2nd respondent in not passing orders on the stay application filed along with appeal dated 29.05.2017 as illegal and arbitrary.

It is the case of the petitioner that the petitioner filed appeal under Rule 35 A of the A.P. Minor Mineral Concession Rules, 1966 (for short 'the Rules of 1966') against demand notice No.2032/Q1/2011, dated 28.04.2017 which was sent on 29.05.2017 and the same as received on 31.05.2017. Though the petitioner sent several reminders, no orders are passed. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner is not liable to pay demanded amount since the material is lying in the quarry of the petitioner and that without considering the same, impugned demand notice dated 28.04.2017 was issued.

On the other hand, learned Government Pleader for Mines and Geology submits that when the appeal is pending before the appellate authority, petitioner cannot file the present writ petition and she opposed the granting of interim order.

Though several contentions are raised by the learned counsel for the petitioner and the same were confronted by the learned Government Pleader for Mines and Geology, since the statutory appeal is pending before the 2nd respondent, it is for the 2nd respondent-appellate authority to consider all those aspects.

In view of above facts and circumstances, the 2nd respondent is directed to dispose of the Stay petition filed along with the appeal by the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Till disposal of the stay petition in the appeal by the 2nd respondent, there shall be stay of the impugned notice No.2032/Q1/2011, dated 28.04.2017.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

06-07-2017

Note: Issue cc by tomorrow.

B/o.kvs

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