

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18162 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare Proceeding No.2079/MDL-SKL(T)/2015, dated 22.05.2017 and consequential Memo No.3349/Q4T/2015, dated 22.05.2017, issued by the 3rd respondent as being illegal, arbitrary, contrary to principles of natural justice and consequently set aside the same.

2. Heard the learned counsel for petitioner, learned Government Pleader for Mines & Industries appearing for respondents 1 to 4 and the learned Government Pleader for Revenue appearing for the 5th respondent and perused the material available on record.

3. Petitioner's grievance in this writ petition is that the 4th respondent issued a show cause notice on 09.12.2016 asking the petitioner to pay the penalty amount of Rs.7,28,150/- alleging that they found certain stock of material and imposed penalty. The petitioner submitted explanation to the said demand and stated that the stock is within the permissible level, but without considering the same, the respondents issued two proceedings vide No.2079/MDL-SKL(T)/2015, dated 22.05.2017, and Memo No.3349/Q4T/2015, 22.05.2017, cancelling the mineral dealer licence and permission earlier given to the petitioner.

4. When the matter is taken up for hearing, it is informed by the learned Government Pleader for Mines and Industries for

respondents 1 to 4 that the petitioner can avail an alternative remedy by way of filing an appeal before the respondent authorities.

5. Having regard to the same, the Writ Petition is disposed of with liberty to the petitioner to avail alternative remedy by way of filing an appeal before the respondent authorities. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO,J

Date: 7th June, 2017

KL



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.18162 of 2017

Date: 7th June, 2017

KL