

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32544 of 2010

ORDER:

No representation for the petitioner.

Heard Assistant Government Pleader (Industries & Mines).

The petitioner challenges demand notice Rc.No.124/2010 A, dated 10.11.2010, as illegal, arbitrary and unconstitutional.

The primary challenge to the notice impugned in the writ petition is that the case filed by petitioner bearing No.645/M.24/2005, dated 06.02.2005 is pending and stay was granted by the revisional authority.

On 24.12.2010, this Court granted the following order:

“It is the case of the petitioner that on the allegation of illegal removal of gravel to an extent of 44,630 metres, a demand notice was issued on 31.05.2003 in Notice No.770/Q/2003, demanding seigniorage fee of Rs.5,80,190/- with ten times penalty of Rs.58,01,900/-. It is submitted that as against such demand issued by the Assistant Director of Mines and Geology, Visakhapatnam, the petitioner has carried the matter in revision before the Government, and orders are passed by the revisional authority, granting interim orders against such demand and revision petition is still pending consideration. The revision petition filed by the petitioner along with the endorsement of granting interim order, is placed on record.

In view of pendency of revision petition filed by the petitioner against the very demand, no proceedings can be taken to realize that amount under the provisions of the Revenue Recoveries Act. Therefore, there shall be interim stay as prayed for. However, it is made clear that subject to disposal of revision petition, it is open to the respondents to take steps in accordance with law.”

I have perused the material available on record. As the revision is still pending before the Government, I deem it appropriate to make the aforementioned interim order as final order in the writ petition and further direct the revisional authority to dispose of the case bearing No.645/M.24/2005 in accordance with law within three months from the date of receipt of a copy of this order.

The respondents are given liberty to place the copy of the order before the revisional authority and seek expeditious disposal.

Accordingly, this writ petition is disposed of. No costs.

The Miscellaneous Petitions, if any, pending in this petition shall stand closed.

S.V.BHATT,J

Date : 10.02.2017.
ssp