

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.32224 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Industries.

The demand notice, bearing No.698/Q/2017 dated 22.08.2017 issued by the Assistant Director of Mines & Geology(FAC), Bhadradi, Kothagudem District-fourth respondent herein demanding a sum of Rs.3,67,99,785/- towards seigniorage fee, is under challenge in the present Writ Petition.

When the matter is taken up a preliminary objection, with regard to the maintainability, is taken by the learned Government Pleader by contending that the order impugned is appealable before the Director of Mines & Geology under Rule 35 of the Telangana State Minor Mineral Concession Rules, 1966 (for brevity, 'the Rules'). The said Rule reads as follows:

35. **Appeal:**—An appeal against any order passed by the Assistant Director or Deputy Director,1[Joint Director] under these rules shall lie to the Director within a period of two months from the date of communication of such order to the party aggrieved and an appeal against an order of the Director 2 [xxx] shall be to the Government in like manner.

When the petitioner herein has the effective and efficacious remedy of appeal against the impugned order before the Director of Mines & Geology, this Court is not inclined to entertain the present Writ Petition.

For the aforesaid reasons, the Writ Petition is dismissed with a liberty to the petitioner herein to file an appeal against the impugned demand notice before the Director of Mines & Geology.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

21st September, 2017

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