

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42108 of 2017

ORDER.

In this Writ Petition, under Article-226 of the Constitution of India, the challenge is to demand notice No.836/MBI(Cr)/Vg/TPT/2017, dated 18.11.2017, issued by respondent No.4, whereby the petitioner was directed to pay the amounts detailed therein within 15 days from the date of receipt of the same. In the said demand notice, it is also stated that failing compliance, action will be initiated as per the Rules in force.

I have heard Mr. Vedula Venkatramana, learned senior counsel appearing for the petitioner, learned Government Pleader for Mines and Geology (Andhra Pradesh) appearing for respondent Nos.1 to 4 and perused the material record.

Having given earnest consideration to the facts of the case and the submissions of the learned senior counsel, this Court is of the considered view that the petitioner ought to have filed an appeal under Rule-35 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short "the Rules"), which according to the submission of the learned Government Pleader, is an efficacious alternative remedy.

In that view of the matter, this Writ Petition is disposed of reserving liberty to the petitioner to prefer an appeal assailing the impugned demand notice as per Rule-35 of the Rules within three weeks from the date of receipt of a copy of this order. Till such time, the demand notice impugned in this Writ Petition shall remain in abeyance.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

14th December 2017

DR

