HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.5387, 5388, 5402, 5407 and 5424 of 2018

COMMON ORDER:

The respective petitioners filed the writ petitions against the four respondents viz., (1) The State, represented by the Secretary, Mines and Geology Department, (2) The Director of Mines and Geology, (3) The Assistant Director of Mines and Geology, Rajamahendravaram, and (4) Deputy Director of Mines and Geology, Kakinada.

2. The prayer in the respective writ petitions with supporting affidavits almost common in all the writ petitions including the demand notice No.277/ADMG(Vg)/2009, dated 19.01.2018, speaks that the 3rd respondent-Assistant Director of Mines and Geology issued the notice to inspect the site and the petitioners attended joint inspection and they made representations and they also furnished the required documents and the 3rd respondent did not furnish even the copies of joint inspection report conducted twice with opportunity to file their objections and the 3rd respondent passed the impugned order, dated 19.01.2018, without application of mind to the explanations/objections submitted by them and the same is liable to be quashed, as the same is contrary to law and laconic and violation of the principles of natural justice. The written instructions received by the learned Government Pleader for Mines is with the submission that there is a statutory remedy of appeal if at all aggrieved, leave about

there is no basis to the affidavit supportive contentions for no permits filed even to say in the explanation of 25 lorries covered by the permits were unloaded.

3. Having regard to the above, once there is an efficacious statutory remedy to go into the controversial factual aspects covered by Rule 34 of the Andhra Pradesh Minor Mineral Concession Rules, 1966, the writ petition can be disposed of instead of keeping by relegating the petitioners to appeal remedy, for the 2nd respondent-Director of Mines and Geology to entertain appeals if filed within two weeks from the date of receipt of a copy of this order, without insisting for any period of delay to explain, by virtue of this order. For three weeks from today, there shall be interim direction to the respondents not to take any coercive steps pursuant to the impugned demand notice, dated 19.01.2018. Needless to say, in the meantime, if any appeal filed and any interim order sought, the 2nd respondent shall consider to pass appropriate orders on own merits.

4. With the above direction, the writ petitions are disposed of.

Miscellaneous petitions pending in all the writ petitions, if any, shall stand closed. No costs.

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Dr. B. SIVA SANKARA RAO, J

22nd February 2018

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