

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

WRIT PETITION No.12009 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Mines & Geology appearing for the respondent Nos.1 to 4 and Sri K.Durgaprasad, learned counsel for the fifth respondent.

Against the order passed by the Director of Mines and Geology, Government of A.P., vide proceedings No.8433/R3-3/2008, dated 11.07.2017, and the execution of the quarry lease agreement, dated 04.09.2017, in favour of the fifth respondent, in respect of the area admeasuring 1.000 Hectare in Sy.No.87 of Yellamanda village, Narasaraopet Mandal, Guntur District, the present Writ Petition is filed.

According to the petitioners they are agriculturists and eking out their livelihood on the basis of the agricultural income derived from their lands in Sy.Nos.88-A1, 86-26, 85/1, 91-G of Yellamanda village, Narsaraopet Mandal, Guntur District.

According to the learned counsel for the petitioners, the impugned orders suffer from so many infirmities and, if the impugned orders are allowed to sustain, petitioners herein will have to suffer irreparable loss and hardship. It is clear from a

reading of the affidavit, filed in support of the Writ Petition, that the unofficial respondent herein instituted O.S.No.36 of 2018 on the file of the Principal Junior Civil Judge, Narsaraopet praying for permanent injunction.

When the matter is taken up, a preliminary objection, as to the maintainability of the Writ Petition, is taken by the learned Government Pleader, so also the learned counsel for the unofficial respondent, that the petitioners herein have the effective alternative remedy of appeal/revision under the provisions of Rule 35 of the A.P.Minor Mineral Concession Rules, 1966. According to Rule 35-A of the said Rules, there is an effective alternative statutory remedy available to the aggrieved parties.

In view of the same, this Court is not inclined to entertain the present Writ Petition. However, it is open for the petitioners herein to avail the said remedy, as provided under the Rules, and, if any such alternative remedy is availed by the petitioners herein, the same be considered and appropriate action be taken, strictly in accordance with law, after hearing all the stakeholders.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed.

A.V.SESHA SAI,J

05th June, 2018
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