

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

WRIT PETITION No.18357 of 2018

ORDER:0

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Geology appearing for the respondents.

The demand notice, bearing No.425/V&E/Vg/VSP/2018-1, dated 16.05.2018, issued by the Assistant Director of Mines and Geology (Vigilance), Visakhapatnam-fourth respondent herein, is under challenge in the present Writ Petition.

When the matter is taken up, a preliminary objection, as to the maintainability of the Writ Petition, is taken by the learned Government Pleader by contending that, as against the impugned demand notice, statutory appeal is provided under Rule 35 of the A.P.Minor Mineral Concession Rules, 1966 (for brevity, 'the Rules'). Rule 35 of the said Rules reads as under:

"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..

In view of the availability of the alternative remedy of appeal to the petitioner herein, this Court is not inclined to entertain the present Writ Petition.

Accordingly, the Writ Petition is disposed of, keeping it open for the petitioner herein to avail the above said alternative remedy of appeal before the Director of Mines and Geology and,

if any such appeal is filed, the same be considered and appropriate orders be passed in accordance with law. There shall be no order as to costs.

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

05th June, 2018
Tsy

A.V.SESHA SAI,J

