

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34302 of 2018

ORDER:

A demand notice, bearing No.829/V&E/Vg.NLR/2017, dated 25.01.2018, passed by the Assistant Director of Mines & Geology (Vigilance), Nellore/R.1 is under challenge in the present Writ Petition.

According to the learned Counsel for the petitioner, assailing the said demand notice issued by the 1st respondent herein, the petitioner preferred a statutory revision under Rule 35-A of the A.P.Minor Mineral Concession Rules, 1966 (hereinafter, referred to, as 'the Rules), on 01.05.2018 and also filed a stay application along with the said revision. According to the learned Counsel, the very issuance of the demand notice is totally one without jurisdiction in view of the amendments made to Rule 26 of the said Rules.

On the other hand, it is submitted by the learned Government Pleader that since the revision is pending before the statutory authority under the provisions of Rule 35-A of the said Rules, the present Writ Petition cannot be maintained before this Court under Article 226 of the Constitution of India.

Having heard the learned Counsel for the petitioner and the learned Government Pleader and as the statutory revision is pending before the State Government/4th respondent herein, the Writ Petition is disposed of, with a direction to the 4th respondent herein to verify and consider the revision, dated 01.05.2018 and pass appropriate Orders, strictly in accordance with law, as expeditiously as possible, preferably within a period of three

months from the date of receipt of a copy of this Order. Till the revision is disposed of, no coercive action pursuant to the impugned notice shall be taken.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. No costs.

JUSTICE A.V.SESHA SAI

Date: 11.10.2018
Smr

