

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

WRIT PETITION No.37328 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Geology, apart from perusing the entire material on record.

The order, dated 30.07.2018, passed by the Deputy Director of Mines & Geology, Visakhapatnam-third respondent herein, rejecting the quarry lease application of the petitioner herein, dated 13.03.2013, for the land admeasuring 4.59 Hectares in Sy.No.1 of Marturu village, Anakapalli Mandal, Visakhapatnam District, under Rule 13 (1) of the A.P.Minor Mineral Concession Rules, 1966 (for brevity, 'the Rules'), is under challenge in the present Writ Petition.

According to Rule 35 of the Rules, the present impugned order is appealable before the Director of Mines & Geology, and, without availing the said alternative remedy of appeal, the present Writ Petition came to be filed. Rule 35 of the Rules provides for alternative remedy, which 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, this Court does not find any valid reason to entertain the Writ Petition. However, it is open for the petitioner herein to avail the

said alternative remedy of appeal before the Director of Mines and Geology, Ibrahimpatnam-second respondent herein, within a period of two weeks from the date of receipt of a copy of this order, and, if any such appeal is filed, within the time stipulated above, the same be verified and appropriate orders be passed, strictly in accordance with law.

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

As a sequel thereto, the miscellaneous petitions, if any, shall stand closed.

12th October, 2018
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A.V.SESHA SAI,J

