

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44059 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and learned Government Pleader for Mines and Geology, appearing for respondents.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.5 in issuing demand notice No.80/M2/2013, dated 11.11.2018, as arbitrary, illegal, contrary to Mines and Minerals (Development & Regulation) Act, 1957 (for short, 'the Act') and Mineral Concession Rules 1966 and the rules made there under, apart from being violation of Articles 14 and 300A of the Constitution of India.
- 3) When the matter is taken up for hearing, learned Government Pleader would submit that the Statute provides for a remedy of appeal under Section 35 of the Act. The same is not disputed by the learned counsel for the petitioner.
- 4) Taking into consideration the facts in issue, the writ petition is disposed of permitting the petitioner to file an appeal within a period of two (02) weeks from today, along with stay application, in which event, the authorities concerned shall deal with either the main appeal or the stay application filed along

with the main appeal, if the same is in order, in accordance with law, as early as possible.

5) However, having regard to the above circumstances, the authorities shall not give effect to the impugned order dated 11.11.2018, for a period of four (04) weeks. It is needless to mention that the stay application to be filed by the petitioner shall be disposed of at the earliest, preferably within a period of four (04) weeks from the date of the application.

6) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 11.12.2018
vhh

