

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 47496 of 2018

ORDER :

In this Writ Petition, challenge is made to the demand notice dated 15.10.2018 issued by the 3rd respondent – Assistant Director, Mines & Geology, Tandur which directed the petitioner Society to remit Rs.1,17,63,252/- towards royalty along with market value as penalty within fifteen days from the date of its receipt in the Head of Account given therein, on the ground that the petitioner was alleged to have mined lime stone without there being valid licence, for a period of four years over the land in Survey No. 15 of Malkapur Village and Survey No. 116 of Kotabasupalli Village.

A perusal of the impugned notice discloses that the demand has been raised based on the material alleged to have been seized from the Society, particularly the Dispatch Register. At this stage, learned counsel for the petitioner submits that Revision lies against the notice, under Rule 54 of the Mineral Concession Rules, 1960, within three months. Since statutory period is still available, learned counsel prays this Court to dispose of the Writ Petition so as to enable the petitioner to pursue the said remedy. He seeks interim protection pending consideration of the Revision or the Application seeking stay that may be filed.

Heard learned Government Pleader for Mines & Geology.

Considering the fact that the impugned demand involves huge amount, though this Court cannot have any objection for the petitioner to avail the remedy of Revision, the request to keep the said demand in abeyance till the order is made by the revisional authority cannot be acceded to, in view of the findings recorded by

the authorities. In those circumstances, pending orders by the Revisional Authority either in the Stay Application or in the Revision, the petitioner shall deposit 40% of the amount demanded *vide* order impugned, within four weeks. The petitioner undertakes to deposit the said amount. Hence, subject to the petitioner complying with the same, the Revisional Authority shall entertain the Revision and pass appropriate orders on merits.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

02nd January 2018

ksld

CHALLA KODANDA RAM, J

