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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1812 of 2020**

G. T. Rama Rao S/o G.K. Rao, Aged About 49 Years, Address-102, Lords Court Appt, Dr No. 59-3-2, Andhra Bank Lane, Near Sunnapu Battilu Center, Ashok Nagar, Vijayawada (A.P)- 520010. Local Office At- Near C.R.P.F. Camp, Ramaram, Sukma, District Sukma, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through District Collector, District Sukma, Chhattisgarh
2. The Director, Directorate Of Geology And Mining Department, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh
3. Mining Officer, Collector Office (Mining Branch), Sukma, District Sukma, Chhattisgarh
4. Mining Inspector, Collector Office (Mining Branch, Sukma, District Sukma, Chhattisgarh
5. Dharmendra Singh R/o Shabri Nagar, Ward No. 12, Tahsil And District Sukma, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Neeraj Choubey, Advocate
For Respondents 1 to 4	:	Mr. S. Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.09.2020**

1. The challenge in the present writ petition is to the orders Annexure P-5, P-7 & P-8 dated 7th September, 2019, 19th May, 2020 & 9th July, 2020 respectively.
2. Prima facie, it appears that the impugned orders have been issued

invoking the provisions of the Mines and Minerals (Development & Regulation) Act, 1957. Under the said provision, the State of Chhattisgarh has enacted Chhattisgarh Minor Mineral Rules, 2015 (in short “the Rules of 2015”). Under Rule 77 (2) of the Rules of 2015, there is a provision of appeal against any power exercised by the Collector and the appeal would lie before the respondent no.2.

3. In the instant case, there does not appear to be any appeal preferred by the petitioner. Moreover, from the proceedings it appears that there was already an order passed against the petitioner as early as on 17.09.2019 and subsequently, the demand notices which are under challenge in this case dated 19.05.2020 and 09.07.2020 were raised.
4. Given the said facts, this Court is of the opinion that the writ petition at this juncture would not be maintainable. Let the petitioner prefer an appeal against the impugned orders before the Appellate Authority under the Rules of 2015 along with an application for condonation of delay explaining the delay in not filing the appeal within the reasonable period. The petitioner would be at liberty to approach the Appellate Authority seeking interim relief if any. In the event of the petitioner preferring an appeal, the Appellate Authority is directed to consider the same in accordance with law taking into consideration the objections and the contentions that the petitioner shall be raising in his appeal.
5. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge