HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AT HYDERABAD
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 243 OF 2025

Writ Appeal under clause 15 of the Letters Patent to allow this Writ Appeal and set aside the Review order dated 24.12.2024 passed in Review I.A.No.2 of 2024 in W.P.No.41330 of 2022 as confirmed by the order dated 06.09.2024, passed in W.P.No.41330 of 2022 and consequently allow the Writ Petition in W.P.No. 41330 of 2022 as prayed for and pass on the file of the High Court.

Between:

1. Vadde Srinivas Reddy, S/o. Sri Narayana Reddy, Aged about 64 years, Occ. Business, R/o. Road No.79, Jubilee Hills, Besides Ramanaidu Studio, Shaikpet, Jubilee Hills, Hyderabad, Telangana - 500033.
2. M/s. Uday Stone Crushing Pvt. Ltd., Represented by its Managing Director, Sri Vadde Srinivas Reddy, Indu Aranya Pallavi, Aged about 64 years, R/o.Flat No.204, D-Block, Bandlaguda, Nagole, Hyderabad - 500068.

...APPELLANTS

AND

1. The State of Telangana, Represented by its Principal Secretary, Industries and Commerce Department, Secretariat Buildings, Hyderabad
2. The Director of Mines and Geology, State of Telangana, My Home Sarovar Plaza, H.No.5-922, Flat No.203 and 204, 2nd Floor, Shahpur Wadi, Adarsh Nagar, Hyderabad, Telangana - 500063
3. The Assistant Director of Mines and Geology, Govt. of Telangana, Ranga Reddy District

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Judgment passed by Learned Single Judge on 06.09.2024 in W.P.No.41330 of 2022 as confirmed by orders dated 24.12.2024, passed in Review I.A.No.2 of 2024 in W.P.No.41330 of 2022, pending this above writ appeal.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Demand Notice vide No.6063/MDR/2013 dated 18.10.2022, raising a demand of Rs.3,07,29,825-00 towards normal seigniorage fees and Rs.30,72,98,250-00 towards 10-times penalty along with other amounts towards SMET, DMF, Cess etc., totalling an amount of 48,41,79,517-00 addressed to the 2nd petitioner, pending disposal of the writ appeal.

Counsel for the Appellants: SRI SIVARAJU SRINIVAS, REPRESENTING SRI VISHWAJEET REDDY D

Counsel for the Respondents : SRI A. ANANTHASEN REDDY, GP FOR INDUSTRIES AND COMMERCE, MINES AND GEOLOGY

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.243 OF 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Sivaraju Srinivas, learned Senior Counsel representing Sri D.Vishwajeet Reddy, learned counsel for the appellants and Sri A.Ananthasen Reddy, learned Government Pleader for Industries and Commerce, Mines and Geology, for the respondents.

2. With the consent finally heard.

3. This *intra*-Court appeal takes exception to the order dated 24.12.2024 in I.A.No.2 of 2024 in W.P.No.41330 of 2022, whereby the learned Single Judge relegated the appellants to statutory alternative remedy under Rule 35 of **The Telangana State Minor Mineral Concession Rules, 1966**.

4. Learned Senior Counsel for the appellants submits that no doubt, such alternative remedy exists, the question is that the writ petition was entertained in the year 2022 and it remained pending for quite some time. On merits, it is submitted that when the appellants were put to a show cause notice dated 06.08.2022, they filed a reply on 15.10.2022. While passing the final order,

the reply was not properly considered. Thus, principles of natural justice were violated and decision making process was faulted. In this backdrop, the availability of alternative remedy is not a bar.

5. Learned Senior Counsel for the appellants further submits that apart from the above, learned Single Judge, during the pendency of writ petition, by order dated 13.04.2023, directed the Revenue Authorities to prepare a report. The said report was, indeed, filed in the writ proceeding. However, the said findings were not taken into account in correct perspective.

6. Lastly, reliance is placed on a Google map (page No.164) to show the location of land, etc. In nutshell, it is argued that the present writ appeal may be entertained and matter be decided on merits.

7. Learned Government Pleader for Industries and Commerce, Mines and Geology opposed the prayer and supported the order of learned Single Judge.

8. We have heard the parties at length and perused the record.

9. While issuing notice in the writ petition, it was not pointed out to the Court that there exists a statutory alternative remedy.

Thus, the question is whether despite availability of alternative remedy, the writ petition was entertainable.

10. The Apex Court in **Whirlpool Corporation v. Registrar of Trade Marks, Mumbai**[1], opined that in cases of violation of principles of natural justice, despite availability of alternative remedy, the writ petition can very well be entertained. The said judgment was again considered by the Apex Court in **U.P. State Spinning Co. Ltd. v. R.S. Pandey and Another**[2] and it was opined as under:-

> *"17. ...But normally, the High Court should not entertain writ petitions unless it is shown that there is something more in a case, something going to the root of the jurisdiction of the officer, something which would show that it would be a case of palpable injustice to the writ petitioner to force him to adopt the remedies provided by the statute...."*
>
> (Emphasis Supplied)

11. Thus, it is clear that unless something more is shown which goes to the root of the matter and shown that the order impugned itself is without authority of law, on mere violation of principles of natural justice, the writ petition is not entertainable. The impugned order in the writ petition was not called in question on the ground of competency.

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[1] (1998) 8 SCC 1
[2] (2005) 8 SCC 264

12. The Apex Court in its recent judgment dated 10.04.2024 in the case of **PHR Invent Educational Society Vs. UCO Bank**[3] disapproved the order of Telangana High Court in W.P.No.5275 of 2021, dated 04.02.2022, wherein a Division Bench of this Court entertained a Writ Petition despite availability of alternative remedy. The Apex Court opined that merely because a petition is maintainable, it is not necessary to entertain a petition. It is the discretion of the Court to entertain a petition and not a compulsion. The relevant paragraph reads as under:

> *"15. It could thus be seen that, this Court has clearly held that* ***the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person. It has been held that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions.*** *The Court clearly observed that while dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc., the High Court must keep in mind that the legislations enacted by Parliament and State Legislatures for recovery of such dues are a code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi-judicial bodies for redressal of the grievance of any aggrieved person. It has been held that, though the powers of the High Court under Article 226 of the Constitution are of widest amplitude, still the Courts cannot be oblivious of the* ***rules of self-imposed*** *restraint evolved by this Court. The Court further held that though the rule of exhaustion of alternative remedy is a rule* ***of discretion and not one of compulsion, still it is***

[3] (2024) 4 S.C.R. 541

difficult to fathom any reason why the High Court should entertain a petition filed under Article 226 of the Constitution."

(Emphasis Supplied)

13. In view of above recent judgment of the Apex Court, in our view, learned Single Judge has taken a plausible view. Merely because the writ petition was pending for some time, it cannot be said that the petitioner has an indefeasible right of adjudication before this Court. The order of learned Single Judge is accordingly not interfered. However, it is made clear that no finding/observation of learned Single Judge given on merits will be binding on the appellate authority. The appellate authority shall decide the matter on its own merits.

14. With the aforesaid, the writ appeal is **disposed of**. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

DEPUTY [redacted] SD/-N.RAJGOPAL REGISTRAR

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SECTION OFFICER

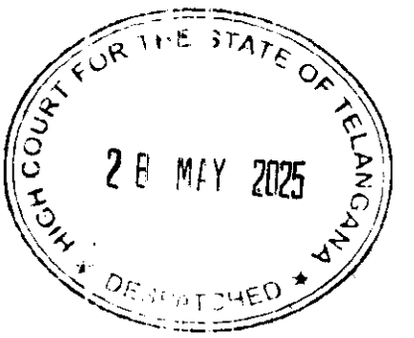
To,

1. The Principal Secretary, Industries and Commerce Department, Secretariat Buildings, The State of Telangana, Hyderabad
2. The Director of Mines and Geology, State of Telangana, My Home Sarovar Plaza, H.No.5-922, Flat No.203 and 204, 2nd Floor, Shahpur Wadi, Adarsh Nagar, Hyderabad, Telangana - 500063
3. The Assistant Director of Mines and Geology, Govt. of Telangana, Ranga Reddy District
4. One CC to Sri D. Vishwajeet Reddy, Advocate [OPUC]
5. Two CCs to GP for Industries and Commerce, Mines And Geology, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

T J
LS
CHR

HIGH COURT

DATED:01/05/2025



JUDGMENT

WA.No.243 of 2025

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(9) CHR
21/05/25