HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SECOND DAY OF JULY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL AND THE HONOURABLE SMT JUSTICE RENUKA YARA

I.A.No.3 OF 2025 IN WRIT APPEAL NO: 243 OF 2025

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/WRIT PETITIONERS/PETITIONERS

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

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 clarify the orders dated 01-05-2025 passed in WA No.243 of 2025 with respect to the requirement of making a Pre-Deposit, for availing the Statutory Remedy, particularly when the statute does not prescribe such a pre-deposit.

This petition coming on for hearing, upon perusing the petition and affidavit *filed in support thereof and upon hearing* the arguments of SRI SIVARAJU *SRINIVAS, REPRESENTING SRI D.VISHWAJEET REDDY, appearing on behalf of*

Petitioner, SRI A. ANANTHASEN REDDY, GP FOR INDUSTRIES AND COMMERCE, MINES AND GEOLOGY, the Court made the following: **ORDER**

This application seeking clarification of the order dated 01.05.2025 passed in W.A.No.243 of 2025 is taken-up.

Sri Sivaraju Srinivas, learned Senior Counsel appearing for Sri D.Vishwajeet Reddy, learned counsel for the petitioners/appellants and Sri A.Ananthsen Reddy, learned Government Pleader for Mines and Geology, for the respondents.

With the consent finally heard.

Learned Senior Counsel for the petitioners raised two fold submissions. Firstly, it is submitted that while granting interim order in WP.No.41330 of 2022, the learned Single Judge directed the petitioners to deposit 40% of the normal seigniorage fee. However, the Writ Petition was not entertained finally because of availability of alternative remedy. Once the petitioners are relegated to avail the statutory alternative remedy, the petitioners are only obliged to fulfil the requirement of statute for preferring the appeal and for that purpose whatever is required to be paid/deposited, the petitioners are ready to deposit the same.

However, the direction of the learned Single Judge for payment of 40% of demanded amount may be ignored by directing that the petitioners are liable to deposit only such amount within the requirement of statute to prefer the appeal. Secondly, it is submitted that the petitioners intend to rely on the report of Tahsildar dated 15.07.2023 which shall be filed along with the appeal and the Appellate Authority may consider the same.

The other side raised formal objection.

We find substance in the argument of learned counsel for the petitioners seeking clarification that once the writ petition is not entertained, it is not proper to direct for payment of 40% of the amount demanded unless the statute requires to deposit the same. Thus, it is clarified that while preferring the appeal, the petitioners shall be under obligation to deposit only such amount which is requirement of statute for

preferring the appeal. Secondly, we are inclined to observe that if the petitioners rely on the aforesaid report of Tahsildar, it can form part of the appeal. This Court has no doubt the Appellate Authority can deal with the same in accordance with law.

With the aforesaid clarifications and without expressing any opinion on merits, this Application is disposed of.

SD/-V.KAVITHA
DEPUTY REGISTRAR

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SECTION OFFICER

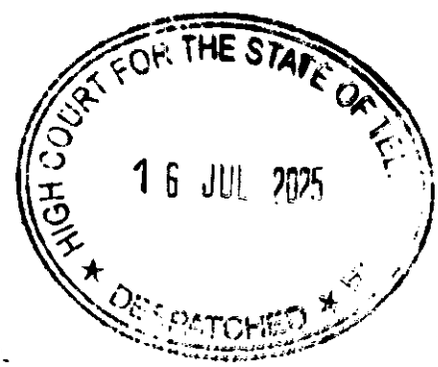
To,

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.

BSK
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HIGH COURT

DATED:02/07/2025



JUDGMENT

I.A.No.3 OF 2025
IN
WA.No.243 of 2025

ORDERING THE I.A

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