

**Hon'ble Manoj K. Tiwari, J.**

Mr. Harendra Belwal, learned counsel for the petitioner.

Mr. Vinod Nautiyal, learned Deputy Advocate General for the State of Uttarakhand.

Petitioner is challenging the recovery citation dated 04.01.2020. He is also challenging the notice dated 15.02.2020 passed by District Magistrate, Nainital. According to the petitioner, no final order has been passed, therefore, the recovery citation issued by Tehsildar, Ramnagar, District Nainital is incompetent.

Learned counsel for the State was asked to get instructions in the matter. Today, on instructions, he submits that final order was passed by District Magistrate, Nainital against the petitioner on 22.04.2019, therefore, the contention raised by the petitioner is without any force. The order passed by District Magistrate, Nainital has been produced in Court, which is taken on record.

Since the order passed by District Magistrate, Nainital is challengeable before Divisional Commissioner under Rule 16 of Uttarakhand Mineral (Prevention of Illegal Mining, Transportation and Storage) Act, 2003, as amended in the year 2015, therefore, this Court declines to entertain this writ petition.

Accordingly, writ petition is dismissed on the ground of alternative remedy. However, petitioner shall be at liberty to approach appropriate forum for redressal of his grievance. If petitioner files an appeal within two weeks from today, the same shall be decided on merits, in accordance with law. It is further made clear that for a period of two weeks, no coercive action shall be taken against the petitioner.

**(Manoj K. Tiwari, J.)**

28.02.2020

*Aswal*