

Court No. - 3

Case :- WRIT - C No. - 10718 of 2023

Petitioner :- Atikur Rahman

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of
Geology And Mining Civil Sectt. Lko. And Others

Counsel for Petitioner :- Shishir Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard Mr. Shishir Chandra, learned counsel for the petitioner and learned Standing Counsel for the State.

Present writ petition has been filed by the petitioner with the following main prayers:-

"(i) Issue a writ or order or direction in the nature of mandamus commanding respondent No.2 to open the OTP facility for resuming the mining activities of the petitioner in furtherance of recommendation letter dated 20.11.2023 sent the District Magistrate of Hamirpur (as contained in Annexure No.14) requesting to upload and update the amount deposited by the petitioner towards dues of outstanding royalty i.e. Rs.5,10,94,313/- on eMM-11 portal and to open the OTP facility so that the petitioner may be permitted to resume his mining activities.

(ii) Issue a writ or order or direction in the nature of mandamus commanding the respondents to permit the petitioner to resume and continue mining activities pursuant to lease deed dated 20.11.2019 in respect of area earmarked as Khand No. 22/14, ad-measuring 24.291 Ha of village Rirua Basaria, Tehsil Meja in District Hamirpur until the expiry of the term of mining lease i.e. 19.11.2024, without any interference; in the interest of justice.

(iii) Issue a writ or order or direction in the nature of mandamus commanding the respondent to take action pursuant to request/letter dated 20.11.2023 of the District Magistrate of Hamirpur (Annexure No.14)."

Learned counsel for the petitioner submits that the District Magistrate, Hamirpur vide notice dated 15.06.2023 directed the petitioner to submit his reply within a period of 30 days to

which the petitioner claims to have submitted his reply. The said notice was issued in compliance of order dated 22.05.2023 passed by this Court in Writ Petition No.3942 of 2023. Learned counsel for the petitioner submits that the said proceedings are not decided as yet.

Learned counsel for petitioner submits that the grievance of petitioner would be substantially met if the case of the petitioner for the said purposes is considered and decided in a time bound manner.

Learned Standing Counsel appearing for the State states that the District Magistrate, Hamirpur will forthwith proceed and decide the proceedings finally in accordance with the order dated 22.05.2023 passed by this Court.

In view of above, the respondent no.3-District Magistrate, Hamirpur is directed to consider and decide the proceedings pending before him with regard to issue involved in the present case in accordance with the order dated 22.05.2023 passed by this Court, by passing a reasoned and speaking order within a period of two weeks from today.

It is made clear that this court has not applied itself on the merits of the case and all questions are left open to be considered and decided by the competent authority in accordance with law.

With the aforesaid directions, present writ petition is **disposed of**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 11.12.2023

Manoj K.