

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.41613 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“The Hon’ble Court may be pleased to issue an order or writ, more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.3 in issuing impugned demand notice vide No.3065/Vg/2015-2 dtd.26.08.2015 asking the petitioner to pay the penalty amount of Rs.98,68,392/- for illegal excavation of mineral within lease area and outside the lease area and without considering the reply given by the petitioner and without giving reasonable opportunity to present the case and inaction of respondent No.1 in not disposing the revision application filed by the petitioner as arbitrary, illegal, unjust, against the principles of natural justice and violative of fundamental rights guaranteed under Constitution of India and in violation of MMDR Act, 1957, Mineral Concession Rules, 1966 and it is contrary to the circular vide Circular Memo No.40454/R3-1/2011, 28.02.2012 issued by Respondent No.2 and consequently set aside the demand notice vide No.3065/Vg/2015-2 dtd.26.08.2015 by permitting the petitioner to quarry the gravel and building stone and to transport the extracted mineral from the lease area with valid permits and may pass such other order or orders as this Hon’ble Court deems fit and proper in the interests of justice.”

It is an admitted fact that the petitioner’s revision against the demand notice dated 26.08.2015 is pending consideration. It is also not in dispute that the petitioner did not ask for stay of the said demand notice pending disposal of the revision.

In that view of the matter, no adjudication is called for in this writ petition and it is for the revisionary authority to consider the contentions raised by the petitioner against the impugned demand notice in the first instance.

The writ petition is accordingly disposed of directing the 1st respondent, the revisionary authority, to consider and pass appropriate reasoned orders on the petitioner’s revision in accordance with law after giving due opportunity of hearing to him. This exercise

shall be completed expeditiously and in any event, not later than four (4) weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:29.12.2015

GJ