

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.21168 of 2014

Date of Decision: 12.03.2015

Rajwinder Singh

....Petitioner

Vs.

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.**

Present: Mr. Vikas Behl, Senior Advocate with
Mr. Ramandeep Singh, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. Advocate General, Punjab

Rajive Bhalla, J (Oral)

The petitioner is aggrieved by a notice of demand served by the State of Punjab, demanding royalty. The petitioner, however, at this stage, confines challenge to order dated 08.07.2014 (Annexure P-10), whereby his appeal has been dismissed.

Counsel for the petitioner submits that the impugned order has not been passed by the State Geologist-cum-Appellate Authority but by the Superintendent of the department.

Counsel for the State of Punjab submits that though the order was approved by the State Geologist but it appears that the order was not formally passed by the State Geologist and, therefore, he has instructions to state that the order dated 08.07.2014 may be deemed to have been

withdrawn but with liberty to the State Geologist-cum-Appellate Authority to pass a fresh order in accordance with law.

We have heard counsel for the parties and in view of statement made by the counsel for the State of Punjab, allow the writ petition in part, set aside order dated 08.07.2014 (Annexure P-10) and remit the matter to the State Geologist-cum-Appellate Authority to decide the appeal filed by the petitioner afresh and in accordance with law. The petitioner would be at liberty to raise additional grounds.

The parties are directed to appear before the State Geologist-cum-Appellate Authority on 20.04.2015, who shall decide the appeal within two months.

This order shall not be construed to be an opinion on any other matter that may have been raised in the writ petition.

(Rajive Bhalla)
Judge

March 12, 2015
vcgarg

(Amol Rattan Singh)
Judge