

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

CWP No.3169 of 2015

Date of Decision: 12.03.2015

Nasib Singh and others

....Petitioners

Vs.

State of Punjab and others

....Respondents

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

Present: Mr. K.K. Goel, Advocate
for the petitioners.

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

Rajive Bhalla, J (Oral)

The petitioners are aggrieved by a notice of demand served by the State of Punjab, demanding royalty. The petitioners, however, at this stage, confine challenge to order dated 28.08.2014 (Annexure P-1), whereby their appeal has been dismissed.

Counsel for the petitioners 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State Geologist and, therefore, he has instructions to state that the order dated 28.08.2014 may be deemed to have been withdrawn but with liberty to the State Geologist-cum-Appellate Authority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 28.08.2014 (Annexure P-1) and remit the matter to the State Geologist-cum-Appellate Authority to decide the appeal filed by the petitioners afresh and in accordance with law. The petitioners 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