

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7202 of 2016

ORDER:

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

“The Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents and their subordinates in effecting recovery of one time penalty on the Seigniorage charges of sand from the work bills of the Petitioner, where permits for sand issued by the Mines Department are not produced and without Notice, as illegal, arbitrary, unjust, violative principles of natural justice and contrary to the Judgments in W.Ps.17998/2012 Dt:15-11-2012, W.P.2311/ 2013, Dt: 29-01-2013, W.P.3817/ 2013, Dt:07-02-2013, W.P.680/ 2014 Dt: 9-1-2014, W.P. NO:40817/2014 dt:13-03-2015, W.P.No. 35586 of 2015 dt: 02-11-2015 and W.P.No.42919 /2015 Dt: 27-01-2016 consequently direct the respondents to drop all further proceedings in this regard against the Petitioner and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Learned Assistant Government Pleader for Mines and Geology informed this Court that no demands had been raised as against the petitioner in relation to imposition of penalty and that the writ petition is only filed upon an apprehension.
3. Learned counsel appearing for the petitioner is unable to demonstrate any notice having been issued, thereby giving rise to a cause of action.
4. The Writ Petition is accordingly dismissed on this short ground leaving it open to the petitioner to avail appropriate legal

remedies in accordance with law if a cause of action arises in future.

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

JUSTICE SANJAY KUMAR

March 28, 2016

LMV