

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8111 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue such appropriate writ, order or direction more so particularly one in the nature of Mandamus, declaring the inaction of the 2nd respondent in not furnishing the information and documents sought by the petitioner in its interim explanation dated 24.02.2016 submitted on 29.02.2016 to enable the petitioner to submit its comprehensive explanation to the show cause notice No.321/Vg/2016-1, dated 29.01.2016 issued by the 2nd respondent, as arbitrary, illegal, in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequently direct the 2nd respondent to furnish the information sought by the petitioner at an early date and pass such other order as the Hon'ble Court may deem just in the circumstances of the case.”

It appears that the petitioner sought certain information and documents under his explanation, but the mining authorities did not respond thereto. Apprehending that a demand notice would be issued pursuant to the show cause notice without furnishing the information sought, thereby effectively denying him an opportunity to respond thereto, the petitioner filed the present case.

Learned Assistant Government Pleader for Mines and Geology fairly states that the mining authorities would furnish the required information to the petitioner before proceeding further and that it would be open to the him to submit his detailed explanation to the show cause notice.

The writ petition is accordingly disposed of directing the mining authorities concerned to furnish the information sought by the petitioner in his explanation to the impugned show cause notice. After furnishing such information, the mining authorities shall allow reasonable time to the petitioner to file his detailed explanation on

merits and only thereafter take appropriate action in the matter in accordance with law.

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

JUSTICE SANJAY KUMAR

Date:14.03.2016

GJ