

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3222 of 2016 (O&M)
DATE OF DECISION: 17.02.2016

Salwinder Singh

....Petitioner

versus

The State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjay Tangri, Advocate for the petitioner

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

Notice of motion returnable forthwith.

2. Service waived qua all the respondents, Ms. Minakshi Goyal, AAG, Punjab, having accepted notice on their behalf.

3. The petitioner has challenged an order dated 16.01.2015 dismissing his appeal against the order of the Mining Officer for recovery of Rs.10,69,020/- for alleged illegal extraction of minor minerals from his own land. There were earlier proceedings also in respect of the same demand. It is not necessary to set out the history of the litigation. Suffice it to note that the petitioner's only ground of challenge, at this stage, is that he was not afforded a hearing or an opportunity of dealing with the appeal.

4. As is evident from the impugned order itself, the respondents' case is that the appellant was granted a number of opportunities, but he did not avail the same. No useful purpose

would be served by trying to ascertain which of the contentions is correct. It would unnecessarily waste time.

In the circumstances, the ends of justice would be met by setting aside the impugned order and affording the petitioner an opportunity of being heard with a view to ensuring that there is no scope for grievance on procedural matters.

5. The petition is, therefore, disposed of by setting aside the impugned order and directing the appellate authority to pass a fresh order in the appeal after affording the petitioner an opportunity of being heard.

The petitioner shall, in the first instance, appear before the appellate authority at 11 a.m. on 25.02.2016 and thereafter as directed by the appellate authority. Pending the decision in the appeal, the petitioner shall not dispose of, alienate, encumber, part with possession of or create any third party rights in respect of his land.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

17.02.2016
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(ARUN PALLI)
JUDGE