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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7551 OF 2017

Ex Servicemen Welfare Association, Kolhapur ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Satish Borulkar i/by Mr. Manoj Patil for the petitioner.

Ms. R. M. Shinde, AGP for the respondent nos. 1 and 2 State.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.**

DATED : JULY 06, 2017.

P.C.

Not on board. Taken on production board in view of the urgency.

2. Parties through their counsel. By consent of the parties heard finally.

3. Challenging the order dated 26.5.2017 Exhibit "M" passed by respondent no. 2, thereby rejecting petitioner's application for grant of permission for Mining Lease on the ground that the petitioner had failed to submit the requisite documents before 11.1.2017, the petitioner has filed this petition. According to the petitioner, before passing the impugned order, no opportunity of

hearing has been given to the petitioner. Learned counsel for the petitioner submits that the petitioner was all the while contesting the matter before various Forums, in the circumstances, for the reasons beyond the control of the petitioner, they could not submit the documents before 11.1.2017. It is also the case of the petitioner that in view of the notification dated 4.1.2017 published in the Gazette of India dated 4.1.2017, petitioner's application for grant of mining lease could not have been rejected.

4. Having considered the submissions made by the learned counsel for the petitioner as also the learned AGP for respondent nos. 1 and 2, we dispose of this petition by setting aside the impugned order passed by the respondent no. 2 on the ground that the same has been passed in violation of principles of natural justice. Before passing the impugned order, it was incumbent upon the respondent no. 2 to have issued notice and given opportunity of hearing to the petitioner so that the petitioner could have shown cause as to why such drastic step should not be taken against the petitioner. Petitioner also could have pointed out the said notification dated 14.1.2017 before the said authority.

5. As a result, petition is disposed of by directing the petitioner to submit a detailed representation with supporting documents before respondent no. 2. On receipt of such representation,

respondent no. 2 shall reconsider the petitioner's matter keeping in view the grounds as may be raised in the representation and the documents as may be filed along with the representation. The decision as aforesaid, be taken by respondent no. 2 within two months from the date of receipt of the representation. A speaking order be passed by the respondent no. 2. All contentions are kept open.

5. With the aforesaid directions, writ petition stands disposed of.

(M.S. SONAK, J.)

(SHANTANU KEMKAR, J.)