

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.7745 OF 2009

ORDER:

Heard Smt.N.Shoba for petitioner, learned Government Pleader for Mines and Geology and Mr.Kishore for 5th respondent.

The petitioner challenges Memo No.18721/M.II(1)/2005-2 dated 26.07.2008 and the consequential show cause notice dated 02.03.2009 as illegal, arbitrary and violative of principles of natural justice.

I have heard learned counsel at great length and perused the grant order in favour of petitioner and the revised grant order dated 16.04.2007 and Memo No.18721/M.II(1)/2005-2 dated 26.07.2008. Learned counsel after perusing the basic infirmity in Memo No.18721/M.II(1)/2005-2 dated 26.07.2008 consent to setting aside the order allowing the revision and remitting the matter back to respondent No.1 for disposal in accordance with law. In other words, the prayer of condoning delay in filing the revision accepted by 1st respondent is sustained, revision is restored to file and the revision is heard and decided in accordance with law. The petitioner is impleaded as one of the respondents in the pending revision to avoid further delay in the matter and therefore the 1st respondent is directed to issue notice of hearing to petitioner as well as 5th respondent in the revision. The revision is directed to be disposed of within three months from the date of receipt of copy of this order. The show cause notice dated 02.03.2009 issued pursuant to the order allowing the revision on 26.07.2008 is,

therefore, is liable to be set aside. It is needless to observe that this show cause notice for the present is recalled and is subject to outcome of orders that are passed by the Government in this behalf.

The writ petition is disposed of as indicated above with the consent of learned counsel for the petitioner. This Court has not examined the rival claims. It is for the 1st respondent to decide the issue in accordance with law. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

07th February, 2017

Lrkm



S.V.BHATT, J