

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.26886 of 2017.

Date of Decision: November 28, 2017

M/s Charites Real Estate Pvt. Ltd.

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Alok Mittal, Advocate, for the petitioner.

Mr.Kapil Bansal, Deputy Advocate General, Haryana.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 3 only at this stage.

On our asking, Mr.Kapil Bansal, Deputy Advocate General, Haryana, accepts notice on their behalf.

Let three copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 3 or to serve respondent No.4 at this stage as no order prejudicial to their interest is being passed.

The petitioner has laid challenge to the order dated 13.09.2017 (P-6) passed by the Mining Officer, Mines and Geology Department, Sonapat, whereby in terms of the order passed by the National Green Tribunal, the petitioner has been restrained from carrying out mechanical

Learned counsel for the parties are *ad-idem* that identical controversy was subject-matter of consideration of this Court in a bunch of writ petitions including CWP No.7444 of 2016 (M/s Tekno Exports versus State of Haryana and others) which have been disposed of vide order dated 08.11.2017 in the light of the earlier decision dated 29.11.2016 rendered by a Coordinate Bench in CWP No.20206 of 2016 (M/s Delhi Royalty Company, Yamuna Nagar versus State of Haryana and others). In terms of the above-mentioned order, the orders like the one impugned herein restraining the petitioner from carrying out mechanical mining, were set-aside with liberty to the State Government to pass fresh orders after hearing the parties concerned.

The instant writ petition is also disposed of in the same terms. The impugned order dated 13.09.2017 is set-aside with liberty to the State Government to pass a fresh speaking order in accordance with law. The petitioner shall be at liberty to make a supplementary representation within one month from the date of receiving a certified copy of this order and the appropriate order shall be passed by the State Government within four months after the expiry of one month's period granted to the petitioner to submit supplementary representation.

Ordered accordingly.

[SURYA KANT]
JUDGE

November 28, 2017
mohinder

[SUDHIR MITTAL]
JUDGE