

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.191 of 2018

1. Sharad Agrawal (Goel), S/o late R.K. Agrawal, aged about 47 years,
2. Kedar Agrawal, S/o Late N.C. Agrawal, aged about 61 years,

Both resident at House No.C/66, Sector-IV, Devendra Nagar, P.S.
Devendra Nagar, Raipur (C.G.)

---- Petitioners

Versus

1. The Director, Directorate of Mines and Minerals, State of Chhattisgarh, Raipur (C.G.)
2. The Collector (Mining), District Raipur (C.G.)
3. The Deputy Director (Mining Administration), Raipur (C.G.)

---- Respondents

For Petitioners: Mr. Malay Kumar Bhaduri, Advocate.
For Respondents/State: Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/01/2018

1. Heard.
2. Learned counsel for the petitioners submits that the order Annexure P-9 is without jurisdiction and without authority of law, as complaint under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 has been filed and the petitioners are directed to be present before the criminal court. The State cannot compel the petitioners to appear before the criminal court.
3. Learned State counsel submits that the complaint has already been filed before the jurisdictional criminal court.
4. Be that as it may, since criminal complaint has already been filed

under Section 200 of the CrPC read with Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, and the date mentioned in the notice has already expired, no such further order is necessary as the petitioners' appearance will depend upon the order of the criminal court, if any.

5. With the aforesaid observation, the writ petition finally stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma