

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.218 of 2018**

K. A. Pappachan Shri K. V. Anthoni, Aged About 69 Years R/o
4, Ring Road, Kirandul, P. S.- Kirandul, Tahsil Bacheli, District
Dantewada.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Mineral Resources Department, Mantralaya, D. K. S. Building, District Raipur, Chhattisgarh.
2. Director, Director Of Geology And Mining, Sonakhan Bhavan, Raipur.
3. The Collector, (Mining Section), Dantewada, Chhattisgarh.

---Respondents

For Petitioner : Mr. Yogesh Pandey, Advocate
For State : Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

29/01/2018

(1) Learned counsel appearing for the petitioner would submit that the petitioner preferred an application before the Collector, Dantewada for renewal of quarry lease, which was rejected by the Collector. Against the said order of the Collector, the petitioner filed an appeal before the respondent No.2 who has dismissed the appeal of the petitioner on the ground that application for condonation of delay has not been filed along with the same, which has been affirmed by respondent No.1 by impugned order dated 22.04.2017, against which this writ petition under Article 226 of the Constitution of India has been filed.

(2) Learned counsel appearing for the State would oppose the submission made by learned counsel for the petitioner and support

the impugned order.

(3) I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

(4) Since the appeal was barred by limitation and the application for condonation of delay was not filed by the petitioner within a stipulated time, the trial Court could have granted time to file an application for condonation of delay in filing the appeal. Therefore, in the interest of justice it would be appropriate to set aside the impugned order.

(5) Accordingly, the impugned order is hereby set aside. The petitioner is granted two weeks' time to file duly constituted application for condonation of delay in filing the appeal before respondent No.2-Director, Director of Geology and Mining Sonakhan Bhawan, Raipur. If such an application is filed by the petitioner before respondent No.2, respondent No.2 shall consider and decide the said application in accordance with law expeditiously within a period of six weeks from the date of filing of such application.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-