

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5110/2017

(JAISWAL STONE CRUSHER & ANOTHER **VERSUS** ADDITIONAL COLLECTOR, AMRAVATI)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.N. Ansari, counsel for the petitioners.
 Shri Shyam Bissa, A.G.P. for the respondent.
 Shri R.J. Mirza, counsel for the proposed Intervenors.

**CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.**

DATE : JANUARY 16, 2018.

By this writ petition, the petitioners have challenged the order of the Additional Collector directing the petitioner to stop operating the stone crusher.

The petitioners were granted a license for a stone crusher and they were operating the stone crusher since the year 2012-13. According to the petitioners, without granting any opportunity to the petitioners, whatsoever, the District Collector has directed the petitioners not to operate the stone crusher. It is stated that the impugned order is clearly illegal as it violates the principles of natural justice.

Shri Bissa, the learned Assistant Government Pleader appearing for the Additional Collector, fairly states on instructions that the petitioners were not served with a show cause notice before the impugned order dated 17.06.2017 was passed. It is submitted that an appropriate order could be passed in the circumstances of the case.

Since admittedly the petitioners were not served with a show cause notice before passing the impugned order of restraining the petitioners from operating the stone crusher, the impugned order is liable to be quashed and set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order dated 17.06.2017 is hereby quashed and set aside. The Additional Collector is free to take appropriate action against the petitioners in accordance with law.

Order accordingly. No costs.

In view of the disposal of the writ petition, the civil applications stand disposed of.

JUDGE

JUDGE

APTE