

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41689 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 3rd respondent in issuing the Demand Notice No.3701/ MDR/ NLG/ 2005, dated 23.10.2018 and the Letter No. 3701/ MDR/ NLG/ 2005, dated 30.10.2018, directing the respondents 4 and 5 to disconnect the power supply to the petitioner's unit, as illegal, arbitrary and improper.

2. The main contention of the learned counsel for the petitioner is that the show cause alleged to have been issued on 12.10.2018 was not served on the petitioner, and without giving any opportunity to submit his explanation, the impugned proceedings came to be issued. According to her, though the respondents are contending that the petitioner refused to take the show cause notice delivered by the postal authorities, the said fact is incorrect. She further submits that the petitioner is not carrying on any operations in the premises in question and is undertaking only job works, such as cutting and polishing of granite. It is also her plea that the three blocks of granite which were present in the subject premises at the time of issuance of the impugned show cause notice, are there at the said premises even till date.

3. On the other hand, the learned Government Pleader for Mines would contend that the show cause notice dated 12.10.2018 was served on the petitioner, but, he refused to receive the same, and in the absence of any explanation to the said show cause notice, the impugned proceedings came to be issued. He further submits that the licence of the petitioner to carry on operations in the subject premises has also expired, and as such, the order under challenge warrants no interference.

4. The fact that the impugned order came to be passed without calling for any explanation from the petitioner, is not in dispute. The disputed fact is whether the notice sent on 12.10.2018 was received or refused or was never sent to the petitioner.

5. Without going into the disputed factual aspects, the present writ petition is disposed of, setting aside the impugned proceedings, and directing the petitioner to visit the office of the concerned within a period of three days from today, in which event, a copy of the show cause notice dated 12.10.2018 shall be furnished to him within a week thereafter. The petitioner shall submit his explanation to the said show cause notice and thereafter, the authority concerned shall pass appropriate orders, in accordance with law, at the earliest. The authorities are directed to restore the power supply to the petitioner's unit forthwith and continue the same till orders are passed by the concerned authority.

6. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19.11.2018
DMG

