

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3863 of 2019

1. M/s Shri Shakti Minerals Through Proprietor Mr. Neetish Agrawal, S/o Shri Vijay Agrawal, Aged 47 Years, R/o Ramadhir Marg, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of Mineral Resources Mahanadi Bhawan, Mantralaya, Atal Nagar, District : Raipur, Chhattisgarh
2. Collector, District : Rajnandgaon, Chhattisgarh
3. Mining Officer, District : Rajnandgaon, Chhattisgarh
4. Mining Inspector, District : Rajnandgaon, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Siddharth Shukla, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

24.10.2019

1. The challenge in the present Writ Petition is to the order Annexure-P6 dated 03.09.2019 passed by the Respondent No. 4; whereby the Respondent No. 4 has ordered for sealing of the crusher plant of the petitioner.
2. The contention of the petitioner is that the petitioner has all the required documents under the statutes, mandatorily required for the establishment and operation of the crusher unit. The petitioner has a valid Quarry Lease of Limestone since 1995 which is still in operation in favour of the petitioner within which the petitioner is operating his crusher unit. In spite of having all the valid documents that the petitioner has under the Mining Law as well as the Factories Act; the

Respondent No. 4 with malafide intention and with a personal grudge against the petitioner has issued Annexure P-6. The petitioner submits that he has produced all the relevant records before the authorities concerned but no order till date has been passed.

3. Taking into consideration the fact that the impugned order Annexure P-6 has been passed on 03.09.2019 and according to the petitioner he has all valid documents which are required for the operation of crusher unit, this Court is of the opinion that instead of keeping the Writ Petition pending rather ends of justice would meet, if the petitioner is directed to approach the Respondent No. 4 within a period of 7 days from the date of receipt of copy of this Order and producing before the Respondent No. 4 all the relevant records and documents which are statutorily required documents for operation and establishment of the crusher unit. Upon receipt of the same, the Respondent No. 4 within a further period of 2 months shall consider the same afresh determining whether the petitioner has violated the provisions of law in the course of operation of the Stone Crusher Unit or not.
4. The authorities would also take into consideration whether under the law the petitioner would require storage permit for the purpose of operating the crusher unit. Let the Respondent No. 4 take a decision within 2 weeks from the date of receipt of copy of this Order and the petitioners producing all requisite documents.
5. Accordingly, the Writ Petition stands disposed-off.

Sd/-
(P. Sam Koshy)
Judge