

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3373 of 2019**

Vishal Pandey S/o Shankar Pandey Aged About 34 Years R/o Behind Telephone Exchange, Imlipara, Bilaspur, Police Station Civil Line, District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Mineral Resources, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. Secretary Department Of Transportation Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
3. Collector (Mineral Branch) Janjgir Champa, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Ms. Sunita Jain, GA

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

21/01/2020

1. The challenge in the present writ petition is to the notice issued by the respondent Annexure P-1 dated 27.07.2019.
2. Plain reading of the Annexure P-1 shows that it is a notice issued by the Mining Officer, District Janjgir-Champa in respect of an alleged illegal transportation of coal in the vehicle belonging to the petitioner, in vehicle No. CG 15 AC 4524 with a load of 29.610 mt. Of Coal. The vehicle was put to check by the Mining Department at the barrier at Janjgir-Champa and there were various alleged illegality which were detected by the Mining authority and for which the impugned notice has been issued.
3. Contents of the writ petition shows that petitioner after having being summoned on a couple of occasions have finally submitted his reply only on 21.08.2019 and immediately thereafter the petitioner has filed the present writ petition. According to the petitioner till date the Mining Officer had not proceeded further with the notice nor has he

initiated steps for confiscation of the vehicle and as such the vehicle is still lying idle with the respondents and petitioner is being put to a great financial loss on account of the non-operation of said vehicle. Be that as it may, since the challenge in the present writ petition is only to the notice given by the Mining Officer in respect of alleged illegal transportation of coal. It would be more appropriate if things are left at the statutory authority level for conclusion of the pleadings initiated.

4. Given the facts, that the petitioner has already submitted his reply to the notice dated 27.07.2019, this Court is of the opinion that it would not be appropriate at this juncture for this Court to substitute itself as an authority under the Provisions of Mining Act and Rules and Regulations framed therein.
5. It would be more appropriate if the authorities themselves are directed to take an appropriate decision on the reply so submitted by the petitioner in accordance with law.
6. Accordingly, the writ petition stands disposed of with a direction to the respondent No.3 to ensure that the notice issued to the petitioner and the subsequent reply filed be considered and the proceedings be concluded at the earliest in accordance with law.
7. It is expected that subject to the co-operation of the petitioner the proceedings drawn be concluded within a period of 60 days from the date of receipt of copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge