

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.7356 of 2020
Date of Decision: 14.05.2020

Munish Kumar

....Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE JASWANT SINGH

Present: - Mr. Sukhvinder Singh Nara, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

Case taken up through Video Conferencing.

Notice of motion.

At this stage, Mr. Ankur Mittal, Addl. A.G., Haryana accepts notice on behalf of the respondents.

In brief, the petitioner is aggrieved against the order dated 26.12.2019 passed by respondent No.3, by which his dumpers/trucks bearing Registration Nos.HR37-D-6673 and HR37-D-4369 have been seized in terms of the provisions of Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 [for short 'the Rules'] read with Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 [for short 'the Act'].

It is not in dispute that the petitioner has already availed the statutory remedy of appeal in terms of Rule 109(1) of the Rules, which is pending adjudication before the Director General, Mines and Geology.

Since the matter is already under consideration by way of statutory appeal, therefore, the present writ petition is not maintainable,

but counsel for the petitioner has made an innocuous prayer for issuance of a direction to the appellate authority, who is seized of the appeal, to decide the same as early as possible, preferably within a period prescribed by this Court.

Mr. Ankur Mittal, Addl. A.G. Haryana has assured the Court that if a direction is issued for consideration of appeal and decision thereon by the appellate authority, the same shall be adhered to in its letter and spirit.

Thus, keeping in view the aforesaid facts and circumstances, the present writ petition is hereby disposed of with a direction to the Director General, Mines and Geology, the Appellate Authority, who is seized of the appeal filed by the petitioner against the order dated 26.12.2019, to decide the same through Video Conferencing or any other electronic media, as early as possible preferably within a period of 10 days from the date of receipt of certified copy of this order, which shall be supplied by the State of Haryana to the Appellate Authority by way of email as soon as it is uploaded on the website of this Court.

(RAKESH KUMAR JAIN)
JUDGE

(JASWANT SINGH)
JUDGE

14.05.2020

Vinod/Vivek*