IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
Special Appeal No. 333 of 2020

Makan Singh Chauhan .....Appellant

Versus

Magistrate/Collector, Tehri Garhwal & others

.....Respondents

Shri Sandeep Kothari, learned counsel for the appellant.
Shri K.N. Joshi, learned deputy advocate general for the State.

JUDGMENT

29th December, 2020

Coram: Hon'ble Ravi Malimath, A.C.J.
Hon'ble Alok K. Verma, J.

RAVI MALIMATH, A.C.J. (Oral)

Aggrieved by the order dated 25.11.2020 passed by the learned Single Judge in dismissing Writ Petition (M/S) No.3600 of 2020, the petitioner is in appeal.

2. The case of the appellant- writ petitioner was that a notice was issued to him on 09.10.2017, directing him to deposit a sum of Rs.4,81,600/- as royalty and penalty for illegal mining, within a period of three days. Thereafter, a subsequent order was also passed on 23.10.2019, permitting the appellant-writ petitioner to deposit the amount in two installments. Questioning the same, the instant petition was filed.

3. The learned Single Judge dismissed the writ petition on the ground of suppression of facts. The appellant-writ petitioner had admitted that he had made illegal mining and had also agreed to pay the amount of royalty and penalty.

After agreeing to pay the amount, the appellant-writ petitioner cannot contend that an opportunity of hearing was not provided to him. On this ground, the instant petition was filed.

4. We have also considered the counter-affidavit filed by the State in the writ petition. The letter of the appellant-writ petitioner is evident therein.

5. It is apparent that the appellant-writ petitioner had suppressed facts. He was trying to mislead the Court. Therefore, the learned Single Judge was right in dismissing the writ petition. However, we are rather surprised that, notwithstanding, the suppression of facts, the petitioner has even chosen to file an appeal against the order passed by the learned Single Judge. This type of practice will not be encouraged by any court. Having suppressed the material facts before the Court, the appellant-writ petitioner should have realized his misconduct. Rather, he tries to question the order passed by the learned Single Judge in this appeal. This, in our considered view, is not proper.

6. For the aforesaid reasons, the appeal is dismissed.

(Alok K. Verma, J.) **(Ravi Malimath)**
ACJ

NK