

CWP-22378-2020

Date of Decision: 28.01.2021

Kamal Kumar

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

(Proceedings through Video Conferencing)

Present: Mr. Chirag Girdhar, Advocate and
Mr. R.K. Girdhar, Advocate for
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

AUGUSTINE GEORGE MASIH, J (ORAL)

Petitioner has approached this Court with a grievance that he having accepted the offer which has been given by the respondents during the hearing of the writ petition surrendered the mining contract and therefore is claiming a writ of mandamus directing the respondents to refund the due amount of Rs.24,19,691/- i.e. Rs.13,27,040/- as security deposited by the petitioner and Rs.59,235/- as environmental performance guarantee deposited by the petitioner as also Rs.10,33,416/- as profit for balance term of contract alongwith interest @12 percent per annum on account of surrendering of the contract of mining of minor minerals (sand) in an area of 3.949 hectare from the Sutlej river bed in the revenue estate of village Bhawara Azam Shah-1, Tehsil and District, Ferozepur.

Petitioner has been approaching the respondents for the said relief and has served a legal notice through counsel dated 16.03.2019, (Annexure P-11) upon the respondent No.2-The Director Mining, Department of Industries and Commerce, Punjab and respondent No.4-The General Manager-cum-Mining Officer, District Industries Centre, Ferozepur. On 17.10.2019, (Annexure P-12), the Executive Engineer-cum-District Mining Officer, Ferozepur has submitted to the Superintending Engineer, Mining Circle No.1, Mohali - respondent No.3 in this regard but no decision on the legal notice has been taken despite inter departmental communication between them.

In the light of the above and without going into the merits of the case, we deem it proper to dispose of the writ petition by directing the respondents No.2 to 4 to consider the legal notice dated 16.03.2019, (Annexure P-11) as served by the petitioner, within a period of four weeks from today and convey the decision to the petitioner forthwith.

In case the claim of the petitioner is accepted, the consequential benefits be released to the petitioner within a further period of four weeks.

Counsel for the State of Punjab to also convey the order.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

January 28, 2021
Manpreet

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No