

BIPIN
DHARMENDER
PRITHIANI
Digitally signed
by BIPIN
DHARMENDER
PRITHIANI
Date: 2022.10.15
15:15:20 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11843 OF 2022

M/s. Shri Ganesh Stone Metal ... Petitioner
Versus
Shri Dattaprasad Nade & Ors. ... Respondents

Mr. Sandeep D. Shinde a/w Ms. Rashmi More and Ms. Radhi Gaurav
i/by Ergo Juris for the Petitioner.
Mrs. M. P. Thakur, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 14th OCTOBER, 2022

P.C. :-

. The mining license issued to the petitioner is cancelled under the impugned communication. The learned counsel for the petitioner submits that the same is without giving opportunity of hearing to the petitioner.

2. The learned AGP submits that the Circle Officer and Mining Inspector after conducting survey on the site, submitted a report to the Collector. The show cause notice was issued by the Mining Officer and reply was solicited. The Mining Officer, thereafter, submitted the report, the show cause notice and reply to the Additional Collector. The Additional Collector found flagrant violations of the terms and conditions of the license and as such the impugned order is passed.

3. It appears that the Competent Authority has not given opportunity to the petitioner. Sub-rule (3) of Rule 79 of the

Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 provides that if the Competent Authority finds that the lessee or permit holder has contravened sub-rule(2), he may order cancellation of lease or permit without compensation after giving due opportunity of being heard.

4. It appears that the Additional Collector before arriving at a decision has not given opportunity to the petitioner. The impugned order also does not consider the say filed or the reasons for arriving at a satisfaction.

5. In the light of that, the impugned order is quashed and set aside.

6. The petitioner shall appear before the Additional Collector, Nashik/Competent Authority on 4th November, 2022 at 11:00 a.m. The Additional Collector shall afford an opportunity of hearing to the petitioner and thereafter shall pass an order afresh considering the stand of the respondents, the report and the all other aspects of the matter.

7. Writ Petition is disposed of.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]