

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Writ Petition No.732 of 2022**

M/s. Seminary Tie-up Pvt. Ltd.,
through it's Authorized Signatory
and Special Power of Attorney holder;
Yashwardhan Loiya,
Aged about 37 years,
R/o Rajdhani Vihar,
Raipur.

... Petitioner

Versus

1. The State of Maharashtra,
through its Principal Secretary,
Department of Industries,
Energy and Labour,
Mantralaya, Mumbai.
2. The Director,
Directorate of Geology & Mining,
Government of Maharashtra,
Shivaji Nagar, Nagpur

... Respondents

Shri A.J. Gilda, Advocate for Petitioner.
Ms N.P. Mehta, Assistant Government Pleader for Respondents.

**CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.
DATE : 26th SEPTEMBER, 2022**

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
2. It is not in dispute that the impugned order having been issued without giving any opportunity of hearing to the petitioner, the same cannot be upheld by this Court in view of the law laid down by

the Supreme Court in *Common Cause Vs. Union of India and others*, reported in (2016) 11 SCC 455. Such an order, therefore, would have to be held illegal and we do so.

3. The petition is, therefore, allowed in terms of prayer clause (i) and accordingly the impugned order dated 18-5-2021 is hereby quashed and set aside. The matter is remanded back to the respondent No.2 for fresh consideration, in accordance with law. The issue shall be decided after giving proper opportunity of hearing to the petitioner. The petitioner may appear before the respondent No.2 on 17-10-2022. The respondent No.2 shall decide the issue in accordance with law as early as possible and preferably within a period of four weeks from the date of appearance of the petitioner.

4. Rule is made absolute in the aforesaid terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Lanjewar