

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

118

CWP-16939 of 2022 (O&M)

Date of decision: 04.08.2022

Rakesh Kumar Choudhary

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. RPS Bara, Advocate for the petitioner.

M.S. RAMACHANDRA RAO, J. (Oral)

Notice of motion.

Mr. Pankaj Gupta, Addl. AG, Punjab accepts notice on behalf
of respondents No.1 to 6.

In this writ petition, petitioner challenges order dt.
13.06.2022 issued by respondent No.6 under Section 21 of the Mines and
Mineral (Development and Regulation) Act 1957 (for short 'the Act'),
demanding from the petitioner a sum of Rs.89,59,962/-.

Prior to passing of this order, no show cause notice was
issued to the petitioner for initiating such action under Section 21 of the
Act.

Sh. Pankaj Gupta, Addl. AG, Punjab appearing for
respondents No.1 to 6 on instructions from Sh. Jasperjeet Singh, Assistant
Design Engineer (HQ), Water Resources Department (Mines & Geology)

states that respondent No.6 will withdraw the said order and issue a show cause notice to the petitioner asking the petitioner to show cause why the amount mentioned therein should not be recovered from him; that petitioner would be afforded an opportunity to give an explanation to show cause notice; and that a reasoned order will be passed in accordance with law and communicated to the petitioner.

Having regard to the said submissions, the writ petition is disposed of; the impugned order dt. 13.06.2022 (Annexure P-14) is set aside granting liberty to respondent No.6 to issue a show cause notice to the petitioner asking the petitioner to show cause why the amount mentioned therein shall not be recovered from him under Section 21 of the Act; within two weeks from the date of receipt of the said show cause notice, the petitioner shall submit his explanation thereto along with supporting material; and then a reasoned order shall be passed by respondent No.6 in accordance with law after considering the explanation of the petitioner and communicate it to the petitioner.

It is made clear that this Court has not expressed any opinion on the merits of the contentions of either parties.

(M.S. RAMACHANDRA RAO)
JUDGE

04.08.2022
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No