

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

114

Civil Writ Petition No.26667 of 2022
Date of Decision: November 21st, 2022

Amit Mahajan

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Aashish Chopra, Senior Advocate
with Mr. Bhupinder Ghai and Ms. Meher Nagpal, Advocates
for the petitioner.

Mr. Navdeep Chhabra, Sr. Deputy Advocate General, Punjab,
assisted by Mr. Lalit Garg, S.D.O. Mining (Head Office).

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned senior counsel for the petitioner contends that the impugned order is bereft of any details nor has any provision of statute been referred to which would mandate the requirement as has been sought to be projected at the end of the petitioner for non-acceptance of his request for surrender of the mining contract, which he had submitted vide an application dated 26.06.2018. The said application has been said to have been forwarded to the Secretary-cum-Director Mining, by the Mining Officer, Pathankot, on 26.08.2018 but till date no decision has been conveyed either accepting or rejecting the same.

2. Notice of motion.

3. On the asking of the Court, Mr. Navdeep Chhabra, Sr. Deputy Advocate General, Punjab, accepts notice on behalf of the respondents.

4. Counsel for the State, when confronted with the assertions as have

been made by the learned senior counsel for the petitioner, is unable to contradict the same, on the basis of the details and the lack of provisions having been referred to in the impugned order dated 06.10.2022 (Annexure P-1) passed by the Director, Mines and Geology-respondent No.2.

5. In the light of the above facts, the order being a speaking order in compliance with the order passed by this Court on 15.09.2022 in CWP No.21005 of 2022, in fact is not so and, therefore, we quash the said order.

6. Liberty is, however, granted to the respondents to pass a fresh order in accordance with law by giving personal hearing to the petitioner.

7. The recovery proceedings in pursuance to letter dated 01.06.2019 (Annexure P-8) shall remain suspended till a decision is taken by the competent authority as ordered above.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 21st, 2022
Puneet

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No