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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6263/2019**

SUNANADAN PRADHAN

..... Petitioner

Through: Ms Stuti Bisht, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Ms K. Manasvini, Advocate for
respondent no.1/UOI.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

ORDER

22.02.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 10801/2024 [*Application filed on behalf of the
applicant/petitioner seeking withdrawal of the writ petition*]

1. This is an application filed on behalf of the applicant/petitioner. Via the instant application, the applicant/petitioner seeks to withdraw the writ petition.

2. A perusal of the application shows that the applicant/petitioner asserts that compensation under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 has been paid, pursuant to the judgment of the Supreme Court dated 02.08.2017 passed in WP(C) 114/2014.

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3. It is also averred that the proceedings for premature termination of mining lease which was obtained on account of non-payment of compensation have been closed by respondent no.2 i.e., State of Odisha.

4. Ms K. Manasvini, learned counsel, who appears on behalf of the respondent no.1/UOI, says that she would have no objection if the prayer made in the application is allowed.

5. Insofar as respondent no.2/ State of Odisha is concerned, counsel for the applicant/petitioner says that service of the application was effected, however even so there is no representation on behalf of the respondent no.2/ State of Odisha.

6. According to us, having regard to the assertions made in the application, the prayer made therein can be allowed.

7. Furthermore, we notice that in the writ petition the principal challenge raised was to the vires of Rule 12(10) of the Minerals (other than Atomic Hydro Carbons Energy Minerals) Concession Rules, 2016. The challenge to the said rule would fall in the domain of respondent no.1/UOI whose counsel has indicated that the prayer made in the application can be allowed.

8. Therefore, we are inclined to allow the prayer made in the application.

8.1 It is ordered accordingly.

9. The registry will dispatch a copy of the order to respondent no.2/ State of Odisha.

9.1 In case respondent no.2/ State of Odisha has any objection, it would have liberty to approach the court to seek recall of the order.

10. The application is disposed of in the aforesaid terms.



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11. In view of the order passed in CM APPL. 10801/2024, nothing further remains to be done in the above-captioned writ petition.
12. The case papers shall stand consigned to the record.
13. The date already fixed in the matter i.e., 22.04.2024 shall stand cancelled.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 22, 2024 / tr

Click here to check corrigendum, if any

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