

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.5753 of 2011

Gendo Mahto, son of Sri Tilak Mahto, resident of village
Dumroon, P.O. Dumraon, P.S. Ichak, District Hazaribag.

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The District Mining Officer, Hazaribag.
3. The Deputy Director of Mines, North Chhotanagpur Circle,
Hazaribag.
4. The Certificate Officer of Mines, North Chhotanagpur Circle,
Hazaribag.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Atanu Banerjee, Advocate
For the State : Mr. Rahul Saboo, G.P.II

Order No.09

Date: 27.07.2026

1. Heard learned counsel for the parties.
2. The challenge in this petition is to the order dated 11th December, 2010 made by the Certificate Officer (Mines), Hazaribagh (Respondent No.4), at Annexure-4, and the order dated 2nd April, 2011, at Annexure-7, dismissing the review petition against the above referred order dated 11th December, 2010.
3. The order dated 11th December, 2010 is appealable. There is no valid ground why such appeal was not preferred. The contention that the order is wrong or even fundamentally wrong cannot be a ground not to exhaust the alternate remedy provided by the statute. As it is, in this case, a show cause notice followed by not less than four reminders were issued to the petitioner. The petitioner chose not to respond to any of them.
4. Nevertheless, we note that this petition was pending for admission since 2011. The petition would involve adjudication

into factual aspects, which is ordinarily not possible in the exercise of summary jurisdiction under Article 226 of the Constitution of India.

5. The learned counsel for the petitioner points out that the petitioner is a poor farmer and should get at least one opportunity to contest on factual aspects.
6. Cumulatively considering the above factors and in the peculiar facts of this case, we dispose of this petition by granting the petitioner liberty to file an appeal against the impugned orders dated 11th December, 2010 and 2nd April, 2011. If such appeal is filed within one month from today without seeking any extension, the appellate authority must consider the appeal on merits without advertting to the issue of limitation. However, if no appeal is filed within a month from today, then this liberty shall no longer operative.
7. There is no clarity whether the amounts referred to in the impugned orders have already been recovered or not. If such amounts have been recovered, then, such recovery will abide by the final orders in the appeal.
8. All contentions of all parties on merits are left open.
9. This petition is disposed of with liberty in the above terms and without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

27th July, 2026
Sanjay/Rohit
Uploaded on 28.07.2026