

S.B. CIVIL WRIT PETITION NO.144/2016

Date of Order :: 6.1.2016

HON'BLE MR. JUSTICE ARUN BHANSALI

Mr. M.S. Singhvi, Senior Advocate assisted by
Mr. D.D. Thanvi, for the petitioner/s.

It is submitted by learned counsel for the petitioner that the lease-in-question has been granted to the petitioner on 6.7.2011 and in the reports, which have formed the basis for issuing the impugned order of demand Annex.-16, clearly indicates that the alleged unauthorised mining was old mining and one such report is of the year 2013. It is further submitted that the area-in-question, which includes the disputed area of authorised mining as well as the petitioner's mining area, in fact, formed part of a larger mining area, which was earlier allotted to Gulab Singh Tak and later on to M/s. Sojat Lime Company. However, without affording any opportunity before determination of so-called demand for unauthorised mining, a huge demand has been created.

Issue notice.

Issue notice of stay application also. Both are made returnable within a period of three weeks.

Notices, when issued, be given 'dasti' to learned counsel for the petitioner.

In the meanwhile and till the next date, the operation of the demand notice dated 24.11.2015 (Annex.16) shall remain stayed.

(ARUN BHANSALI), J.