

Rajendra Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-28-2012

Appellant : Rajendra Singh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Dharmendra Soni

Judgement :

Writ Petition No.15149/12.

28.9.2012 Shri Dharmendra Soni, learned counsel for the petitioner.

He is heard on the question of admission.

The petitioner has filed this petition under Article 226 of the Constitution of India for seeking direction and interference of this Court to direct the respondent no.3 Sub-Divisional Officer (Revenue).to transfer the revenue case No.16-A/67/2011-12/1040, to the concerned Magistrate in pursuance of the provision of specified rule 18 of M.P.Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2006.

(In short the Act).It is apparent that this petition is filed only against the show cause notice Annexure-P-1, issued by the authorities of the respondent no.3 and during the couRs.of arguments on admission I am apprised by the petitioners counsel that he has filed the reply of such show cause notice in the Office of the

respondent no.3 and in such reply, besides the other objections he has also made a prayer to transfer the aforesaid case to the concerning Magistrate.

In such premises, it was prayed by the petitioners counsel that appropriate direction be given to the respondent no.3 to consider the aforesaid question for transferring such case to the Magistrate as preliminary question while dealing with the impugned show cause notice Annexure-P-1.

In view of the aforesaid, this petition is hereby disposed of with a direction to the respondent no.3 to consider the aforesaid show cause notice within the prescribed period under the rules or, in any case, within 60 days from the date of submitting the certified copy of this order.

Such authority is further directed to consider the aforesaid question to transfer the case from the Court of respondent no.3 to the Court of concerned Magistrate as preliminary question and subject to outcome of the same, shall decide the remaining questions of the show cause notice.

Petitioners counsel is directed to submit the certified copy of this order along with the copy of the petition in the Office of respondent no.3 within 10 days from today.

Petition is disposed of as indicated above.

Certified copy as per rules.

(U.C.Maheshwari) Judge Pb

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