

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.Nos.D-8450 & 8451 of 2018

Date	Order with signature of Judge
------	-------------------------------

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Agha Faisal

C.P.No.D-8450 of 2018

Usman Khan.....Petitioner

Versus

**Mines & Mineral Development
Department & another.....Respondents**

C.P.No.D-8451 of 2018

Usman Khan.....Petitioner

Versus

**Mines & Mineral Development
Department & others.....Respondents**

19-11-2019

Mr.Abdus Salam Baloch, Advocate for the Petitioner in both petitions.

Mr.Jawad Dero, A.A.G.

Syed Sahib Bukhari, Law Officer, Mines & Mineral Development Department is present.

.....

Muhammad Ali Mazhar, J: In both petitions Usman Khan is proprietor of MU Enterprises and M/s. Al Zarine Enterprises. He filed Suit No.152/2018 in the District South, Karachi, whereby some directions were issued to the Mines Committee to decide the renewal application of the petitioner for mines permit for excavation of Rati, Bajri and Silica Sand from Run Pathani Nadi, District Thatta. In compliance of the order, applications of the petitioner were placed before the Mines Committee on 6.9.2018 in their meeting. After deliberation they communicated a note to the Secretary, Mines & Mineral Development Department on 7.9.2018.

2. Basically the renewal of licenses were refused due to violation of grant as well as Sindh Mines Concession Rules, 2002. Learned counsel for the petitioner argued that no

reasons have been assigned in the minutes of mines committee as to what sought of violation or contravention has been committed by the petitioner with regard to the terms and conditions of licenses or its grant nor any explanation or show cause was ever issued to the petitioner for seeking any clarification. Learned Law Officer of Mines and Mineral Development Department is present along with learned AAG. He submits that at the moment only recommendations of the committee have been forwarded and now the licensing authority is Director General, Mines & Mineral Development, who will consider the recommendations of the committee and notify as to whether the petitioner is entitled for renewal of license or he will accept the recommendations of the mines committee refusing the renewal. He further argued that after communication of the decision as may be taken by the Director General, Mines & Mineral Development, the petitioner if aggrieved may file appeals under the Sindh Mines Concession Rules, 2002.

3. Since the recommendations on the application submitted for renewal have not been finalized and the Director General has to consider the recommendations and pass orders, therefore, both the petitions are disposed along with pending applications with the directions to the Director General to provide opportunity of personal hearing to the petitioner before passing any orders on the recommendations of the mines committee. Learned Law Officer, Mines & Mineral Development and the learned AAG submit that this exercise shall be completed within 15 days.

The Director General will issue notice in writing to the petitioner for providing personal hearing with the date and time. A copy of this order may be transmitted to the learned A.A.G. and the Director General, Mines & Mineral Development for information and compliance.

Judge

Judge

