

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2408 of 2014

Gram Panchayat Parpoda Through Its Up Sarpanch Radhe Shyam Singh Rajput, S/o Shri Mohan Singh, Age 46 Yrs, Gram Panchayat, Parpoda, R/o Village Parpoda, Tah Berla, Thana Saja, Dist Bemetara, CG

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Samaj Seva, Mantralaya, Mahanadi Bhawan, Naya Raipur, Dist Raipur, CG
2. State Of Chhattisgarh Through Secretary, Department Of Mining Resources, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, CG
3. Member Secretary State Environment Impact Assessment (EIA) Authority, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur, Distt Raipur, CG
4. Collector Bemetara, Distt Bemetara, CG

---- Respondents

For Petitioner	-	Shri Vinay Pandey, Advocate
For Respondent/State	-	Shri R.K. Gupta, Dy. A.G.

Order On Board

16/07/2015

Heard.

1. The petitioner has filed this petition aggrieved by non-issuance of pit-pass for mining of sand (minor mineral).
2. The petitioner's grievance is that even though environment clearance has been accorded by the competent authority, the petitioner is not being allowed to carry out mining activity.
3. Referring to the averment made in the return, learned counsel for the State submits that there are serious allegations of illegal mining having been carried out by the petitioner. Therefore, in these circumstances, the Collector has not issued any authority in favour of the petitioner. The matter is presently pending with Director Geology and Mining to whom, it has been referred by the Collector vide memo dated 18.09.2014 (Annexure R/1).
4. In view of the aforesaid disclosure of fact, where serious allegations of illegal mining have

been made and the matter is presently pending with Director Geology and Mining, no direction can be issued in favour of the petitioner. The Director Geology and Mining shall however, examine the whole matter and if clearance is granted, then only the Collector shall take appropriate decision. The Director Geology and Mining may decide the matter within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the petition is disposed off.

Sd/-
Manindra Mohan Shrivastava
J U D G E

Rekha