

CWP-14280-2014

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-14280-2014

Date of Decision: 19.10.2015

Dyal Singh and others

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Amrik Singh, Advocate,
for the petitioners.

Mr. Suresh Singla, Addl. A. G. Punjab.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the letter dated 06.01.2014 (Annexure P-4) written by respondent No.4 and letter dated 10.07.2014 (Annexure P-10) written by respondent No.5 whereby complaint has been made for registration of FIR against the panchayat members under the provisions of the Mines and Minerals Act.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioners has pointed out that in fact, the earth was lifted for putting in Harijan Dharamshala and school also and no one has violated the provisions of the Mines and Minerals Act. The resolution dated 21.10.2013 (Anexure P-1) in respect of lifting

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the earth for putting in Harijan Dharamshala and in Primary School was submitted to the authorities, but no sanction was accorded which was required to be granted by the competent authority. The Block Development and Panchayat Officer, Machhiwara has also written a letter to Sub Divisional Magistrate, Samrala for grant of *ex post facto* approval for the construction of Dharamshala in village Guru Garh.

In view of above and without going into further merits of the case, this Court deems it fit and appropriate to direct Sub Divisional Magistrate, Samrala/Deputy Commissioner, Ludhiana and any other authority to dispose of the matter in respect of granting *ex post facto* approval relating to Gram Panchayat Guru Garh. Needful shall be done within a period of two months from the date of receipt of certified copy of this order.

Disposed of in the aforementioned terms.

Petitioners will be at liberty to move appropriate petition in accordance with law for quashing of FIR registered against them, if so advised.

19.10.2015
parveen kumar

(Paramjeet Singh)
Judge