

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.16472 of 2015 (O&M)
Date of Decision: 07.12.2015

Gursewak Singh & others

--Petitioners

Versus

State of Punjab & others

--Respondents

**CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR.
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. S.K. Arora, Advocate for the petitioners.

Mr. Ashwani Talwar, Addl. A.G., Punjab with
Mr. S.K. Vashisht, A.A.G., Punjab.

S.J. VAZIFDAR, A.C.J. (Oral)

The impugned order was passed on a remand pursuant to the order of a Division Bench dated 12.3.2015 passed in CWP No.21514 of 2015. The question is whether the petitioner was guilty of illegal mining. The impugned order merely refers to certain reports and inspection carried out. The same are not available before the Court. The impugned order does not even mention whether the Appellate Authority is satisfied regarding the correctness of the reports. There is nothing that indicates the basis on which the extent of illegal mining of 7200 metric tones of sand is arrived at. It is true that an F.I.R has also been registered. However, the order does not indicate any line of reasoning on the basis of which a case is being made out against the petitioner. The impugned order is, therefore, set aside. The competent authority shall pass a fresh order furnishing reasons.

Petition is disposed of.

**(S.J. Vazifdar)
Acting Chief Justice**

**(Tejinder Singh Dhindsa)
Judge**

07.12.2015
lucky