

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 220 of 2016

- Smt. Sita Paikra W/o Shri Suresh Paikra, Aged 45 Years Sarpanch Of Gram Panchayat, Charpara, R/o Village Charpara Tahsil Baikunthpur Revenue & Civil District Korea (Chhattisgarh)

---- **Petitioner**

Versus

1. Shri S. Prakash Collector Korea, Civil & Revenue District Korea Baikunthpur (Chhattisgarh)
2. Smt. Minaxi Sahu Mining Officer Office Of Collector Korea District Korea Baikunthpur (Chhattisgarh)

---- **Respondent**

For Petitioner : Shri J.S. Baraik, Advocate.
For Respondents : Shri Shashank Thakur, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/07/2016

1. In WPC No.57/2016, the following order was passed on 13.1.2016:-

“Learned counsel for the petitioner would submit that respondent No.7 is illegally extracting minerals from the forest area without there being any lease or order from the Government and despite objection by the petitioner, who is Sarpanch of Gram Panchayat Charpara, Tehsil Baikunthpur, district Korea, respondent No.7 is carrying on the operation in collusion with the district administration and police authorities.

Issue notice to the respondents on payment of process fee as per rules, failing which the writ petition shall

stand dismissed automatically without further reference to the Bench.

In the meanwhile, respondent No.7 is restrained from extracting any mineral from the forest area or any other land without lease or order by the State Government.

The Collector, Korea shall ensure compliance of this order, failing which the contempt proceeding will be initiated for committing contempt of the lawful authority of this Court against him.”

2. It is argued that after filing of the contempt petition, the respondent Collector has granted lease in favour of Anil Buildicon Private Limited Company, respondent No.7 in the writ petition. It is also stated that the lease has been granted in an illegal manner inasmuch as the subject area is scheduled area wherein lease for extracting minerals cannot be granted without obtaining prior approval/permission of the Gram Panchayat.
3. The above contention made by learned counsel for the petitioner may be subject matter of fresh writ petition wherein the petitioner may challenge the lease granted.
4. Insofar as the present contempt petition is concerned, if the private respondent in the writ petition is extracting minerals from the lease area, no contempt can be said to be committed by the said respondent.
5. The Contempt Petition is accordingly dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)