

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 12818 of 2016

Date of Decision: 05.10.2016

Dharminder Singh

..Petitioner

versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, CHIEF JUSTICE.
HON'BLE MR. JUSTICE DEEPAK SIBAL, JUDGE.**

Present : Mr. Gurminder Singh, Sr. Advocate with
Mr. RPS Bara, Advocate, for the petitioner.
Mr. S.K.Vasisth, Addl. Advocate General, Punjab,
for respondent Nos.1 to 6.
None for respondent Nos. 9 to13 and 15 to 19.
Mr. Sartej Singh Narula, Advocate,
for respondent Nos. 7,8 and 14.

S.J.VAZIFDAR, CHIEF JUSTICE

CM No. 12835 of 2016

Leave is granted to place on record the reply filed on behalf of respondent Nos.1 to 3 and 5 and the application is allowed subject to all just exceptions.

CWP No. 12818 of 2016

The petitioner has sought an order directing the private respondent Nos. 7 to 19, who operate stone crushers to stop illegal mining. It is alleged that they are carrying out illegal mining activities without the necessary licence. The reliefs are now sought only against respondent Nos. 7,8 and 14.

2. Mr. S.S.Narula, learned counsel appearing on behalf of respondent Nos. 7,8 and 14 states that these respondents are not carrying on any mining activities at present.

3. Needless to add that they would not be entitled to carry out any mining activities without the requisite licence and/or any other permission if

required.

4. Mr. Narula, in fact states that respondent Nos. 7,8 and 14 are willing to have an investigation carried out regarding the alleged illegal mining activities. He, however, states that it is the petitioner and certain other like him who are carrying on illegal mining activities. He raised several other contentions of fact in support of this contention including that proper documentation is neither maintained nor issued by the petitioner and others and that his further grievance is that the official respondents have done nothing and are doing nothing to check the same and to ensure that the statutory provisions are complied with.

5. Considering the scope of this petition, in our view, the allegations raised on behalf of the private respondents ought not to be considered in this petition. The private respondents in fact ought to make a proper comprehensive complaint to the authorities concerned and in the event of their being dissatisfied with the action or inaction of the official respondents, to adopt proceedings in respect thereof. If needed, the allegations are correct, it is in the interest of all concerned that the private respondents do so. It is, however, desirable that they in the first instance raise these contentions before the authorities concerned. If they do so, the official respondents would undoubtedly consider the same as early as possible considering the seriousness thereof.

6. The petition is disposed of in the above terms.

(S.J.VAZIFDAR)
CHIEF JUSTICE

(DEEPAK SIBAL)
JUDGE

October 5, 2016
Jyoti-1

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√