

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

CWP-1616-2016

Date of decision:- 27.01.2016

Balkar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Raman Mohinder Sharma, Advocate,
for the petitioner.

* * * *

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

The petitioner seeks a writ of mandamus to direct respondents No. 1 to 4 i.e. the State of Punjab, Deputy Commissioner, Ferozepur, Senior Superintendent of Police, Ferozepur and the District Manager, District Industrial Centre, Ferozepur to take action against the private respondents, namely, respondents No. 5 and 6 alleging that they are carrying out mining illegally upon their land. The petitioner owns an adjoining plot of land and is adversely affected by the alleged illegal mining.

2. The photographs have been annexed to the petition. The compact disc is also enclosed alongwith the petition. We have not seen the compact disc. The photographs, however, indicate that mining is being carried out. Whether it is illegal or not cannot be determined by us at this stage. However, the material produced by the petitioner is sufficient for the official respondents to immediately investigate the matter and to take action in accordance with law, if necessary. If the averments in the petition are correct, the illegal mining is to a considerable extent.

3. Mr. J.S. Puri, learned Additional Advocate General, Punjab accepts notice on behalf of the official respondents No. 1 to 4.

4. We have not thought it necessary to issue notice to the private respondents No. 5 and 6 as we merely intend directing the official respondents to forthwith investigate the matter and to take steps only in the event of the allegations in the petition being found to be correct. Further, the interests of respondents No. 5 and 6 are also protected by this order.

5. The petition is, therefore, disposed of by directing the official respondents No. 1 to 4 to forthwith investigate the complaints made by the petitioner. For this purpose, they shall consider the petition itself to be a representation.

Any orders - interim or final - shall be passed by the official respondents No. 1 to 4 only after hearing the petitioner.

Needless to add that the official respondents shall also be bound to hear the private respondents and any other party concerned before passing the final order.

The petitioner has agreed to cooperate including by attending the site with the official respondents' officers at any point of time.

We have no doubt that the official respondents will take all necessary steps to ensure the security and safety of all the parties concerned including the petitioner.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.01.2016
Amodh