

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

CWP-21469-2015

Decided on : 08.07.2016

Sahib Singh and others

..... Petitioners

VERSUS

Union of India and others

..... Respondents

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

HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.S.Swaich, Advocate, for the petitioners.

Mr.Ashok Kumar Arora, Advocate,
Senior Panel Counsel, for respondents No.1 and 2.

Mr.Sunil Kumar Vashisth, AAG, Punjab.

Mr.S.N.Saini, Advocate, for respondents No.15 to 19 and 21.

Mr.Dhirender Chopra, Advocate, for respondent No.20.

Mr.S.B.Kaushik, Advocate, for respondents No.22 and 26.

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

The petitioners contend that respondents No.20 to 26 alleging to be lessees of the property in question are carrying out mining thereon illegally. Respondent No.13 is the Gram Panchayat of which respondents No.14 to 19 are members and respondent No.20 is the Panchayat Secretary. It is also alleged that the illegal mining activities are being carried out in collusion with respondent No.21 (private respondent).

2. The learned counsel appearing on behalf of the official respondents state that mining activities of the nature alleged in the petition cannot be carried out by any party without obtaining the necessary

permission/licence.

3. Counsel for the private respondents contends that the private respondents are not indulging in any mining activity whatsoever on the property and that they will not carry out any mining activities thereon without the necessary permission/licence.

4. The statements of the official as well as the private respondents are accepted and it is so ordered. To this extent, therefore, the grievance of the petitioners stands redressed.

5. The petitioners also allege that the leases in favour of respondents No.22 to 26 have expired. There is, however, a civil suit pending between respondents No.22 to 26 on the one hand and some of the petitioners on the other hand. We do not intend considering the dispute regarding the lease including the validity or subsistence thereof. Those issues must be decided in appropriate proceedings which have already been filed and which may hereafter be filed.

6. It is clarified that the parties are at liberty to adopt appropriate proceedings in respect of their grievances. All the contentions of the parties on merit are kept open.

7. The petition is accordingly disposed of.

[S.J. VAZIFDAR]
ACTING CHIEF JUSTICE

08.07.2016

shamsher

[DEEPAK SIBAL]
JUDGE