

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 205

CWP-22091-2016

Decided on : 08.11.2016

Krishan Chand and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

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

Present: Mr.Akshay Kumar Jindal, Advocate, for the petitioners.

Mr.Amar Vivek, Addl.A.G., Haryana.

Mr.Virendra Rana, Advocate, for respondent No.4.

S.J.VAZIFDAR, CHIEF JUSTICE (ORAL)

Through inadvertence the wrong prayers have been made in this writ petition. The prayers that the petitioners actually seek are in the short title to the petition. They seek a writ of certiorari to quash the auction notice and the mining contract issued pursuant thereto in favour of respondent No.4. The petitioners also seek a writ of mandamus to restrain the respondents from carrying out any mining activities pursuant to the above contract.

2. The petitioners contend that their land has not vested in the State of Haryana as per the provisions of the Haryana Minerals (Vesting of Rights) Act, 1973. They further contend that in their land there is no sand which can be mined and that the mining concession is only in respect of the sand. In the event of the mining activities being permitted,

there would be an additional question of rent and compensation payable for the petitioners for the same.

3. Mr.Amar Vivek, Addl.A.G., Haryana, appearing on behalf of the official respondents, states that the official respondents will not permit mining to be carried out on the land belonging to the petitioners which is a part of the larger area in respect of which the mining contract has been entered into, till the petitioners' objections before the District Mining Officer, Kurukshetra (respondent No.3) are decided, this would include the questions of rent and compensation which are to be decided in accordance with the Rule 21 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012. That is a separate issue. That issue would arise only in the event of the petitioners objection as to the right to mine itself being decided against them.

4. The statements made by Mr.Amar Vivek, Addl.A.G., Haryana, are accepted and it is so ordered. The objections, if any, as to the right to carry on mining activities upon the petitioners' land shall be filed on or before 30.11.2016. The parties including the petitioners and the private respondents shall appear before the District Mining Officer, Kurukshetra (respondent No.3) in the first instance at 11:00 AM on 05.12.2016 and thereafter as directed by the Mining Officer. In the event of the Mining Officer being found not to be competent to decide the issue as to whether mining can be carried out on the petitioners' land or not, the official respondents shall inform the petitioners in writing the appropriate

officer/authority for the said purpose.

The writ petition is disposed of accordingly.

[S.J. VAZIFDAR]
CHIEF JUSTICE

08.11. 2016
shamsher

[DEEPAK SIBAL]
JUDGE

Whether reasoned/speaking : Yes / No
Whether reportable : Yes / No