

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

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**Civil Writ Petition No.7172 of 2014(O & M)
Date of Decision:15.02.2016**

Rattan Singh and otherspetitioners

Versus

State of Haryana and othersrespondents

Civil Writ Petition No.18986 of 2014(O & M)

Mam Chand and otherspetitioners

Versus

State of Haryana and othersrespondents

Civil Writ Petition No.12068 of 2015(O & M)

Jagdish Kumar and otherspetitioners

Versus

State of Haryana and othersrespondents

Civil Writ Petition No.12082 of 2015(O & M)

Kulwant Singh and otherspetitioners

Versus

State of Haryana and othersrespondents

Civil Writ Petition No.12393 of 2015(O & M)

Gurinder Chaudhary and otherspetitioners

Versus

State of Haryana and othersrespondents

Civil Writ Petition No.20340 of 2015(O & M)

Kishan Chand and otherspetitioners

Versus

State of Haryana and othersrespondents

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

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Jagdish Manchanda, Advocate
Mr.Keshav Partap Singh, Advocate
for the petitioners

Mr.Amar Vivek, Additional Advocate General, Haryana

Mr.Rajesh K.Sheoran, Advocate
for respondent No.4 in CWP in 20340 of 2015

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

This order shall dispose of Civil Writ Petition Nos.7172, 18986 of 2014, 12068,12082,12393 and 20340 of 2015.

The petitioners apprehend that the successful bidders, at the auction, may carry out mining activities on their lands, adversely affecting the same, and, thereafter fail to compensate the petitioners for any damage that may be caused to their lands.

The petitions, as rightly contended by the respondents are pre-mature. It is possible that the successful bidders do not carry out mining operations on a particular petitioner's property. What is auctioned, is a large block within which the petitioners own parcels of land. The first step that the mining operator must take is to submit a mining plan. The mining plan indicates the area, in respect of which the mining operations are intended to be carried out. If they are not intended to be carried out from the petitioners' land, the petitioners in all probability would not be aggrieved by the mining licence.

On the other hand, if mining operations are to be carried out on the petitioners' land or the petitioners' land is likely to be affected by the mining operations in any other manner, the petitioners would be entitled either to challenge the same or to adopt appropriate proceedings for protecting their rights.

Mr.Amar Vivek, Additional Advocate General, Haryana, on instructions from Mr.Parvesh Sharma, State Mining Engineer, Haryana, present in the Court, makes a statement that immediately upon receipt of the mining plan, copies thereof shall be forwarded to the petitioners and that the mining plan will not be sanctioned for a period of four weeks after the service thereof upon the petitioners. He further states that the mining plan will not be sanctioned without affording the petitioners an opportunity of making a representation against the same or seeking safeguards in respect of their rights which may be affected by their mining plan.

The statements made on behalf of the respondents are accepted. In view thereof, the petitioners' rights are adequately secured, at this stage. Needless to add that the petitioners would always be at liberty to challenge the decision that may be taken as regards the mining plan and even otherwise. In the event of any person, including the highest bidder carrying out the mining operations without obtaining all the permissions, the petitioners are always at liberty to take the appropriate proceedings in respect

thereof. The respondents shall immediately take steps to prevent any such violations.

The petitions stand disposed of, accordingly.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 15, 2016
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