

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (PIL) No. 54 of 2017**

Gulab Singh S/o Shri Anand Singh, aged about 39 years, R/o Village Salhim Ward No. 4, P. O. Kathautiya, Tahsil Manendragarh, District Koriya (Chhattisgarh).

---- Petitioner**Versus**

1. Union of India through its Secretary Department of Mines and Minerals, Shashtri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001.
2. The Chief Secretary, State of Chhattisgarh, Ministry at Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
3. The Secretary, Department of Mines and Minerals of State of Chhattisgarh, Ministry at Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh).
4. The Collector, Baikunthpur, District Koriya (Chhattisgarh).
5. Chief Executive Officer, Zila Panchayat Koriya, Baikunthpur, District Koriya (Chhattisgarh).
6. District Mining Officer, Koriya, Baikunthpur, District Koriya (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Jai Prakash Shukla, Advocate
For Union of India	:	Shri N. K. Vyas, Assistant Solicitor General
For the State	:	Shri A. S. Kachhwaha, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****07/04/2017**

We have heard the learned counsel for the Petitioner quite extensio on the basis of the materials on record and the pleadings in the writ petition. We have also heard the learned Assistant Solicitor General and the learned Additional Advocate General.

2. The complaint raised by the petitioner is in relation to the utilization of DMF fund. It is pointed out by the Advocate appearing for the State that DMF is a

matter which is under the regulatory control of the 3rd Respondent who is Secretary in the Department of Mines and Minerals of the Govt. of the State of Chhattisgarh. That being so, the said Authority has proper regulation and control over the activities of DMF which is stated to be generated as part of utilization of resources from the mines and minerals in the State. For this reason, we are of the view that the said Authority has to take a decision on the issues raised by the petitioner after adverting to and considering all relevant facts and factors as would germane for a decision in this regard by the executive Government and the Authority entitle to regulate operations of the DMF.

3. For the aforesaid reasons, leaving all other issues open, this writ petition ordered directing that if the petitioner makes a comprehensive representation pointing out all grievances to the 3rd Respondent within a period of three weeks from today and produces a copy of this judgment, the said representation will be considered and decided upon by the 3rd Respondent within an outer limit of 45 days therefrom after giving the petitioner an opportunity of hearing. Let this be done without fail.

4. Writ Petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE