

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1499 of 1992 (O&M)

Date of Decision: 16.08.2017

Punjab State & Anr.

... Appellant

VS.

M/s Kartar Singh, Amarjeet Singh Brick Kiln

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Ms. Anu Pal, AAG Punjab

None for the respondent

SURYA KANT, J. (Oral)

(1) The substantial question of law sought to be raised on behalf of the State of Punjab i.e. whether the State of Punjab is competent to demand Royalty from the respondent for extracting brick earth from the land which the respondent has taken on lease from the private land-owners stands answered in **State of Punjab vs. M/s Vishkarma and Co. & Ors. (1993) Supp.(3) SCC 62** wherein it has been held that the State cannot recover Royalty for extraction of brick earth when the ownership of the land vests in private landowners.

(2) The instant Regular Second Appeal thus deserves to be dismissed in the light of the cited judgment.

(3) Ordered accordingly.

**(Surya Kant)
Judge**

16.08.2017

vishal shonkar

**(Sudhir Mittal)
Judge**

1. Whether speaking/reasoned?

Yes

2. Whether reportable?

No