

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

CWP-14899 of 2016

DATE OF DECISION:24.01.2017

KRISHAN KUMAR

... Petitioner

V/S

STATE OF HARYANA AND ORS.

... Respondents

**CORAM:HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. N.P. Bhardwaj, Advocate
for the petitioner.

Mr. Amar Vivek, Additional Advocate General, Haryana.

Mr. Kanwardeep Singh, Advocate
for respondents No.7 and 8.

S.J. VAZIFDAR, C.J. (ORAL)

The only relief claimed in this writ petition is for a writ of mandamus directing the official respondents to initiate criminal prosecution and to take disciplinary/administrative action against the private respondents under the provisions of Mines and Minerals (Development and Regulation) Act, 1957, Indian Penal Code, 1860 and under Haryana Panchayati Raj Act, 1994.

Mr. Amar Vivek, learned counsel appearing on behalf of the official respondents, states that the matter has been investigated and it was found that in the past, illegal mining had been carried out but that it was difficult to state with any degree of certainty as to who was responsible for the same. He further states that it was also difficult without further

investigation to find out as to when exactly illegal mining had been carried out. That would be necessary in order to pin the responsibility upon a particular person.

The petitioner’s grievance stands redressed to a considerable extent on account of the fact that the official respondents have filed an FIR. The FIR, however, has been filed against unknown persons. It is not possible at this stage to compel the authority to identify the private respondents in the FIR. It would be for the Investigating Officers to do so at the first instance after considering all the facts available to them. The petitioner is at liberty to produce any material before the officers concerned in this regard. The officers concerned will take the same into consideration during the course of the investigation. Needless to add that in the event of their accepting the evidence, they will proceed against the persons concerned, if any, in accordance with law.

Mr. Amar Vivek, learned State counsel states that a copy of the FIR will be handed over to the petitioner’s Advocate during the course of the day.

The petition is accordingly disposed of in the above terms but without expressing any views as to the merits of the case on either side.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

24.01.2017
SwarnjitS

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