

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

**CWP-20096-2016 (O&M)
DATE OF DECISION:01.03.2017**

SACHIN BATRA

... Petitioner

V.

STATE OF PUNJAB AND ORS.

... Respondents

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

Present: Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mr. Ashwani Talwar, Addl.A.G., Punjab with
Mr. S.K. Vashisht, AAG, Punjab for
respondents No.1 to 8, 10 and 11.

Mr. Gurminder Singh, Senior Advocate with
Mr. R.P.S. Bara, Advocate
for respondents No.12 and 13.

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

The petitioner has sought an order directing the official respondents to control the illegal sale of minerals. The petitioner also sought an interim order staying the mining operations by the private respondents, an order appointing a Committee to supervise the work carried out by the private respondents and an order directing the matter to be handed over to the Central Bureau of Investigation.

2. The illegal sale of minerals, it is alleged, is on the basis of fake and fictitious documents and also by violating the law by quarrying beyond the permissible limit. The main purpose of this petition is in respect of the sale of the minerals by the private respondents to the petitioner. A civil

miscellaneous application being CM No.2994 of 2017 is filed for an order directing the private respondents to allow the petitioner to lift sand in his vehicles from the quarry during the pendency of the writ petition. It appears, therefore, that the main allegations relate to the illegal transport of the sand. The petitioner alleges that his financial interests are affected on two accounts. Firstly, the private respondents, in fact, sell sand to him in excess of the quantities that are actually reflected in the weighment slips and recover the costs for the actual quantities. Secondly, upon his complaining about the same, the private respondents refused to sell the sand to him.

3. Our attention has not been invited to any provision of law or to any term in the license that compels the private respondents to sell the sand to any particular party. In that event, the private respondents are entitled to sell the sand to any party and we cannot compel the private respondents to enter into contracts for the sale and purchase of the sand with the petitioner.

4. By an interim order dated 27.09.2016, the Division Bench of this Court noted that this was a matter which the respondents must look into urgently with the assistance of the petitioner as well. The official respondents were directed to file an affidavit. Surveys were carried out regarding the illegal mining. The reports, we will assume, are in favour of the private respondents. The petitioner, however, does not have any personal interest in these mines or in the license issued in favour of the private respondents. His private interests are limited into the transactions of the sale and purchase of sand entered into by him with the private respondents. We have already dealt with the contractual rights between the petitioner and the private respondents.

It was contended that the allegations regarding the illegal mining are, in any event, in public interest. We do not wish to make any observation regarding the same, least it prejudices the rights of any of the parties. The petitioner is always at liberty to file a public interest litigation on the basis of the allegations raised in this writ petition.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

01.03.2017
SwarnjitS

Whether speaking/reasoned	Yes
Whether reportable	Yes