

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20370-2016 (O&M)
Date of Decision : 27.04.2017

MAHENDER SINGH AND ORS.

...Petitioners

Versus

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. Pawan Singh, Advocate
for the petitioners.

Mr. Amar Vivek, Additional Advocate General, Haryana

Mr. Abhinav Gupta, Advocate
for respondent No.6.

S.J. Vazifdar, C.J.(Oral)

The petitioners, inter alia, contend that in their land there is no sand which can be mined in accordance with law and that the mining concession is only in respect of sand. The petitioners also contend that in any event mining operation on their lands ought not to be permitted inter-alia for the reason that they are carrying on agricultural activities thereon. Several other objections are also raised. In the event of the mining activities being permitted, there would be an additional question of rent and compensation payable for the petitioners for the same.

2. Mr.Amar Vivek, Addl.A.G., Haryana, appearing on behalf of the official respondents, states that the official respondents will not permit mining to be carried out on the land belonging to the petitioners which is a part of the larger area in respect of which the mining contract has been entered into, till

the petitioners' objections before the District Mining Officer, Sonapat (respondent No.3) are decided. This would include the questions of rent and compensation which are to be decided in accordance with the Rule 21 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012. That is a separate issue. That issue would arise only in the event of the petitioners objection as to the right to mine itself being decided against them.

3. The statements made by Mr.Amar Vivek, Addl.A.G., Haryana, are accepted and it is so ordered. The objections, if any, as to the right to carry on mining activities upon the petitioners' land shall be filed on or before 12.06.2017. The parties including the petitioners and the private respondents shall appear before the District Mining Officer, Sonapat (respondent No.3) in the first instance at 11:00 AM on 12.06.2017 and thereafter as directed by the Mining Officer. In the event of the Mining Officer being found not to be competent to decide the issue as to whether mining can be carried out on the petitioners' land or not, the official respondents shall inform the petitioners in writing the appropriate officer/authority for the said purpose.

4. The writ petition is disposed of accordingly.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

27.04.2017

SwarnjitS

Note: Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No