

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.28011 of 2017.

Date of Decision: December 18, 2017

Gram Panchayat, Village Kaliyana

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.V.P.Sangwan, Advocate, for the petitioner.

Mr.Kapil Bansal, Deputy Advocate General, Haryana.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 4 only.

On our asking, Mr.Kapil Bansal, Deputy Advocate General, Haryana, accepts notice on their behalf.

Let four copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 2 nor there is any necessity to serve respondent No.5 at this stage as no order on merit prejudicial to their interest is being passed.

The petitioner is Gram Panchayat of village Kaliyana, Tehsil and District Charkhi Dadri. Its land measuring 29.50 hectares has been leased out by the State Government for extraction of minor minerals.

Respondent No.5 being the highest successful bidder, the lease of the

agreement, the petitioner-Gram Panchayat is entitled to receive compensation in accordance with the provisions contained in Haryana Minor Mineral Rules, 2012. The petitioner-Gram Panchayat has already submitted its claim under Rule 64(2) of the Rules (ibid), but it appears that Mining Officer has not forwarded its claim to the Deputy Commissioner, Charkhi Dadri for determination. Resultantly, no compensation amount has been paid to the petitioner-Gram Panchayat though respondent No.5 has already started its mining operation.

In this view of the matter and without expressing any views on merits of the petitioner's allegations, the writ petition is disposed of with a direction to respondent No.4 to forward the claim of petitioner-Gram Panchayat to the Deputy Commissioner-cum-Collector, Charkhi Dadri and the said Authority is further directed to determine the amount of compensation payable to the petitioner-Gram Panchayat and ensure that the said amount is released in favour of the petitioner-Gram Panchayat. Let the needful be done within a period of one month from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 18, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No