

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.28455 of 2017
Date of Decision: December 14, 2017

Inder Pal Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr.Surinder Kumar Daaria, Advocate,
for the petitioner.

AMIT RAWAL, J.

1. Petitioner Inder Pal Singh, an advocate claiming to have been approached by the employees of Government of Punjab, who had disclosed to him that the practice of mining department in the State of Punjab is not in the interest of the State, has requested him to invoke the extraordinary writ jurisdiction of this Court under Article 226/227 of the Constitution of India by presenting the present petition in public interest as Public Interest Litigation.

2. It has been stated that the Directorate of Mining, Department of Industry and Commerce, Punjab-respondent No.2-, issued E-auction notice dated 13.6.2017 (Annexure P-1). As per the aforementioned notice, following mining sites of District Rupnagar were put to auction:-

- 1) Aligran, Distt.Rupnagar, Hadbast no.274.
- 2) Behrampur, Distt.Rupnagar, Hadbast no.348.
- 3) Diwari, Distt.Rupnagar, Hadbast no.334.
- 4) Kakrala, Distt.Rupnagar, Hadbast no.332.

5) Manguwal, Distt.Rupnagar, Hadbast no.333.

3. The schedule for the process was notified as under:-

Documents upload/EMD payment start date	14 th June 2017 (From 10:00 AM)
Documents upload/EMD payment end date	27 th June 2017 (till 5:00 PM)
Upload documents/EMD payment approval start date	28 th June 2017
Upload documents/EMD payment approval end date	3 rd July 2017
Date of e-auction	5 th July 2017
Date of issuance of provisional acceptance	6 th July 2017
Date of depositing 1 st instalment security amount till	10 July 2017 (till 5:00 PM)

4. The auction had taken place on 5.7.2017, vide which the sites were auctioned. The details of the starting bid and last bid had been reproduced in para 7 of the writ petition, which read as under:-

Sr.No.	Auction Description of Mines	Auction Start Time	Auction End time	Starting Bid (Rs.)	HI Bid (Rs.)
28	Auction of Aligarh, Distt.Rupnagar, Hadbast No.274	05.07.2017 14:00	05.07.2017 18:00	20,03,000.00	11,96,78,000.00
29	Auction of Behrampur, Distt. Rupnagar, Hadbast No.348	05.07.2017 14:00	05.07.2017 16:40	10,33,444.00	4,24,83,444.00
30	Auction of Diwari, Distt. Rupnagar, Hadbast No.334	05.07.2017 14:00	05.07.2017 18:00	13,15,000.00	4,85,90,000.00
31	Auction of Kakrala, Distt. Rupnagar, Hadbast No.332	05.07.2017 14:00	05.07.2017 18:00	35,49,796.00	5,47,99,796.00
32	Auction of Manguwaal, Distt. Rupnagar, Hadbast No.333	05.07.2017 14:00	05.07.2017 18:00	17,45,000.00	5,32,95,000.00

5. Mr.Surinder Kumar Daaria, learned counsel appearing on behalf of the petitioner submitted that all the mining sites were auctioned at the rate of more than ₹4.00 crores, but subsequently auction of two mining sites, i.e., Diwari, District Rupnagar Hadbast No.334 and Behrampur

District Rupnagar Hadbast No.348 was cancelled without disclosing any material fact and the same were again subjected to auction vide notice dated 30.10.2017 (Annexure P-3). The auction of two mining sites aforementioned was scheduled on 27.11.2017, but the same were auctioned at a very low and cheap rate, i.e., Diwari for ₹14,90,000/- and Behrampur for ₹13,08,444/-, which had been demonstrated in Para 11 of the writ petition, as under:-

Sr.No.	Auction Description of Mines	Auction Start Time	Auction End time	Starting Bid (Rs.)	HI Bid (Rs.)
4	Auction of Behrampur, Distt. Rupnagar, Hadbast No.348	27.11.2017 9:00	27.11.2017 11:25	9,58,444.00	13,08,444.00
7	Auction of Diwari, Distt. Rupnagar, Hadbast No.334	27.11.2017 9:00	27.11.2017 11:05	13,15,000.00	14,90,000.00

6. Petitioner moved an application dated 4.12.2017 (Annexure P-5) to the official respondents as well as to the Chief Minister Office Punjab for conducting a fair enquiry into the said matter. Even the Chief Minister's Office, vide letter dated 4.12.2017 (Annexure P-6), had sent the recommendation to respondent No.2 for conducting an enquiry. The facts aforementioned disclose that the State exchequer has been put to loss owing to the careless, irresponsible and malafide act of respondent No.2 and, thus, urged this Court for setting-aside the auction.

7. We have heard the learned counsel for the petitioner and appraised the paper book.

8. At the outset, on a specific query put to learned counsel for the petitioner with regard to locus standi and the information regarding cancellation of the auction of two minings, i.e., Diwari and Behrampur, it was replied that the cause of the petitioner falls within the parameters of

Maintainability of Public Interest Litigation Rules, 2010 (in short “2010

Rules”) framed in view of the judgment of the Supreme Court. It would be expedient to examine the same for which 2010 Rules are reproduced as under:-

“1.(i) These Rules shall be called as MAINTAINABILITY OF PUBLIC INTEREST LITIGATION RULES, 2010.

(ii) These Rules shall come into force with effect from the date of approval by the Full Court.

2. No Public Interest Litigation shall be entertained by the Registry unless the petitioner(s) has specifically disclosed his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit.

3. Every Public Interest Litigation shall be separately numbered and categorized.

4. All the Public Interest Litigations shall be listed before a Division Bench by the orders of the Chief Justice of the High Court.

5. The Bench, wherever it appears so desirable, may ask the petitioner to deposit an appropriate amount with the Registry to be paid as compensation/costs to the person/institution who may be forced to contest the litigation, which is ultimately found to be vexatious, frivolous or mala fide.

6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children.

(c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitioner pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights.

7. The Registry shall be entitled to verify the antecedents of a person, society or an association who invokes the jurisdiction of the High Court on the cause of public interest. Where the Registry has any doubt on such antecedents, an office note to this effect shall be put up, except on the petitions which are received by post.

8. The Public Interest Petitions received through post shall not be entertained except in the following cases:-

(i) Petitions sent by prisoners and detenues;

(ii) Petitions complaining violation of human rights;

(iii) Petitions seeking a writ in the nature of habeas corpus;

(iv) Petitions with a cause of such nature that it may require suo-motu proceedings by this Court in 'Public interest';

(v) Petitions by financially or physically disabled persons, minors and/or oppressed sections of Society. The petitions falling in this category may be sent to the Member Secretary of the State Legal Services Authority concerned, who, on satisfaction regarding genuineness of the petitioner, may provide adequate legal aid including a counsel to the victim.

9. All the suo-motu petitions initiated by the High Court shall be put up before the Chief Justice for enlisting the same before an appropriate Bench as per roster within three days."

9. In our opinion, the present case does not satisfy the parameters vis-a-vis maintainability of the Public Interest Litigation under the aforesaid rules. Further, the writ petition does not disclose material facts in as much as to whether the first auction held on 13.6.2017, whereby the alleged bidders, who had given the highest bids of ₹4,24,83,444/- for Behrampur and ₹4,85,90,000/- for Diwari mining culminated into acceptance and any amount was ever deposited by them as earnest money to examine their bonafides. In the absence of any material, on the basis of which it could be concluded that the

action of the respondents in issuing fresh E-auction notice for auctioning two mining sites belonging to the Rupnagar District was malafide, the writ petition in the present form would not be maintainable.

10. In view of the above, the assertion that the action of the respondents has caused financial loss to the State exchequer, would not require any intervention in present writ petition. Moreover, the petitioner had not participated in the bid process or had brought any person, who was willing to give bid equivalent to that of the earlier bidders to substantiate his claim.

For the reasons stated above, no ground for interference is made out.

Writ petition stands dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

**December 14, 2017
ramesh**

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No