

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9011 of 2017

Date of Decision: 1.5.2017

Rameshwar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. J.P. Sharma, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to consider his application dated 15.2.2017 (Annexure P-12) for the grant of Mineral Dealers Licence.

2. The petitioner installed a Bajri washing plant in his land situated in village Datal, Tehsil Nangal Chaudhary, District Mohindergarh as per the jamabandi for the year 2013-14 (Annexure P-1). He neither do any mining activity nor use any water of the State of Haryana and only purchased the Bajri from a Government contractor of the State of Rajasthan vide receipts (Annexure P-2 Colly). The petitioner has the tubewell on his land situated in village Panera, Tehsil Kotputli (Rajasthan) which is clear

from the khasra girdawari (Annexure P-3) and the electricity bill (Annexure

P-4). As per the certificate of the pipeline (Annexure P-5), one Satyabir Singh had laid down the underground pipeline from the tubewell of the petitioner in village Panera, Tehsil Kotputli, District Jaipur upto his land situated in Dhani Jajma village Datal and was using that water in his land. Even the Gram Panchayat Banar having the common panchayat of village Banar and Panera as is clear from the certificate 25.6.2014 (Annexure P-6). The petitioner is not involved in any kind of mining in the State of Haryana and is doing his legal business of washing of the Bajri. Further, there is complete ban in District Mohindergarh of the mining and there is dark zone in Sub Division Nangal Chaudhary. The petitioner used the water from Rajasthan and the same was not the dark zone where his tubewell was situated and the water discharge in the land of Haryana by washing increases the water level in the Haryana and is beneficial for the villagers who have submitted their respective affidavits (Annexure P-7 Colly) in this regard. The petitioner also deposits the sale tax on the sale of Bajri and has got VAT G Registration Certificate (Annexure P-8) having Tax Identification No. 06462408600. He deposited the sale tax with the Government of Haryana vide E-challan (Annexure P-9) and quarterly tax on 31.12.2016 (Annexure P-10). The petitioner filed a civil suit in the Court of Civil Judge (Junior Division), Narnaul and the said suit was decreed vide judgment and decree dated 21.8.2015 (Annexure P-11) restraining the defendants/respondents from interfering in the Bajri Washing Plant of the petitioner. Thereafter, the petitioner moved an application dated 15.2.2017 (Annexure P-12) to respondent No.4 for grant of Mineral Dealers Licence and deposited ₹ 1000/- vide challan No. 289291, but no response has been received till date. However, respondents No.8 and 9 demolished the

washing plant of the petitioner on 20.4.2017 which is discernible from the photographs (Annexure P-13). Similarly, one Shri Mahabir Parshad filed CWP No. 25073 of 2016 and this Court vide order dated 8.2.2017 (Annexure P-14) disposed of the said writ petition. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 15.2.2017 (Annexure P-12) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the application dated 15.2.2017 (Annexure P-12), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 1, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No