

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

**C.O.C.P. No.3280 of 2015
Date of Decision: 19.02.2018**

Roshan Singh

..... Petitioner

Versus

Ms. Simarpreet Kaur, Mining Officer,
Department of Industries, Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. ADS Sukhija, Advocate for respondent No.1.

Mr. Manoj Bajaj, Additional Advocate General, Punjab
for respondent No.2.

JASWANT SINGH, J. (Oral)

The petitioner is the landowner of land in question and has been granted approval to acquire mining lease of minor minerals under the Punjab Minor Mineral Concession Rules, 1964. It is claimed that the approval has been extended till 31.12.2017.

The grievance of the petitioner is that the official respondents are proceedings to take action against the petitioner for the alleged illegal mining activities undertaken, in violation of the legal right of the owner of the land to extract minerals, as acknowledged by the Hon'ble Supreme Court in the judgment rendered in '**Threesiamma Jacob and others** Versus **Geologist, Deptt. of Mining & Geology and others**', AIR 2013 SC 3251.

It is urged that there is a clear violation of the directions passed by the Hon'ble Supreme Court.

Upon notice, reply has been filed by the Mining Officer.

It is asserted that the petitioner is undertaking illegal excavation without obtaining appropriate license.

Be that as it may, it is well settled that for a alleged contempt of order passed by the Hon'ble Supreme Court, a contempt petition would not be maintainable before the High Court.

In view of above, learned Counsel for the petitioner prays for permission to withdraw the present contempt petition to enable his client to seek the remedy in accordance with law.

Accordingly, the present contempt petition is dismissed as withdrawn with the aforesaid liberty.

February 19, 2018
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>