

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

Sr. No.230

**CWP No.28870 of 2018 (O&M)
Date of decision : 17.9.2019**

Rampal Kamboj

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Ashish Kumar, Advocate, for the petitioner.

Mr. Ankur Mittal, Addl. AG, Haryana

Mr. Lokesh Sinhal, Advocate, for respondents No.3 and 4.

Mr. Abhinav Gupta, Advocate, for respondent No.8.

Mr. C.B. Goel, Advocate, for respondents No.9 to 14.

DAYA CHAUDHARY, J. (Oral)

The prayer in the present petition is for issuance of directions to respondents No.1, 2, 5, 6 and 7 to stop the illegal mining being done by respondent No.8 outside the areas given on contract to him in the bed of river Yamuna and also to dismantle the illegal pathways made in the river bed by laying pipes in the river bed for transportation of illegally mined minerals to the stone crushers situated across the Yamuna river.

Learned State counsel submits that site was inspected and report was also prepared. Even reply has also been filed. In view of the order passed by this Court on 10.1.2019, a Local Commissioner was appointed to ascertain the factum of allegations made in the petition. A report was submitted on 8.2.2019.

On perusal of site inspection report, it shows that no such structure/shift road/passage exists on the spot and the same had already been removed. The relevant portion of the report is reproduced as under:-

“I visited the spot in presence of the petitioner as well respondents at 12.00 p.m. Many villagers had also gathered on the spot. No such structure/shift road/passage exists on the spot and it has already been removed. As apprised by the Sarpanch of the village the one illegal passage on river Yamuna was removed in the month of January and another passage which was existing on river Som has also been removed on 29.1.2019. Photographs of the spot were taken. Signatures of the villagers who were present on the spot were also obtained apart from signatures of the local concerned authorities who were also present on the spot.

The report is being submitted to Hon’ble Court as per the site inspection. No such shift passage/structure exists on the spot.

Photographs of the spot are annexed alongwith copy of signatures sheets.”

In view of the report as reproduced hereinabove, nothing survives in this petition and the same is disposed of.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

17.9.2019
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No