

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

**CWP No.1325 of 2020 (O&M)
Date of decision: 14.10.2020**

(Heard through Video Conferencing)

Sumit Taneja

..Petitioner

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Mr. Sahil Sharma, DAG, Punjab
for respondents No.1 to 6 and 8.

Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S. Bara, Advocate
for respondent No.7.

Daya Chaudhary, J. (Oral)

CM No.10675-CWP of 2020

This application has been moved for placing on record application filed by the applicant-petitioner as Annexure A-1.

Application is allowed and application (Annexure A-1) filed by the applicant-petitioner is taken on record.

CM No.3813-CWP of 2020

This application has been moved for placing on record written statement along with Annexures R-7/1 to R-7/7 on behalf of respondent No.7.

Application is allowed and written statement along with Annexures R-7/1 to R-7/7 filed on behalf of respondent No.7 is taken on record.

CM No.4414-CWP of 2020

Learned counsel for the applicant-petitioner wants to withdraw this application.

Dismissed as withdrawn.

CWP No.1325 of 2020

Petitioner-Sumit Taneja has approached this Court by way of filing the present writ petition for issuance of direction to respondents No.3 to 6 for granting permission to him to use the passage of 5/L Burji 140250 to 147400 upto dam as gateway for duly approved mining plan of mine mineral contract of village Pipli Hadbast No.357 measuring 4.451hectares Tehsil Shahkot, District Jalandhar as awarded in open auction held on 05.07.2017 and also for quashing of order dated 30.12.2019 whereby, the passage over the Dhusi Dam on Satluj River was stopped.

A three members Committee submitted its report dated 18.06.2020 after thorough inspection of the passage wherein not only measurements of the road including length and width has been mentioned but it has also been mentioned that this passage is more than the designed width and the same is satisfactory. It has also been mentioned in the affidavit filed by the Deputy Commissioner, Ludhiana that the bundh has been found motorable without any kind of pit holes. The inspection report along with photographs is also on record as Annexure A-2.

Learned counsel for the petitioner also submits that the

.....

petitioner has undertaken to maintain the road as per terms and conditions mentioned in the undertaking (Annexure P-10).

In view of the inspection report submitted by the Committee and the undertaking given by the petitioner, order dated 30.12.2019 (Annexure P-6), whereby, the passage over the Dhusi Dam on Satluj River was stopped, is set-aside. Respondents No.3 and 4 are directed to allow the petitioner to use that passage for mining subject to conditions as mentioned in the undertaking (Annexure P-10).

Ordered accordingly.

(DAYA CHAUDHARY)
JUDGE

14.10.2020
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes