

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

CWP No.9264 of 2020(O&M)

Date of Decision:-10.07.2020

Surender Singh & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:- Mr. Ravi Sharma, Advocate for the Petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

JASWANT SINGH, J.

Hearing conducted through Video Conferencing.

Twelve (12) petitioners, who claim themselves to be proprietors of Village Rattewali, District Panchkula, have filed the present writ petition praying for issuance of a writ in the nature of Certiorari, seeking quashing of the order dated 29.05.2020 (P-13) passed by Respondent no 3-District Mining Officer, whereby the prayer of petitioners for cancellation of mining contract given to respondent no 6-M/s Tirupati Roadways, on the ground that it is affecting the ecology and environment of the area, has been dismissed.

Learned Counsel for the petitioners has argued that mining

licence has been granted to respondent no 6 without following the due procedure and without consulting the villagers at large. It is further argued that due to indiscriminate mining by respondent no 6, there are chances of erosion which will lead to damage to the fields and tube-wells of villagers and consequently, putting lives and property of villagers to risk. Thus, prayer has been made for setting aside the impugned order dated 29.05.2020 (P-13) and further directing the official respondents to cancel the mining licence granted to respondent no 6 as per law.

On the other hand, Ld. State Counsel has submitted that due procedure, as prescribed under law, was followed while giving mining licence to respondent no 6. It is submitted that State Government had notified about e-auction of the site in question on 17.04.2017 alongwith Corrigendum dated 12.05.2017 and granted mineral rights in favor of respondent no 6 on 24-25.05.2017, after accepting the highest bid. It is further submitted that contract was granted subject to the condition that actual mining would be allowed to be undertaken only after prior environmental clearance as required by Ministry of Environment and Forests, Government of India vide its notification dated 14.09.2006 and accordingly LOI was issued on 16.06.2017. It is informed that respondent no 6 obtained environmental clearance from the Ministry of Environment and Forests, Government of India on 21.02.2020 and thereafter consent to operate was granted by Haryana State Pollution Control Board 20.03.2020. Thus, by narrating the aforesaid events, it is argued that mining has been allowed by the State after following due procedure and therefore neither there is any illegality in the impugned order passed by respondent no 3-Mining Officer nor there is any ground for cancellation of licence awarded

to respondent no 6.

We have heard Ld. Counsel for the parties at length and have scrutinized the record with their able assistance. However, we are of the view that instant writ petition is without any merit and therefore is liable to be dismissed.

Concededly, the area where licence has been granted to respondent no 6 i.e Khasra No. 141 min., is a Shamlat land, to which the petitioners have no right, title or interest. It is also not in dispute that the impugned order dated 29.05.2020 (**P-13**) has been passed by respondent no 3 in view of the order dated 15.05.2020 passed in CWP No. 7375 of 2020, whereby official respondents were directed to inquire into the factual aspect, else there is no statutory obligation on State Government to consider applications from third party concerning issues pertaining to grant or cancellation of licences issued for mining. Further, it has also gone unrebutted that the Gram Panchayat has given its no objection to the mining being carried out on the said area, which is evident from the impugned order dated 29.05.2020 (P-13). It is only the petitioners who are alleging that the mining can lead to environmental and ecological loss. However, we are of the view that petitioners have no locus to challenge the grant of licence at all, for two reasons. *Firstly*, the land upon which mining is being carried out does not belong to them. *Secondly*, a third party cannot be permitted to interfere in contractual matters not concerning them, as this would lead to chaos and uncertainty.

As far as the apprehension of loss of ecology and environment raised by petitioners is concerned, we are convinced that such anxiety is totally unfounded. The Government has already placed checks and balances

to stop indiscriminate mining. In the present case, the Ministry of Environment and Forests, Government of India has issued no objection on 21.02.2020. Once an expert body, who is empowered to consider the aspects of impact on environment, ecology, etc., has considered the issue and given no objection, then this court cannot assume the role of an expert and delve into factual aspect by either conducting an inquiry at its own level or refer the matter to any other expert body.

While exercising powers under Article 226 of the Constitution, we can at the most scrutinize the process followed while granting licence to mine. From the submission made by the State Counsel, we are satisfied that due process has been followed and therefore, we see no reason to interfere in the present matter.

In view of the above, finding no merit, instant writ petition is hereby ordered to be **dismissed** without any order as to costs.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

July 10, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No