

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPIL No. 43 of 2021**

- Anand Thakur S/o Shri Ayodha Thakur Aged 33 Years R/o Village Panchwal, Tehsil Ramanujan District Balrampur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Mineral Resource Department, Indrawati Bhawan, Block-4, Second Floor, Nawa Raipur Atal Nagar, Chhattisgarh India
2. The Collector Balrampur, District Balrampur-Ramanujan Chhattisgarh
3. Shri Hitesh Singh Thakur S/o Shri Narendra Singh Thakur R/o Ward No. 55, Bandhawapara Sarkanda, Bilaspur District Bilaspur Chhattisgarh
4. Tehsildar Tehsil Ramanujan District Balrampur-Ramanujan Chhattisgarh
5. Station House In-Charge P. S. Sanawal, District Balrampur-Ramanujan Chhattisgarh
6. The Chief Secretary Government Of Chhattisgarh, Mahanadi Bhawan, Atal Nagar, New Raipur Chhattisgarh

---- Respondent

For Petitioner
For Respondent /State

Mr. Sharad Mishra, Advocate
Mr. Vikram Sharma, Dy. GA

Proceedings through Video Conferencing

DB.: **Hon'ble Mr. Prashant Kumar Mishra, Ag. C.J &**
Hon'ble Mrs. Rajani Dubey, J.

Order on Board by Prashant Kumar Mishra, Ag. C.J.**9/7/2021**

1. Heard.
2. The petitioner has preferred this writ petition seeking quashment of the order dated 3.1.2020, by which, lease of the subject sand mine has been allowed in favour of respondent No.3 with further prayer to direct respondents 2 & 3 to reinstate the said river bed of Gram Panchayat Pachavaal, District Balrampur as also to reconstruct the collapsed bridge and pay adequate compensation to the Gram Panchayat.
3. It is argued that due to illegal mining in the subject sand mining area, four people have died and further that the concerned Gram Panchayat has submitted representation before the Collector for stopping illegal sand mining, however, no action has been taken by the Collector.
4. Admittedly, lease granted to respondent No.3 vide Annexure P/6 dated 3.1.2020 by the Collector (Mining Branch), Balrampur is governed under the provisions of the Chhattisgarh Minor Mineral Ordinary Sand (Quarrying and Trade) Rules, 2019. Thus, the lease has been allowed after following the prescribed procedure and no fault is found with the said procedure adopted by the respondent-Collector.
5. In so far as the illegal mining and damage to the bridge or any other structure in the Panchayat area is concerned, the petitioner or the concerned Gram Panchayat would be at liberty

to raise the matter by filing representation before the Collector.

6. The papers available before the Court does not contain any resolution of the Gram Panchayat objecting to grant of lease to respondent No.3.
7. The representation by the Sarpanch is not a representation of the Gram Panchayat. For doing any official activity of behalf of the Gram Panchayat, there has to be a resolution of the Gram Panchayat, otherwise, it will be an act solely carried out by the Sarpanch and not by the Gram Panchayat.
8. In view of the above, we have not found any illegality in grant of lease. However, if any other grievance lies e.g. illegal sand mining, the petitioner may move afresh before the concerned Collector, who shall decide the representation in accordance with law.
9. The petition stands disposed of.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge