

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4662 of 2021

- Shri Balaji Metals And Minerals Private Ltd. A Company Incorporated Under The Companies Act, 1956, Through- Its Mines Manager Moti Lal Mohanta, Aged About 61 Years S/o Late Jhaglu Mohanta, R/o Sri Balaji Metals And Minerals Pvt. Ltd. Mines At Dumarpara, Dolomite Mines, Post Office Dumarpara, P.S. Baradwar, Tahsil Sakti, District- Janjgir-Champa (C.G.) And Having Its Registered Office At 23a, Netaji Subhas Road, 3rd Floor, Kolkata-700 001

---- Petitioner

Versus

1. State Of Chhattisgarh Through- Principal Secretary, Department Of Revenue, Mantralaya Mahanadi Bhawan, Nawa Raipur (C.G.)
2. Principal Secretary Mines And Minerals, Mantralaya, Mahanadi Bhawan, Nawa Raipur (C.G.)
3. Collector Janjgir-Champa, District- Janjgir-Champa (C.G.)
4. Mines Officer District Mines Office, Janjgir Champa, District- Janjgir-Champa (C.G.)
5. Sub Divisional Officer (Revenue) Sakti, District- Janjgir-Champa (C.G.)
6. Tahsildar Tahsil, Naya Baradwar, District- Janjgir-Champa (C.G.)

---- Respondents

For Petitioners	:	Mr. Ankit Pandey, Advocate
For State	:	Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18.11.2021

1. Heard on petition.
2. It is submitted by the learned counsel for the petitioner that the petitioner company is lease holder of Dolomite Mines in Dumarpara village Tahsil Sakti Distt. Janjgir Champa (C.G.) and having possession of lease area of 42.754 Hectares. It is submitted that the mining operations have been started and some elements are making attempts to encroach upon the land which is leased to the petitioner for mining operations. The petitioner has made a number of representations to the respondent authorities and finally on his

representation, the respondent No. 3 has constituted a committee for demarcating upon the land leased to the petitioner. The order dated 04.10.2021 vide Annexure P/6 was issued to the committee constituted to perform the work of demarcation and submit the report within a period of 15 days. Even after the constitution of this committee, the committee has not performed the work of demarcation so far and the elements who are making attempts to make encroachment upon the leased land of the petitioner are continuing in their activities, therefore appropriate orders be passed.

3. Learned State counsel representing all the respondents opposes the submission and submits that the respondent authorities are taking action on the complaints and representations made by the petitioner, therefore there is no requirement of issuance of any specific direction.
4. Considered on the same and perused the documents filed along with the petition. This petition is disposed of at the motion stage. The respondents No. 3, 5 & 6 are directed to ensure that the order dated 04.10.2021 (Annexure P/6) is complied with at the earliest preferably within a period of 30 days. The petitioner is granted liberty to make representation to the respondent authorities praying to ensure the safety of the mining area and also the mining operations and if any such representation is filed, then the respondent authorities are directed to consider on the same and take appropriate measures.
5. Accordingly, the petition stands disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge