

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

Sr. No.209

**CWP-3223-2021 (O&M)
Date of Decision: 05.03.2021**

SUDHIR KUMAR

... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Shiva Khurmi, Advocate,
for the petitioner.

Mr. Sahil Sharma
Deputy Advocate General, Punjab.

RITU BAHRI, J.

Petitioner in the present writ petition is seeking direction to respondents No. 2 and 3 to decide the representation dated 09.11.2020 (Annexure P-2) and 12.01.2021 (Annexure P-3), whereby he was seeking protection on the ground that he was being threatened by the Mining Mafia, who were doing the work of illegal mining.

On notice of this petition, a status report dated 03.03.2021 has been filed by Executive Engineer Drainage-cum-Mining Division, SAS Nagar as well as by Deputy Superintendent of Police, Mullanpur Garibdas, Mohali on 04.03.2021. In the status report dated 04.03.2021, it has been stated that in FIR No.98 dated 06.10.2020, which was got registered by mother of the petitioner,

namely, Subhadra Kumari, immediate action has been taken and accused Manjit Singh has been arrested and another accused Manpreet Singh remains to be arrested. It is contended that every step is being made to arrest him as well. In the second FIR bearing No.114 dated 26.11.2020, accused-Sucha Singh had also been arrested and thus complaints of the petitioner are being dealt with promptly and immediate legal action is being taken. It is further stated that the petitioner is residing in House No.143, Sector 19-A, Chandigarh and his land is in Village Seonk, Mullanpur Garibdas. Petitioner has been given a phone number of Police Station Mullanpur Garibdas and has been assured that whenever he will come to his land and has any apprehension for his security, he can immediately call the police officer.

Learned counsel for the petitioner submits that he has not been given any phone number. During the course of the hearing today, a telephone number is given to the petitioner with the assistance of Mr. Sahil Sharma, Deputy Advocate General, Punjab. Since, the telephone number has been given to the petitioner, he can get in touch with the SHO Police Station, Mullanpur, if he has any apprehension of threat on his visit to Village Seonk.

In the status report dated 03.03.2021 filed by Executive Engineer Drainage-cum-Mining Division, SAS Nagar, in paragraph 4(II), it is clarified that after getting complaints from the petitioner through E-mail/Whatsapp, FIR No.100 dated 08.10.2020 under Section 379 IPC and Section 4 (1)/21(1) of Mines and Minerals (Regulation and Development) Act, has been registered and one

person has also been arrested. Copy of the said FIR bearing No.100 dated 08.10.2020 is Annexure R-1/T and copy of FIR bearing No.118 dated 17.12.2020 is Annexure R-2/T. Recovery notices have also been issued to the land owners on 11.02.2021 (Annexure R-3/T) and the complaint sent to Senior Superintendent of Police, SAS Nagar on 15.02.2021 (Annexure R-4/T). In FIR No.98 dated 06.10.2020 registered at Police Station Mullanpur Garibdas, vide GD No.33 dated 02.11.2020 (Annexure R-5/T) more offences have been added under the P.L.P.A. and Forest Act. The petitioner during November 2020 to February 2021 after getting permission from the Mining Officer got his land levelled. Thereafter, he installed barbed wire on all four sides of the land. The Gram Panchayat after passing resolution has written to Naib Tehsildar Majari to get the path demarcated. The petitioner is the last consumer of this revenue path. The path is often used by tractors-trolleys or two wheelers. During the rainy days, the logging of water at some places is natural but this is not a permanent problem. The fact of this path has been further clarified by the joint report dated 16.02.2021 (Annexure R-6/T).

A joint report dated 16.02.2021 (Annexure R-6/T) and photographs (Annexure R-7) have been placed on record showing the mining site and the land of the petitioner (Annexure R-8). As such, no further action is required to be taken on the complaints dated 09.11.2020 (Annexure P-2) and 12.01.2021 (Annexure P-3) made by the petitioner as the said complaints have now been filed on 26.02.2021 (Annexure R-9/T).

In view of both the status reports/affidavits, no further directions are required to be given in this case.

Accordingly, the instant writ petition is disposed of.

Pending applications, if any, shall also stands disposed of.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

05.03.2021
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No