

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

CWP No.9944 of 2021
Date of decision: 28.05.2021

Harkewal Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. G.L. Bajaj, Advocate,
for the petitioners.

Ms. Anul Pal, DAG, Punjab.

Ritu Bahri, J. (oral)

Petitioners are seeking direction to official respondent Nos.1 to 9 to conduct thorough investigation and to stop private respondent Nos.10 to 13 from extracting illegal mining of minor minerals (sand & ordinary earth) in the river bed of Budha Nalah passing through village Bhukhri Khurd.

Upon notice, reply on behalf of respondent Nos.4, 6 and 8 by way of affidavit of Assistant Commissioner of Police, Industrial Area-A, Ludhiana, has been filed, which is taken on record. As per reply filed, the Flying Squad Team visited the spot on 21.05.2021 along with the present petitioners. It was found that there was no mining of sand or earth from the said Panchayat land of village Bhukhri Khurd. Rather, wheat crop was harvested from the said Panchayat land and some husk of wheat was standing there. Similarly, Budha Nalah was also visited by the said team during which, it was found that no mining had been done on the said place.

Thereafter, some other area adjoining the village Bhukhri Khurd was shown by the petitioners to the said team, from where some old earth had been dug out. At the spot, petitioner No.1 moved an application dated 21.05.2021 to the SDM (Drainage), Ludhiana, levelling allegations that in July, 2020, respondent No.12 had done illegal mining from the land situated at village Dhanasu and regarding that illegal mining, petitioner No.1 also produced a pen-drive having videography of the illegal mining. Accordingly, FIR No.107 dated 21.05.2021, under Section 379 IPC and 21 of Mines and Minerals Act, has been registered at Police Station Jamalpur, Ludhiana, against respondent No.12 and further investigation is being conducted in the said FIR. It is further stated that earlier on 01.09.2020, illegal mining was got done by Sukhpal singh from his land at village Dhanansu with a JCB machine with the help of Gurtejvir Singh and Gurinder Singh. Therefore, FIR No.147 dated 01.09.2020, under Section 379 IPC and 21 of Mines and Minerals Act, was registered at Police Station, Jamalpur, Ludhiana against the said persons. At the spot, respondent No.10 and his son Amarbant Singh had hot arguments with the son of petitioner No.1. Accordingly, proceedings under Section 107/151 Cr.P.C. were launched against respondent No.10 and his son Amarbant Singh. In the year 2020, due to heavy rain, there was leakage of Dam of Buddha Nala and under the MANREGA Scheme, work to repair the said dam was allotted to respondent No.12, who had repaired the same.

Keeping in view that FIR No.107 dated 21.05.2021 has already been registered against respondent No.12, no further directions are required to be given in this case.

Disposed of accordingly. However, the respondents shall be

vigilant enough that no such incident of illegal mining take place in future.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

28.05.2021
ajp

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