

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

Sr. No.110

CR-2206-2021 (O&M)
Date of decision : 04.10.2021

Parvej Ali

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. K.K. Manchanda, Advocate for
Mr. Lalit Singla, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved with order dated 31.05.2021 passed by Addl. Civil Judge (S.D.), Bilaspur, District Yamuna Nagar, whereby, interim stay has been granted only to the extent of restraining respondents No.5 to 7 from carrying on mining activities in violation of the terms of the agreement.

It is submitted that land in dispute is 'Gau Charand'. The said land cannot be used for any purpose other than 'Gau Charand'. For this purpose, reliance is placed upon a judgment dated 06.09.2021 passed by the Supreme Court in Civil Appeal No.5135 of 2021 titled as Rameshbhai Virabhai Chaudhari Vs. The State of Gujarat and others. Thus, the argument is that the lease itself is illegal and the trial Court should have restrained the defendants from carrying out any mining activities, whatsoever.

From the perusal of the record, it is evident that application under Order 39 Rules 1 and 2 has still not been decided. Thus, I deem it appropriate to dispose of this revision petition with a direction to the trial Court to decide the said application within two weeks from the date of

receipt of a certified copy of this order by taking into consideration statutory provisions as well as law laid down by the Supreme Court.

(SUDHIR MITTAL)
JUDGE

04.10.2021
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No