

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

(219)

CWP-9365-2019

Date of Decision:-12.09.2022.

Balbir Singh and Anr.

.....Petitioners

Versus

State of Punjab and Ors.

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. A.S. Kakkar, Advocate for the petitioners.

Mr. P.S. Batta, Addl. A.G., Punjab.

Mr. Parvez Chugh, Advocate for respondents No.6 and 7.

AUGUSTINE GEORGE MASIH, J. (Oral)

Petitioners have approached this Court praying for the release of the compensation amount in pursuance to the fact that the land of the petitioners have been put to auction for exploiting of mining minerals. Assertions have also been made that not a penny has been paid to them by the respondents since the land was being used for the said purpose.

Upon notice having been issued, reply has been filed by respondents No.1 to 5 by way of affidavit of Sub Divisional Officer-cum-Assistant Mining Officer, Moga dated 02.07.2019, wherein, in para 3 it has been

stated that since a single bid was received in the e-auction of the sand quarries at village Ghugiana and village Rupianwala, the Govt. decided to invoke Clause 34 of the e-auction notification dated 03.05.2017 in public interest and the bid/tender process of these mines were cancelled. The amount which was paid by the sole bidder had been refunded to the bidder. No sand has ever been extracted at the sand quarries of village Ghugiana and Rupianwala by the Govt. contractors. As per Clause 35 of e-auction notice, no compensation, therefore, is payable to the land owners of these sand quarries.

As regards, village Arianwala is concerned, e-auction of sand quarries was conducted and final approval of the department was obtained to start the contract on 02.11.2017 after completion of all legal formalities. Since the quality of the sand was not up to the mark, the contractor abandoned the mining activity in this village midway and submitted a surrender application to the department on 04.01.2018. The said request was accepted and on verification, it was found that the contractor had quarried and extracted sand of 20.62 tonnes from the mining area after the start of contract on 02.11.2017 till the date of surrender. Compensation has been assessed as per Clause of 35 of e-auction notification dated 03.05.2017 and the amount admissible has been found to be Rs.1238/- which amount till date has not been disbursed.

In the light of the above, we dispose of the present writ petition with a direction to the respondents to disburse the amount, as assessed to be the compensation, to petitioner No.1 whose land has been used for quarry within

a period of one week. The said petitioner would also be entitled to interest @ 8% p.a. from the date of the cancellation of the contract till the date of his payment.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

September 12, 2022.
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Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No