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

CWP-3301-2021 (O&M)
Date of decision:03.11.2023

GRAM PANCHAYAT TAGGAR KALAN

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

Mr. Rajesh K. Sheoran, Advocate
for respondent No.7.

Mr. Raj Kumar Garg, Advocate
for respondent No.8.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner has instituted the instant writ petition claiming the making of a writ of *Certiorari*, for thereby quashing the e-auction (Annexure P-2), whereby the lease of the mining area concerned, became assigned, vis-a-vis the private respondents concerned. When the matter was earlier listed before this Court, the learned State counsel was asked to seek, and, to purvey instructions to this Court vis-a-vis the private respondents concerned, becoming bestowed with a valid grant, thus to excavate the minor mineral concerned, from the lands owned, and, possessed by the Gram Panchayat concerned.

2. Today, the learned State counsel has placed on record the detailed status report, which is taken on record. A perusal of paragraphs 2 and 3 of the said status report, paragraphs whereof becomes extracted hereinafter, reveal that, after all the relevant clearances, being granted to the concessionaire concerned, thereupon consent to operate the area concerned, becoming assigned to the private respondents concerned.

2) The Environmental clearance in respect to Taggar Kalan Mining site granted by State Level Environment Impact Assessment Authority has been transferred in the name of Firm on dated 02-12-2019. Consent to operate has also been issued by the Punjab Pollution Control Board on dated 24-02-2020. A fact mentioned above shown that there is no illegal mining take place at Taggar Kalan Mining Site.

3) The Sarpanch of Village Gram Panchayat Taggar has filed a CWP No.3301 of 2021 before the Hon'ble Punjab and Haryana High Court against the illegal mining operation of Taggar Kalan Mining site. The Hon'ble High Court vide order dated 16.02.2021 held that the State shall ensure that further excavation from the area in question be discontinued immediately. No minor mineral has been extracted from the mining site of Taggar Kalan after Feb-2021 as per N-Form (Monthly extraction) submitted by the firm. As per record of this office, the 66404 MT minor mineral was extracted by the firm upto Feb-2021 from Taggar Kalan Mining site only as under:-

Taggar Kalan	Feb-2020	March-2020	April-2020	May-2020	June-2020	July-2020	August-2020
	6559 MT	13542 MT	0 MT	3104.14 MT	4879.70 MT	00 MT	00 MT
	September-2020	October-2020	November-2020	December-2020	Jan-2020	Feb-2020	Total
	00 MT	7439.58 MT	9068.04 MT	8479.80 MT	11539.32 MT	1793.32 MT	66404.90 MT

3. Moreover, though this Court earlier had, through an order made on 16.02.2021 rather had restrained the concessionaire concerned, to make excavation(s) of the minor mineral from the area concerned. The said stay order as made by this Court against the private respondents concerned, is still in operation.
4. Be that as it may, a perusal of the above extracted paragraphs also reveal that 66404 metric tonne of minor mineral concerned, became extracted from Taggar Kalan mining site, rather by the concessionaire concerned, but only upto February, 2021.
5. Moreover a reading of paragraph 4 of the status report further reveals, that owing to non liquidation of mining dues/installments, thus leading the Competent Authority, to, suspend the mining operations, as became undertaken, at the instance of the concessionaire concerned. However, subsequently on the concessionaire concerned, expressing his willingness to deposit the outstanding dues comprised in a sum of Rs.3.30 crores, and, the balance amount, within 4 months, thereby the Competent Authority became led to revoke the suspension of the mining operations, as became embarked upon by the concessionaire concerned.
6. Since it is further revealed, that all the outstanding dues, stand deposited by the concessionaire, besides also it becoming revealed that the lease as made in respect of the private respondents concerned, has been terminated.

7. Consequently, the prayer made in the instant writ petition, that the grant as made to the concessionaire concerned, in pursuance to an e-auction be quashed, and, set aside, is as such not sustainable. Prominently, also when today the learned State counsel has placed on record a resolution passed by the Gram Panchayat concerned, declaring therein, that the Gram Panchayat concerned, is no longer intending to prosecute, the instant writ petition.
8. The petition stands disposed of accordingly.
9. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

03.11.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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