

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-3142-CWP of 2023 in/and
CWP No. 4612 of 2021 (O&M)
Date of Decision:19.04.2023

Kewal Krishan and others

.....Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Vinod Kumar, Advocate
for the petitioners.

Mr. Sandeep Jain, Addl.AG. Punjab.

Mr. Sunil Agnihotri, Advocate
for respondent no.8.

Mr. Rohit Sapheiya, Advocate
for Mr. Rai Singh Chauhan, Advocate
for applicant-respondent no.9.

LISA GILL, J(Oral).

CM-3142-CWP of 2023.

Prayer in this application is for bringing on record the legal representatives of applicant-petitioner no.9-Ashwani Kumar, who is stated to have died on 09.07.2021.

Notice of the application.

Mr. Sandeep Jain, Addl.AG., Punjab, accepts notice on behalf of the non-applicant-respondent-State, Mr. Vinod Kumar, Advocate, accepts notice on behalf of the non-applicant-petitioner and Mr. Sunil Agnihotri, Advocate, accepts notice on behalf of non-applicant-respondent no.8 and do not raise objection to bring on record legal representatives of applicant-respondent no.9-Ashwani Kumar.

Keeping in view the facts and circumstances as above, person mentioned in para no.2, is brought on record as legal representatives of deceased-applicant-respondent no.9-Ashwani Kumar, for the purpose of adjudication of this petition and subject to just exceptions.

Amended memo of parties is taken on record subject to just exceptions.

Application is accordingly disposed of.

CWP No. 4612 of 2021.

Prayer in this writ petition is for direction to the respondents to initiate legal action against respondents no.8 and 9, who are stated to be carrying on with illegal mining over Gram Panchayat land in collusion with some officials.

Reply on behalf of respondent no.3 by way of affidavit dated 19.04.2023, of Mr. Sartaj Singh Randhawa, Executive Engineer-cum-District Mining Officer, Hoshiarpur, Drainage-cum-Mining and Geology Division, Hoshiarpur and reply by way of affidavit dated 19.04.2023 of Mr. Balbir Singh, Deputy Superintendent of Police, Sub-Division, Dasuya, District Hoshiarpur, with copies thereof to learned counsel for the petitioners filed in Court today, are taken on record subject to just exceptions.

Learned counsel for the respondent-State, while referring to the written statements filed on behalf of different respondents points out that during pendency of this writ petition, the matter has been enquired into. Notice dated 06.04.2023 has been issued to Ms. Vandana Sharma wife of respondent no.9-Ashwani Kumar (since deceased) regarding recovery of the amount in question i.e. Rs.1,87,253/-. Furthermore, Ms. Vandana Sharma, it is submitted has stated that in case after fresh demarcation, she is found to be in illegal possession on any part of the Gram Panchayat land, in any of the

three villages i.e., Bela Sariana, Handwal and Sadhwan, she shall immediately handover the possession thereof. It is submitted that in view of the above, present writ petition is rendered infructuous.

Learned counsel for the petitioners does not deny the same.

Writ petition is accordingly disposed of as infructuous.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

April 19, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.