

CWP-20853-2019

2023:PHHC:065001-DB
:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CWP-20853-2019 (O&M)
Date of Decision: 02.05.2023

PREMDEEP SINGH SHERGILL

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. S. K. Rana, Advocate and
Mr. A. S. Shergill, Advocate
for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab.

Mr. Arun Gosain, Advocate
for respondent No.4.

Mr. Suveer Sheokand, Advocate
for respondent No.5.

LISA GILL, J.(Oral)

1. This writ petition has been filed by the petitioner for quashing of auction notice dated 30.05.2019 allegedly in contravention of the Sustainable Sand Mining Management Guidelines 2016, issued by the Ministry of Environment, Forest and Climate Change issued under the Environment Protection Act and also in violation of directions dated 23.04.2019 in CWP-PIL-4846 of 2018. Further prayer is for directing the respondents to issue Environment clearance in respect to the Kot Razada Sand Mining

block allotted to the petitioner on 20.02.2018.

2. Learned counsel for the petitioner submits that in so far as the prayer for quashing of auction notice dated 30.05.2019 is concerned, he does not press the same as the same has been rendered infructuous as of today.

3. It is further submitted that environmental clearance has been issued by respondent No.5 on 12.10.2022 (Annexure P-17). Therefore, the grievance as addressed in the petition has since been redressed. However, learned counsel for the petitioner submits that petitioner has still not been allowed to operate the mine.

4. Learned counsel for the State in response has referred to order dated 29.08.2022 passed in CWP-22567-2012 titled 'Gurbir Singh Pannu Vs. State of Punjab and others' whereby the Ist Division Bench of this Court has directed that mining activities legal or illegal, in and across Ravi river adjacent to international border with Pakistan shall remain stayed. It is on this account that the petitioner was not permitted to carry on mining in the area.

5. Learned counsel for the petitioner at this stage submits that an assessment is being carried out by the authorities to determine whether the area in question would be within 2.5 kilometers of the National border, therefore, he should be permitted to start mining operations as the area in question does not fall therein. Be that as it may, the controversy now sought to be raked by the petitioner is not within the purview of present proceedings and adjudication thereon is not called for.

6. Therefore, this writ petition is disposed of as infructuous with liberty to the petitioner to avail his remedy/remedies, as may be available to him in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

02.05.2023
Rimpal

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