

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

CM-5-CWPIL-2023 in/and
CWP-PIL-84-2022
Date of decision:- 23.01.2023

Gagneshwar Walia

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gurminder Singh, Senior Advocate,
with Mr. Jatinder Singh Gill, Advocate,
for the petitioner.

Mr. Vivek Kumar Tankha, Senior Advocate,
with Mr. Avinit Avasthi, Assistant Advocate General, Punjab,
and Mr. Vipul Tiwari, Advocate,
for respondents No. 1 to 6.

Ms. Reeta Kohli, Senior Advocate,
with Ms. Vandana Kohli, Advocate,
and Mr. Rajesh Tushar, Advocate,
for respondent No. 7 – SEIAA.

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RAVI SHANKER JHA, C.J. (ORAL)

This public interest litigation has been filed by the petitioner being aggrieved by the award of sand mining contracts in the name of de-silting without following the procedure prescribed by law.

Respondents No. 1 to 6 – State of Punjab have filed CM-5-CWPIL-2023 for placing on record the reply by way of an affidavit of the Chief Engineer, Drainage-cum-Mining and Geology, Department of Water Resources, Punjab.

In paragraph 4 of the reply, the State of Punjab has made the following averments:-

“4. In pursuance to the above it is further submitted that the department through its Chief Engineer vide email dated 03.12.2022 had directed the Executive Engineers-cum-District Mining Officers to cancel all the tenders floated all across State of Punjab in the months of August and September 2022 for excavation of sand. Subsequently all tenders as stated above stand cancelled by the respective Executive Engineers-cum-District Mining Officers in each district. Copy of email dated 03.12.2022 alongwith corresponding confirmation of cancellation of tenders are annexed herewith as Annexure R-2.”

Learned senior counsel, appearing for the respondents No. 1 to 6 – State of Punjab, submits that all the impugned tenders have been cancelled.

Learned senior counsel for the petitioner submits that in view of the aforesaid statement of facts made by the State of Punjab, nothing further survives for adjudication in the present writ petition.

In view of the aforesaid statement of facts made by the State of Punjab and in terms thereof, the writ petition stands disposed of with liberty to the petitioner to file a fresh petition in case any cause of action survives or arises.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.01.2023
Amodh Sharma

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