

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CWP-26890-2021 (O&M)

Date of Decision: 14.09.2023

Bachittar Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr.Tushar Madaan, Advocate, for
Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Sehajpreet Singh Sandhu, Advocate
for respondent No.5.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner claims for issuance of mandamus, upon, respondents No. 1 to 4, to restrain them from collecting any charges or levies, from the trucks loaded, with lawfully excavated minor minerals or with other concrete material, thus from the Stone Crusher Units, owned/ licensed by the present petitioner.

2. Learned State counsel submits, that the present petitioner, does not own any license, and has not been granted any lease or contract for either excavating any minor minerals concerned nor thereby he can be well enabled to stake, that the said extracted minor minerals, become loaded onto

the trucks owned by the present petitioner. He, therefore, submits that the present petitioner has no locus standi and thereby this petition be declared to be completely mis-constituted as well as a gross abuse of the process of court.

3. Learned counsel for the petitioner while opposing the above prayer has not been able to place on record any contract drawn by the present petitioner with the Licensing Authority concerned or with the competent authority concerned. Thereby, any resistance to the above made argument by the learned State counsel, becomes completely frail. Therefore, this Court declares, that the present petitioner has no locus standi to maintain this petition, as such, the present petition is declared to be a gross abuse of the process of Court.

4. Dismissed. However, liberty is reserved to the petitioner to at an, appropriate stage re-access this Court, only if at that stage there is a lease made to the present petitioner by the statutory authority concerned.

5. All pending applications, if any, stand disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

14.09.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No