

2023:PHHC:137197-DB

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

115

CWP-24097-2023

Date of Decision : **October 20, 2023**

BALDEV KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present : Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. Maninder Singh, DAG, Punjab.

SURESHWAR THAKUR. J.(Oral)

1. The petition land(s) is alleged to be encroached upon the stone crusher unit operated by the private respondent concerned. Therefore, the writ petitioner prays that Annexure P-2 be ensured to be enforced against the private respondent concerned.
2. If Annexure P-2 relates to the exercisable jurisdiction by the Mining Officer concerned, relating to the private respondent concerned, rather not making the relevant statutory deposits, thereby the Annexure P-2 may be considered to be validly drawn, and, would require its becoming ensured to be enforced, through a mandamus to be made upon the respondent concerned. However, if it appears that the author of Annexure P-2 has drawn it merely on the complaint by the present petitioner against the private respondent concerned, qua the latter making excavation of mines from the land owned and possessed by the present complainant, thereupon at this stage, it may not be enforceable.

3. If so, the remedy available to the aggrieved petitioner was through his instituting a suit for permanent injunction against the private respondent concerned, seeking thereby an interim, and, also a final relief, thus for restraining the private respondent concerned, from engaging themselves from mining activities on the relevant land purportedly owned and possessed by the present petitioner.
4. It is stated at the bar by the learned State counsel, that the said suit is filed and is sub-judice before the learned Civil Court of competent jurisdiction. If so, and, more especially when an FIR in respect of the errant acts of the private respondent concerned, is registered before the Police Station concerned, therefore, in view of what has been stated above, we do not find any merit in the present writ petition, and, deem it fit not to make any further interference in the above aptly recoured remedy by the present petitioner.
5. Disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

October 20, 2023
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No