

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

CRM-M-55602-2023
Date of decision: 06.11.2023

Sanjay Deshwal

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajesh Goyal, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

Learned counsel for the petitioner contends that the land of the petitioner is adjoining to the land where respondent No.4 had illegally taken out the soil from the panchayat land and sold the same in the market and earned money illegally. After knowing the same, the petitioner moved complaint dated 02.11.2021 to the Chief Minister, in the CM window and mentioned all the facts in the application. The true translation copy of the application is attached with the petition as Annexure P-1 and he further has made a representation to various quarters.

Learned counsel for the petitioner refers to the representation dated 03.11.2022 addressed by the Mining Officer to respondent No.3. Perusal of the same indicates that the complaint was made by the petitioner against respondent No.4 with regard to lifting of the soil from the panchayat land to which respondent No.4 has responded that the complainant is his nephew and they are having dispute regarding land.

Learned counsel for the petitioner on the basis of the material available on record prays for issuance of a direction to respondents No.2 & 3 to take legal action against respondent No.4 by registering an FIR.

After hearing learned counsel for the petitioner and perusing the record, this Court finds no ground to interfere in the present petition as any contravention under the Mines and Minerals (Development and Regulation) Act, 1957 is cognizable and punishable under Section 21 of the above Act which is

CRM-M-55602-2023

-2-

bailable with maximum sentence of 02 years. As such, no direction can be issued for registration of FIR under the provisions of Indian Penal Code. The Mines and Minerals (Development and Regulation) Act, 1957 is special enactment regulating the extraction of mines and minerals and as such any contraventions of the Act or the Rules made therein are squarely dealt with by the provisions of the above Act. It is well-settled principle of law that if a special Statute lays down procedures, the one laid down under the general provisions of IPC would not be attracted.

In view of the judgment of the Hon’ble Supreme Court in ‘Jeewan Kumar Raut and another Vs. Central Bureau of Investigation,’ 2009 (7) SCC 526 and the judgment of this Court in ‘Ajay Kumar Sandhu Vs. State of Haryana’ CRM-M-29708-2014 (O&M), the present petition being devoid of merits, is hereby dismissed. However, the petitioner would be at liberty to approach the concerned quarters for redressal of his grievance in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

06.11.2023
Neha

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