



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

**CWP No.11437 of 2019 (O&M)
Date of Decision :08.01.2025**

Saroop Singh

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MRS.JUSTICE SUDEEPTI SHARMA**

Present : Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Saurabh Kapoor, Addl. A.G. Punjab.

ARUN PALLI, J. (Oral):

Petitioner (Saroop Singh) has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of the Constitution of India for issuance of a writ especially in the nature of Mandamus directing the respondent State Government to refund the amount of the petitioner which has been lying deposited with the respondents since May 2017 for the Quarry namely Khanpur Khadar, District SAS Nagar, for which the petitioner was the successfully bidder and the work for which has not been started yet as the said quarry is having no connectivity from any side and further the quarry is under the active water channel of River Ghaggar from which the mining cannot be done and the auction of the said quarry has been done in violation of the judgment rendered by the Hon’ble Supreme Court of India in Deepak



Kumar Versus State of Haryana and others (2012) 4 SCC 629 as well as in violation of the conditions of the environmental Clearance as prescribed by SEIAA.

AND

Further for issuance of a writ in the nature of Mandamus directing the respondents to refund the amount deposited by petitioner to the tune of Rs.40,39,368/- alongwith interest @ 18% per annum from the date of deposit as the same has been wrongly and unlawfully retained by the respondents and further the department has issued the new policy by which the department has fixed the sale price of minerals due to which it will not be viable for the petitioner to operate the quarry.

Learned counsel for the petitioner submits that pursuant to an advertisement dated 03.05.2017, the respondents-Department had auctioned quarry in various districts. The auction in this regard was conducted on 20.05.2017, and the petitioner being the successful auction purchaser was allotted quarry namely Khanpur Khadar, District SAS Nagar, for an amount of Rs. 82,04,804/- per annum, for a period of 5 years. So much so, he even deposited Rs.40,39,368/- as security and the first installment. Whereafter, he repeatedly represented to the respondents to carry out the demarcation of quarry and to provide a passage to access the same. However, he submits that despite the formal approvals/sanctions issued to the petitioner the authorities had failed to provide a passage. Something which is discernible even from the report dated 08.03.2018 submitted by the Patwari. Accordingly, he asserts that in the absence of any passage/connectivity, the petitioner was unable to



commence the operations. Hence, the amount deposited by the petitioner was/is liable to be refunded. For, under no conceivable situation, the authorities could withhold the same which is nothing but an unjust enrichment.

To this, learned State counsel submits that a formal written statement on behalf of the respondents has since been filed disputing the claim of the petitioner. But in the given circumstances, it would rather be expedient, if the petition is disposed of, at this stage, to enable the competent authority to examine the concerns/grievances of the petitioner and pass necessary orders. For appropriate and conclusive determination of the dispute.

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel and submits that let this petition be disposed of in terms of the statement made by him. However, it is urged, for the matter is pending since 2019, the competent authority be directed to consider and decide the claim of the petitioner within a specified time.

In response, learned State counsel submits that the authority would make every possible endeavour to conclude the matter, at the earliest, but in any case, within three months from today. Further, he fairly, submits that before any such orders are passed the petitioner shall also be heard for which a formal notice in this regard would be served, well in advance.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the competent authority shall examine the concerns/grievances of the petitioner in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned State counsel.



Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

08.01.2025
Manoj Bhutani

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