

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

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(I) CWP-13715-2022

Date of Decision : March 03, 2025

M/S AAR ESS STONE CRUSHER

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

(II) CWP-13787-2022

M/S AAR ESS STONE CRUSHER

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S. Randhawa, Advocate with
Ms. Tarranum Madan, Advocate and
Mr. Lachhman Singh, Advocate
for the petitioner (in both writ petitions).

Ms. Arundhati Kulshreshtha, A.A.G, Punjab.

Mr. H.C. Arora, Advocate
for the respondent No.7 (in CWP-13715-2022) and
for the respondent No.9 (in CWP-13787-2022).

KULDEEP TIWARI, J. (ORAL)

1. Both these writ petitions are amenable for being decided through a common verdict on account of the grievance sketched by the petitioner therein being overlapping.

2. Initially, the petitioner instituted CWP-13715-2022 before this Court, thereby seeking issuance of directions upon the respondent(s) not to create hindrance in the petitioner's business by blocking the passage, whereon the petitioner has got the legal right by virtue of the

lease deed dated 20.12.2021. However, during pendency of the said writ petition, the lease deed (supra) was cancelled by the competent authority, which caused pain to the petitioner and propelled it to institute CWP-13787-2022, thereby assailing the lease deed cancellation order dated 20.06.2022. The cancellation order has been assailed by the petitioner, on the ground that, it was passed without affording any opportunity of hearing to it.

3. During pendency of these writ petitions before this Court, the authority concerned realized its omission that no opportunity of hearing was afforded to the petitioner before passing the cancellation report and resultantly, got conducted a fresh inquiry through Joint Development Commissioner. In this inquiry, the petitioner was afforded due opportunity of hearing, besides becoming granted opportunity to furnish the requisite documents to substantiate its submissions.

4. Today, the learned State counsel, on instructions imparted to her by Ms. Ramanpreet Kaur, Legal Assistant, Department of Rural Development and Panchayat, has informed this Court that, the Joint Development Commissioner is in the process of passing a fresh order in respect of the lease deed (supra), hence the legality of the impugned cancellation report is not required to be examined.

5. The learned counsel for the petitioner has submitted that, during pendency of these writ petitions and the inquiry, the petitioner managed to lay hands on a spot verification report, which clearly dispels the allegations of petitioner's involvement in illegal mining, therefore, he wants to place the said document(s) before the Joint Development

Commissioner.

6. In view of the above, this Court deems it appropriate to **dispose of** these writ petitions with a direction upon the Joint Development Commissioner to, before making the final decision upon the inquiry (supra), permit the petitioner to submit additional documents, and only thereupon, draw the final decision after hearing the petitioner and the private respondent(s). Moreover, till the drawing of the final decision, no coercive action shall be taken against the petitioner.

7. Furthermore, in case of the petitioner fetching any grievance from the final decision made by the Joint Development Commissioner, the former shall be at liberty to take recourse to the apt statutory remedy for redressal of its grievance.

8. It is expected that the Joint Development Commissioner would complete the exercise (supra) within two months from today. The decision so taken shall be forthwith communicated to the petitioner and to the private respondent(s), thereby enabling them to, in case of any grievance being caused by the same, take apt lawful recourse.

9. Disposed of accordingly.

10. A photocopy of this order be placed on file of connected case.

March 03, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No