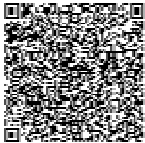


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:066306-DB



CWP-5327-2026 (O&M)
Date of Decision: 28.04.2026

Phool Singh and others ...Petitioners

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Parminder Singh, Advocate for the petitioners.

Mr. Nitin Kaushal, Addl. AG, Haryana.

Mr. Gaurav Mohunta, Sr. Advocate with
Mr. Udit Jai, Advocate for respondent No.7.

ASHWANI KUMAR MISHRA, J. (Oral)

1. That writ petition has been filed alleging illegal mining to be carried out by the private respondents.

2. Taking cognizance in the matter, we passed following orders on 01.04.2026:-

“Pursuant to the order passed on the previous occasion, an affidavit has been filed by the Deputy Commissioner, Karnal stating that the intent on the part of the State is only to level the fields and for such purposes requisite permission etc. has been obtained.

It is also submitted that this petition actually is in the nature of public interest since the petitioners have not demonstrated as to

how they are prejudiced by the State action. Submission is that as the petition has not been filed in the nature of public interest, as such, it will not pursue any further.

Learned counsel for the petitioners seeks time to file a reply to the compliance affidavit filed today on behalf of the State. In addition, our attention has been invited to Annexure P-5, which is in the nature of a permission to undertake mining in the concerned land. Various photographs have been annexed to show that in a large portion, ordinary clay is being removed. It is also submitted that there is no material to show that any decision at competent level was taken to level the fields or to show that there were depth and pits in the area which required to be levelling.

In the facts of the case, we allow the learned counsel for the petitioners to file a reply to the compliance affidavit within two weeks.

Considering the nature of allegations made in the petition, we restrain the respondents from undertaking any further mining in the area in question.

Moreover, considering the allegations of environmental damage and disputed facts we appoint Mr. Shreenath A. Khemka, Advocate as an Advocate Commissioner who would inspect the site and submit his report by the next date of hearing. We quantify the fee to be paid in advance to the Advocate Commissioner as ₹1,00,000/-. Fee and actual travelling expenses etc., would be borne equally by the petitioners and the State. We also direct respondent No.5-Deputy Commissioner, Karnal to extend all co-operation to the Advocate Commissioner during his visit. Respondent No.5-Deputy Commissioner, District Karnal is also directed to depute a team of revenue officials along with Officers of the Mining Department to accompany the Advocate Commissioner. The Advocate Commissioner will inform the Deputy Commissioner of the date when he intends to visit the area and the concerned Deputy Commissioner will ensure that appropriate police assistance is

also extended. A representative of the petitioners would also be present at the time of the inspection.

Adjourned to 28.04.2026.”

3. The Advocate – Commissioner has submitted his report on 19.04.2026, which is taken on record. The Advocate – Commissioner has highlighted three issues for examination which are as under;-

“A. Whether the excavations have exceeded the permissible depth of 1.5 meters?

B. Whether there are any actual undulations on the panchayat land to justify the proposal to excavate the top-soil?

C. Whether there has been a degradation of the land/environmental damage in village Kalron?

4. On the first issue, the Advocate – Commissioner has found that permission granted in favour of the private respondents for excavation on panchayat land to the extent of 1.5 meter, has not materially exceeded the permissible depth though at some places the excavation is deeper than what is allowed. However, with regard to the third aspect, the Advocate–Commissioner has reported extensive excavation and removal of soil from parcels of adjoining private land, resulting in erosion of topsoil in certain areas to a depth of approximately 15–20 feet. It has been specifically noted that such deep excavations pertain to private land.

5. Considering the report submitted by the Advocate–Commissioner, we do not find much substance in the grievance raised by the petitioners inasmuch as learned Senior Counsel for the Gram Panchayat fairly states that if any excavation above permissible limit is made, the same shall be made good within four weeks. However, considering the fact that deep

mining has been found at vast stretch of private land, we direct the Deputy Commissioner, Karnal and the concerned Mining Officer to get the spot examined with the assistance of the report submitted by the Advocate – Commissioner and to ensure that appropriate action as may be warranted in law, is taken forthwith. Copy of the report submitted by the Advocate Commissioner is directed to be hand over to the State Counsel, for necessary action. The Deputy Commissioner, Karnal and the Mining Officer shall otherwise ensure that no illegal mining is allowed to be carried out contrary to law or else personal responsibility of the officer responsible, would be fixed in that regard. The authorities shall also ensure that no mining is allowed by the private respondents after the expiry of the lease period.

6. The writ petition is accordingly disposed of.
7. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

28.04.2026

rajesh

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|-------------------------------|---|--------|
| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |