
(2021) 07 CHH CK 0070

In the Chhattisgarh High Court

Case No : Writ Petition (Public Interest Litigation Matter) No. 43 Of 2021

Anand Thakur

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 09-07-2021

Acts Referred:

Citation : (2021) 07 CHH CK 0070

Hon'ble Judges : Prashant Kumar Mishra, J;Rajani Dubey, J

Bench : Division Bench

Advocate : Sharad Mishra, Vikram Sharma

Final Decision : Disposed Of

Judgement

1. Heard.

2. The petitioner has preferred this writ petition seeking quashment of the order dated 3.1.2020, by which, lease of the subject sand mine has been

allowed in favour of respondent No.3 with further prayer to direct respondents 2 & 3 to reinstate the said river bed of Gram Panchayat Pachavaal,

District Balrampur as also to reconstruct the collapsed bridge and pay adequate compensation to the Gram Panchayat.

3. It is argued that due to illegal mining in the subject sand mining area, four people have died and further that the concerned Gram Panchayat has

submitted representation before the Collector for stopping illegal sand mining, however, no action has been taken by the Collector.

4. Admittedly, lease granted to respondent No.3 vide Annexure P/6 dated 3.1.2020 by the Collector (Mining Branch), Balrampur is governed under

the provisions of the Chhattisgarh Minor Mineral Ordinary Sand (Quarrying and Trade) Rules, 2019. Thus, the lease has been allowed after following

the prescribed procedure and no fault is found with the said procedure adopted by the respondent-Collector.

5. In so far as the illegal mining and damage to the bridge or any other structure in the Panchayat area is concerned, the petitioner or the concerned

Gram Panchayat would be at liberty to raise the matter by filing representation before the Collector.

6. The papers available before the Court does not contain any resolution of the Gram Panchayat objecting to grant of lease to respondent No.3.

7. The representation by the Sarpanch is not a representation of the Gram Panchayat. For doing any official activity of behalf of the Gram Panchayat,

there has to be a resolution of the Gram Panchayat, otherwise, it will be an act solely carried out by the Sarpanch and not by the Gram Panchayat.

8. In view of the above, we have not found any illegality in grant of lease. However, if any other grievance lies e.g. illegal sand mining, the petitioner

may move afresh before the concerned Collector, who shall decide the representation in accordance with law.

9. The petition stands disposed of.