
(2021) 11 SHI CK 0038

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 6949 Of 2021

Ganga Ram And Others

APPELLANT

Vs

State Of H.P And Others

RESPONDENT

Date of Decision : 10-11-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 11 SHI CK 0038

Hon'ble Judges : Mohammad Rafiq, CJ;Sabina, J

Bench : Division Bench

Advocate : Vinay Mehta, Ashok Sharma, Vikas Rathore

Judgement

Sabina, J

1. The petitioners have filed the petition under Article 226 of the Constitution of India seeking following reliefs:

a) That the respondents may very kindly be directed to take action against the persons are involved in illegal mining in accordance with the mining law.

b) That the respondents may very kindly be directed to take necessary action to stop the illegal mining activities for the safeguard the life and property of the petitioners or in the alternative, the persons who are involved in the illegal mining may kindly be directed to pay damages to the petitioners as per the law of land.

c) That the respondent No.3 may kindly be directed to take necessary action against the persons who has put the school property and life of the students in Govt. Primary School in danger and in the alternatively prayed that respondent No. 3 may kindly be directed to lodge FIR against those persons who are involved in the activities of illegal mining in the premises of Govt. Primary School with the respondent No. 7.

d) That the entire record pertaining to the instant case may please be summoned

and examined, which would help this Hon'ble Court to arrive at just conclusion.

e) That the present Civil Writ Petition may kindly be allowed with costs throughout.

2. Learned counsel for the petitioners has submitted that the petitioners are co-owners in possession of the land comprised in Khewat/Khatauni No.38/65, Khasra Nos.513, 518, 521, 522, 529, 530, 535/1, 551 Kita-8, measuring 26-02-05 bighas, Khewat Khatauni No.40/67, Khasra Nos.52, 55, 56 and 57, measuring 00-04-04 bighas, Khewat/Khatauni No.41/69, Khasra No.63, measuring 00-19-09 bighas, situated in Mohal Bali-Batadi/287, Tehsil Nihri, District Mandi, H.P. Petitioners made a representation to respondents No.5 and 6 regarding illegal mining of minerals being carried out in their land, but no action had been taken on the same so far. Illegal mining was also being carried out in the area of Government Primary School building. Due to the illegal mining activities, which were going on for the last 10-15 years, the school building had become unsafe. Learned counsel has also made reference to the photographs available on record.

3. After going through the facts and circumstances of the case, without going into the merits of the submissions made by learned counsel for the petitioners, we deem it appropriate to dispose of the writ petition with liberty to the petitioners to approach respondent No.4 by making a detailed representation with regard to their grievances within a week. Respondent No.4 shall inspect the spot and assess the factual position within a period of one month from the date of filing of the representation before him by the petitioners and in case it is found that any illegal mining was being carried out in the areas pointed out by the petitioners, respondent No.4 shall take action, in accordance with law, to stop the illegal mining activities. Pending application(s), if any, shall also stand disposed of.