

---

**(2012) 03 SHI CK 0229**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 2730 of 2009-F**

Rajneesh Sharma

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

---

**Date of Decision :** 19-03-2012

**Acts Referred:**

**Citation :** (2012) 03 SHI CK 0229

**Hon'ble Judges :** Kurian Joseph, J; Dharam Chand Chaudhary, J

**Bench :** Division Bench

**Advocate :** Vishal Panwar, for the Appellant; R.K. Bawa, Advocate General with Mr. J.K. Verma, Dy. Advocate General for respondents No. 1 to 3 and 5 to 9, Mr. Anil Chauhan, Advocate for respondent No. 4, Mr. Rahul Mahajan, Advocate for respondent No. 12, Mr. Ajay Sharma, Advocate for respondents No. 10, 11, 13, 14 and 15 and Mr. S.D. Vasudeva, Advocate for respondent No. 16, for the Respondent

---

## Judgement

Justice Kurian Joseph, Chief Justice

1. The writ petition is filed with the following prayers: (i) That the impugned letter dated 1.7.2009 (Annexure P-19) may kindly be quashed and set aside;

(ii) That the respondent No. 5 may kindly be directed to issue fresh publicity of the grant of mining lease of slate quarries situated at Gram Panchayat Ghaiarnya as per the requirements of the rules of H.P. Panchayati Raj Rules, 1971;

(iii) That the respondent No. 5 may also be directed to consider the application dated 13.9.2004 of the petitioner for the purpose of granting mining lease at Gram Panchayat Ghaiarnya;

(iv) That the respondents No. 1,2,3,4 and 7 may be directed to conduct an inquiry against the granting of mining lease in an illegal manner in favour of the respondent No. 16 and too by surpassing the mandatory rules of H.P. Panchayati Raj Rules, 1971 and Minor Mineral (Concession) rules, 1971.

The stand taken by the official respondents No. 1, 5, 6 and 7 is that in case the land is got diversified form the Ministry of Environment and Forests, Govt. of India, the application of the petitioner can be considered. However, according to the petitioner, it has already been diversified and even lease has been granted to the sixteenth respondent, in violation of the Rules. There will be a direction to the sixth respondent-State Geologist, to look into all these aspects and in case any lease has been granted to any person in violation of the Rules, necessary steps shall be taken to cancel the same. In case the petitioner is otherwise eligible and entitled, his application shall be processed. Needful, as above, will be done within four months from the date of production of a copy of this judgment by the petitioner before the State Geologist.

The writ petition stands disposed of, so also the pending application(s). if any.