

(2021) 03 UK CK 0090

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 570 Of 2021

Ramesh Chandra & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 10-03-2021

Acts Referred:

Uttarakhand Gaur Khanij Niti, 2015 — Section 5, 6(3)(a)

Citation : (2021) 03 UK CK 0090

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Bhupesh Kandpal, Mamta Bisht

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. By means of this Writ Petition, petitioners have sought following reliefs:

"(a) To issue a writ order or direction in the nature of certiorari quashing the letter dated 02.02.2021 issued by Director Geology and Mining Unity to the Secretary Mining to the extent of observing that the private respondent no. 6 is having and fulfilling the mandatory provisions of section 5 and section 6(3)(a) of Uttarakhand Gaur Khanij Niti 2015 as amended 2016 in accordance with law.

(b) To issue a writ order or direction in the nature of mandamus commanding the respondents not to record the consent of the petitioners as per section 6(3)(a) of Uttarakhand Gaur Khanij Niti 2015 as amended 2016 in favour of private respondent no. 6."

2. In sum and substance, the contention of the petitioners is that they have not given their consent for undertaking mining operation over their agricultural land, yet in the impugned communication dated 02.02.2021, issued by Director, Geology & Mining Unit, Dehradun, it has been stated that petitioners have given consent in favour of respondent no. 6, who is an applicant for grant of mining

lease.

3. It is not disputed that mining lease is yet to be granted in favour of respondent no. 6. It is also not disputed that even if mining lease is granted in favour of respondent no. 6, then also he cannot carry mining operation over petitioners' land, without their consent.

4. In such view of the matter, this Court is of the considered opinion that no legal injury has been caused to the petitioners by the impugned communication, which is an inter-departmental letter. It appears that petitioners have been set up by some other person, who has also applied for mining lease.

5. Accordingly, writ petition fails and is dismissed.

6. Let a certified copy of this order be issued within 24 hours.