

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 7850 of 2010 alongwith
connected matters.

Date of Decision : September 14, 2017

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1. <u>CWP No. 7850 of 2010</u>		
Shiv Kumar	...	Petitioner
Versus		
State of Himachal Pradesh through Secretary (Industries) & others	...	Respondents
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2. <u>CWP No. 7853 of 2010</u>		
Renu Guleria	...	Petitioner
Versus		
State of Himachal Pradesh through Secretary (Industries) & others	...	Respondents
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3. <u>CWP No. 7855 of 2010</u>		
Bir Singh	...	Petitioner
Versus		
State of Himachal Pradesh through Secretary (Industries) & others	...	Respondents
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4. <u>CWP No. 7856 of 2010</u>		
Gurdeep Singh	...	Petitioner
Versus		
State of Himachal Pradesh through Secretary (Industries) & others	...	Respondents
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5. CWP No. 7857 of 2010

Ravinder Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

... Respondents

6. CWP No. 7858 of 2010

Shiv Kumar

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

... Respondents

7. CWP No. 7860 of 2010

Mukesh Mittal

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

... Respondents

8. CWP No. 7861 of 2010

Rameshwar Guleria

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

... Respondents

9. CWP No. 1154 of 2011

Harpreet Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

... Respondents

10. CWP No. 3309 of 2013

Harjit Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & another

...Respondents

11. CWP No. 3310 of 2013

Satvinder Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & another

...Respondents

12. CWP No. 3311 of 2013

Harjit Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & another

...Respondents

13. CWP No. 3312 of 2013

Harjit Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & another

...Respondents

14. CWP No. 1547 of 2014

Rajat Thakur

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

15. CWP No. 4161 of 2015

Ram Kumar

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

16. CWP No. 4298 of 2015

Sardara Singh

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

17. CWP No. 4299 of 2015

M/s Shiv Om Stone Crusher

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

18. CWP No. 4300 of 2015

Naveen Goyal

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

19. CWP No. 4301 of 2015

Ajay Kumar

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others...Respondents

20. CWP No. 4304 of 2015

Gurcharan Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

21. CWP No. 4305 of 2015

M/s Santokh Stone Crusher

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

22. CWP No. 4347 of 2015

Gaurav Kumar

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

23. CWP No. 4445 of 2015

Gurmeet Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

24. CWP No. 4478 of 2015

Bidhi Chand

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

25. CWP No. 4536 of 2015

Pawan Kumar

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

26. CWP No. 4537 of 2015

Bhavesh Jaswal

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

27. CWP No. 4570 of 2015

Tarsem Bharti

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

28. CWP No. 4580 of 2015

Tripti Stone Crusher Coop. Ind. Soc. Ltd.

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

29. CWP No. 4860 of 2015

M/s Times Builders Stone Crusher

... Petitioner

Versus

State of Himachal Pradesh
through Secretary (Industries) & others

...Respondents

30. CWP No. 4869 of 2015

Mehul CC Johnson

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

31. CWP No. 1631 of 2016

Ranbir Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

32. CWP No. 2471 of 2016

M/s Times Builders Stone Crusher

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

33. CWP No. 105 of 2017

Gurmit Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

34. CWP No. 431 of 2017

Pritam Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

35. <u>CWP No. 503 of 2017</u> Ranbir Singh	... Petitioner
Versus	
State of Himachal Pradesh through Secretary (Industries) & others	...Respondents
36. <u>CWP No. 504 of 2017</u> M/s Shri Ram Stone Crusher	... Petitioner
Versus	
State of Himachal Pradesh through Secretary (Industries) & others	...Respondents
37. <u>CWP No. 1438 of 2017</u> Sham Singh	... Petitioner
Versus	
State of Himachal Pradesh through Secretary (Industries) & others	...Respondents
38. <u>CWP No. 1439 of 2017</u> Dinesh Kumar	... Petitioner
Versus	
State of Himachal Pradesh through Secretary (Industries) & others	...Respondents
39. <u>CWP No. 1485 of 2017</u> Pawan Singh	... Petitioner
Versus	
State of Himachal Pradesh through Secretary (Industries) & others	...Respondents

40. CWP No. 1692 of 2017

Joginder Mohan Sharma

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

41. CWP No. 1694 of 2017

Gurmeet Singh Bhatia

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

42. CWP No. 1695 of 2017

Gurmeet Singh Bhatia

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

43. CWP No. 1725 of 2017

Parveen Kumar Sharma

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & others

...Respondents

44. CWP No. 3711 of 2015

Harbhajan Singh

... Petitioner

Versus

State of Himachal Pradesh

through Secretary (Industries) & another

...Respondents

Coram:

**The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice,
The Hon'ble Mr. Justice, Sandeep Sharma, Judge.**

Whether approved for reporting? No.

For the petitioner : M/s. Deepak Kaushal, Ajay Sharma, Rajnish Maniktala and Arvind Sharma, Advocates, for the respective petitioners.

Mr. Jyotsna Rewal Dua, Senior Advocate, with Ms. Charu Bhatnagar, Advocate, for the petitioner in CWP No. 3711 of 2015.

For the respondent : Mr. Shrawan Dogra, Advocate General with Mr. Anup Rattan & Romesh Verma, Addl. AGs and Mr. J.K. Verma, Dy.A.G. for the State.

Mr. Jyotsna Rewal Dua, Senior Advocate, with Ms. Charu Bhatnagar, Advocate, for respective private respondents.

Mr. Satyen Vaidya, Senior Advocate, with Mr. Mohd. Aamir, Advocate, for respondent-HPSEB.

Justice Sanjay Karol, ACJ. (Oral)

In all these petitions, so filed under Article 226 of the Constitution of India, petitioners have laid challenge to the notice to show cause/demand notice, so issued by the State Geologist, Himachal Pradesh/competent authority. As such all these petitions are taken up together for hearing and being disposed of.

Whether reporters of Local Papers may be allowed to see the judgment?

2. We are informed by Sh. Rajneesh Sharma, State Geologist, who is present in Court, that during the pendency of the present petitions, in certain cases, fresh notices were issued, for it was found that there was variation in the quantity of extracted minerals. He further states that exercise for ascertaining exact quantity of extracted minerals, in each one of the cases, is required to be carried out and thereafter fresh notices to show cause shall be issued. Such exercise would take about six weeks. Further in the case of each of the writ petitioner, a fresh consolidated and comprehensive notice shall be issued within a period of two weeks thereafter. His statement is taken on record.

3. In view of the aforesaid statement, learned counsel appearing for the writ petitioners fairly state that till such time the issue is adjudicated afresh by the competent authority, petitioners shall not insist upon or take steps for refund of the amount so deposited before this Court/competent authority. Also the matter is now required to be adjudicated afresh by the competent authority. In effect, now no adjudication is required by the Court.

4. Parties further agree that (a) fresh notices shall be issued by the competent authority/State Geologist within a period of eight weeks from today, (b) response thereto shall be filed by the writ petitioners within a period of six weeks thereafter, (c) endeavour shall be made by the competent authority to decide the same, in accordance with law within a period of eight weeks thereafter. (d) If so required and desired, it shall be open for the petitioners to agitate the issue afresh in accordance with law. (e) Further, in view of the above, earlier notices of show cause/demand notice, impugned in each one of these petitions, shall not be acted upon. (f) Withdrawal of notices, impugned in these petitions, shall not be construed to be waiver of the right of the State, more so, when consolidated notice is intended to be issued.

5. Hence petitions are disposed of in view of the aforesaid statements.

6. In view of the aforesaid, we also direct that till such time decision is taken, no due certificate for issuance of fresh grant/renewal of lease, shall not be withheld. It shall be issued subject to the outcome of the decision and

outcome of the proceedings based on the consolidated notice. We clarify that all contentions raised by all the parties are left open.

With the aforesaid observations, present petition stands disposed of, as also pending applications, if any.

**(Sanjay Karol),
Acting Chief Justice.**

**(Sandeep Sharma),
Judge.**

September 14, 2017 (PK/purohit)