

CWPIL No. 17 of 2016

24.08.2016 Present: Mr. Bipin C. Negi & Mr. Sanjeev Bhushan, Senior Advocates, as Amicus Curiae, with Mr. Rajesh Kumar, Advocate.

Mr. M.A. Khan, Mr. Anup Rattan & Mr. Romesh Verma, Additional Advocate Generals, and Mr. Kush Sharma, Deputy Advocate General, for the respondents.

As these are *suo motu* proceedings, we request Mr. Bipin C. Negi and Mr. Sanjeev Bhushan, learned Senior Advocates, who are present in the Court, to assist this Court in the matter as Amicus Curiae. They have graciously accepted our request.

2. This Court has taken *suo motu* cognizance of the news item, which was published in the newspaper “The Tribune” of its issue, dated 13th August, 2016, relating to dismantling of the road, allegedly constructed by mining mafia, leading to the illegal mining site in Neugal river in Palampur.

3. On the last date of hearing, the respondents were directed to file status report, have failed to do so.

4. It is not understandable where the district administration was sleeping when the mining mafia was constructing the road, which stands now dismantled, as stated above. They owe an explanation to the inhabitants of the State of Himachal Pradesh.

5. We have also gone through so many news items relating to the transfer of ASP, Baddi, because of the fact that he had intercepted the tipper allegedly owned by the wife of one MLA,

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which was involved in illegal mining and drawn action under law, as alleged. Some of the newspapers have also reported that without following the mandate of the transfer policy occupying the field, DC Una, has been unceremoniously transferred on the pretext that he was also taking steps to curb the mining mafia and started a drive against violations in Una, as alleged. The said news cuttings are made part of the file.

6. In the given circumstances, the respondents are directed to file a status report to the following effect:

- (i) What steps have been taken to curb mining mafia throughout the State?
- (ii) What action has been taken against those officers of the district administration, who allowed the mining mafia to construct the road, which was later on dismantled?
- (iii) What were the reasons for collapsing of the Kandrouri Bridge near Indora, District Kangra, on 11th August, 2016, which was connecting Pathankot and Indora?
- (iv) What were the reasons which necessitated the transfer of DC Una and ASP Baddi?

7. The respondents are also directed to produce the entire record relating to the transfers of the said officers and the details of the case in which the tipper, mentioned hereinabove, was involved.

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8. Learned Amicus Curiae are also requested to file detailed status and suggestions.

9. Learned Amicus Curiae, learned Advocate General and the Registry to furnish the details of the cases relating to mining mafia, if any, pending before this Court.

10. Registry to furnish complete set of paper book to the learned Amicus Curiae and learned Advocate General during the course of the day.

11. List on **31st August, 2016**. Registry to annex the record of CWP No. 2081 of 2016 with this petition.

Copy **dasti**.

(Mansoor Ahmad Mir)
Chief Justice

(Sandeep Sharma)
Judge

August 24, 2016
(rajni)