

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).22394/2013

(From the judgement and order dated 02/05/2013 in CWP No.517/2013 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ROPAR CONSTRUCTION

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS

Respondent(s)

(With prayer for interim relief)

Date: 05/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. R.K. Kapoor, Adv.
Ms. Shweta Kapoor, Adv.
Mr. Ranvijay, Adv.
Mr. Anis Ahmed Khan, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Mr. R.K. Kapoor, learned counsel appearing for the petitioner
relies on judgment of this Court in Civil Appeal Nos.4540-4548 of 2000
titled as Threesiamma Jacob and others versus Geologist, Department
of Mining and Geology and others reported in 2013 (1) SCALE 1 in
support of his submission that no royalty as well as the price of
earth can be leviable for extraction of minor mineral from the land
privately owned by an individual.

...2/-

In the present case, since the petitioner had lifted earth and extracted minor minerals from the private land of the private owner, the High Court has erred in holding that the petitioner is still liable to pay royalty on the minor minerals and the price for the earth lifted.

Issue notice.

In the meantime, the recovery of the price of the earth lifted by the petitioner shall remain stayed.

(Sukhbir Paul Kaur)
Court Master

(Indu Bala Kapur)
Court Master