



CGHC010456462024

2026:CGHC:29921-DB
NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 111 of 2024**

In The Matter Of Suo Moto Public Interest Litigation Regarding News Item Namely- Sena Ki Jameen Se Chori Ki Gayi Murum Ki Moti Parat Bich Rahi Coloniyo Me, Raipur Road Me 300 Ekad Me Ban Rahi Colony, 60 Ekad Me Murum Se Banai Sadak, Publised In Daily News Paper Dainik Bhaskar, Dated 24 December, 2024.

... Petitioner(s)**versus**

1 - Union Of India Through Secretary, Ministry Of Defence Sub Area Office, New Raipur (C.G.)

2 - State Of Chhattisgarh Through The Chief Secretary, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (C.G.)

3 - Secretary Mines And Mineral Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (C.G.)

4 - Secretary Revenue And Disaster Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (C.G.)

5 - Secretary Transport Department, Govt. Of Chhattisgarh, Atal Nagar, Nawa Raipur (C.G.)

6 - Collector Bilaspur, District Bilaspur (C.G.)

7 - Superintendent Of Police Bilaspur, District Bilaspur (C.G.)

8 - District Mining Officer Bilaspur, District Bilaspur (C.G.)

9 - Regional Transport Authority (R.T.O.) Bilaspur, District Bilaspur (C.G.)

10 - Fortune Element Colony, Through Its Proprietor Shri Pawan Agrawal, Seven Hills, Near Jain Mandir, Vinoba Nagar, Bilaspur (C.G.) Pin No. 4959001.

... Respondent(s)

For Respondent No. 1 : Mr. Ramakant Mishra, DSGI.

For State/Respondent No. 2: Mr. Shashank Thakur, Addl. Advocate
to 9. General

For Respondent No. 10 : Mr. Ankit Singhal, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

15/07/2026

1. This is an office reference.
2. The present suo motu Public Interest Litigation was registered pursuant to news reports published in the *Dainik Bhaskar, Bilaspur Bhaskar*, dated 24.12.2024, under the headlines "सेना की जमीन से चोरी की गई मुरूम की मोटी परत बिछ रही कॉलोनियों में" and "रायपुर रोड में 300 एकड़ में बन रही कॉलोनी, 60 एकड़ में मुरूम से बनाई सड़क". The news reports alleged large-scale illegal excavation of murum from the land belonging to the Army at village Telsara near Chakarbhatha Airport and its unauthorized use in the development of private residential colonies on Raipur Road, Bilaspur. The reports further highlighted that the illegally excavated murum was allegedly being transported and utilized in colony development, thereby causing loss to public property and raising serious concerns regarding illegal mining activities on Defence land. Considering the gravity of the allegations and the larger public interest involved, this Court took suo motu cognizance of the matter and registered the present Public Interest Litigation.

3. Considering the seriousness of the allegations contained in the newspaper reports, this Court, by order dated 26.12.2024, took up the matter for hearing. The newspaper reports alleged that large quantities of murum had been illegally excavated from the land belonging to the Army situated at village Telsara near Chakarbhatha Airport and the same was being utilized in the development of private residential colonies situated on Raipur Road, Bilaspur. Taking note of the gravity of the issue involving unauthorized exploitation of Defence land, this Court issued notice to the Union of India and the State authorities. Since one of the newspaper reports specifically alleged that the illegally excavated murum had been utilized in the development of *Fortune Element Colony*, this Court directed the Registry to implead *Fortune Element Colony* through its proprietor Shri Pawan Agrawal as respondent No.10. The Union of India and the Secretary, Department of Mines and Minerals, Government of Chhattisgarh, were also directed to file their respective personal affidavits.

4. Pursuant to the aforesaid order, the matter was taken up on 09.01.2025, when the Secretary, Department of Mines and Minerals, Government of Chhattisgarh, filed a personal affidavit placing on record the action initiated by the State Government. The affidavit disclosed that notices had been issued to the builders and colonizers alleged to have utilized the murum in question, inspections had been carried out by the Mining Department; the quantity of murum utilized at the construction sites had been physically verified, royalty slips and transit passes produced by the builders were being scrutinized; and communications

had been sent to the issuing authorities to verify the genuineness of such documents. The affidavit further disclosed that joint teams comprising officers of the Mining, Police and Revenue Departments had been constituted for regular patrolling of the area and temporary check-posts had also been established to prevent illegal excavation and transportation of minor minerals.

5. During the hearing on 09.01.2025, learned counsel appearing for respondent No.10 submitted that although several colonizers had been named in the newspaper reports, notice had been issued only to respondent No.10. It was also brought to the notice of this Court that another news report published on 31.12.2024 raised allegations regarding irregularities in the grant of royalty and illegal excavation of murum from Defence land. Considering the submissions made by the parties and the larger public interest involved, this Court directed the Secretary, Department of Mines and Minerals to issue notices to all such colonizers alleged to have utilized the illegally excavated murum and further directed the State Government to explain the scientific mechanism adopted for determining whether the murum utilized by the colonizers was the same as that excavated from the Defence land.

6. Thereafter, when the matter was taken up on 03.02.2025, respondent No.10 filed a detailed affidavit denying all the allegations contained in the newspaper reports. It was specifically stated that the murum utilized in the development of *Fortune Element Colony* had been lawfully procured from authorized sources after payment of royalty and that the respondent possessed all requisite statutory permissions for

development of the residential colony, including approvals granted by the Nagar Panchayat, Town and Country Planning Department, Collector, Bilaspur and the Chhattisgarh Real Estate Regulatory Authority (RERA). Copies of royalty receipts, procurement bills, transit passes and other supporting documents were also referred to in the affidavit.

7. On the same date i.e. 03.02.2025, the Union of India also filed a detailed affidavit through the competent Defence officer. The affidavit disclosed that the illegal excavation from Defence land had first come to the notice of the Defence authorities during the process of handing over land for development of Chakarbhatha Airport. It was further disclosed that the Defence authorities had addressed communications to the District Administration on 09.04.2024 and 30.04.2024, requesting immediate intervention to prevent illegal mining from Defence land. Thereafter, the issue was again discussed in the meeting held under the Chairmanship of the Collector, Bilaspur in December, 2024, pursuant to which regular patrolling of the Defence land was being undertaken by the Defence authorities.

8. During the proceedings held on 03.02.2025, learned Additional Advocate General submitted that samples of the murum excavated from the Defence land had been collected and forwarded to the laboratory of the Public Works Department for scientific examination and comparison with the murum utilized in the colonies under construction. Taking note of the said submission, this Court granted time to the State Government to place the laboratory report on record.

9. Thereafter, by order dated 21.02.2025, on the request made by the learned Additional Advocate General, this Court granted two weeks' further time to the State Government for submission of the laboratory report prepared by the Public Works Department.

10. When the matter was taken up on 11.02.2026, the Secretary, Department of Mines and Minerals filed a further affidavit enclosing the laboratory reports as well as the report submitted by the Collector, Bilaspur. The affidavit disclosed that murum samples collected from the Defence land and from various colonies, namely *Fortune Buildcon*, *Ameya Ventures* and *Sunrise Associates*, had been scientifically examined by the Public Works Department and, according to the laboratory report, the samples collected from the aforesaid colonies were not found to be similar to the murum available on the Defence land. The affidavit further disclosed that continuous patrolling and monitoring of the area had been undertaken through the joint teams constituted by the Revenue, Police and Mining Departments and that all necessary efforts were being made to prevent recurrence of illegal excavation of murum.

11. The affidavit further revealed that a permanent monitoring mechanism had been evolved by the District Administration to prevent illegal mining activities in and around the Chakarbhatta Airport area. Joint inspection teams continued to conduct regular surveillance, temporary check-posts remained operational and cases of illegal excavation and transportation were being registered wherever violations were detected under the provisions of the Mines and Minerals

(Development and Regulation) Act, 1957.

12. This Court has carefully considered the affidavits filed by the Union of India, the Secretary, Department of Mines and Minerals, Government of Chhattisgarh, the reports submitted by the Collector, Bilaspur, the laboratory reports prepared by the Public Works Department and the entire material placed on record during the course of these proceedings. The record clearly demonstrates that pursuant to the directions issued by this Court, prompt and coordinated action has been taken by the respondent authorities by constituting joint patrolling teams, establishing check-posts, issuing notices to the concerned colonizers, verifying royalty documents, undertaking scientific examination of murum samples and initiating proceedings against the persons found violating the statutory provisions governing excavation and transportation of minor minerals.

13. The object of the present suo motu Public Interest Litigation was not merely to examine the allegations contained in the newspaper reports, but also to ensure effective protection of Defence land from illegal excavation, prevent unlawful exploitation of minor minerals, and evolve an effective administrative mechanism to prevent the recurrence of such incidents. From the material placed before this Court, it is evident that both the Union of India and the State Government have taken effective and coordinated measures towards achieving the aforesaid objective. At the same time, this Court expresses its hope and trust that the respondent authorities shall continue to maintain strict vigilance over the Defence land and ensure effective implementation of

the statutory provisions relating to the prevention of illegal mining, excavation, transportation and storage of minor minerals.

14. In view of the affidavits filed by the respondent authorities, the laboratory reports placed on record, the statement recorded in the order dated 22.04.2026, and the submission made by the learned State counsel that no further incident of illegal mining from the Defence land has been reported, this Court is satisfied that the purpose for which the present suo motu Public Interest Litigation was initiated stands substantially achieved and that no further monitoring of the matter is required.

15. It is made clear that protection of Defence land and prevention of illegal mining constitute continuing statutory obligations of the authorities concerned. Therefore, if any serious lapse, negligence or recurrence of illegal excavation from the Defence land is brought to the notice of this Court in future, it shall be open to this Court to revive the present proceedings and pass such further orders as may be warranted in accordance with law.

16. With the aforesaid observations, the present suo motu Public Interest Litigation is disposed of.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice