



2026:CGHC:18648

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1149 of 2026

Dushyant Sahu S/o Shri Subhash Sahu Aged About 60 Years R/o Nisda, Post Office - Paragaon, Tehsil Aarang, District - Raipur Chhattisgarh

... Petitioner(s)

versus

1 - Union Of India Through Its Secretary, Ministry Of Mines, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001

2 - State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Mines And Minerals Resources Department, Mahanadi Bhawan, Atal Nagar, District - Raipur Chhattisgarh

3 - Additional Secretary Government Of Chhattisgarh, Mines And Mineral Resources Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh

4 - The Collector (Mining) Raipur, District Raipur Chhattisgarh

5 - The Director Directorate Of Geology And Mining, Indravati Bhawan, Block -4, First And Second Floor, Atal Nagar, District Raipur Chhattisgarh

6 - The Joint Director Directorate Of Geology And Mining, Indravati Bhawan, Block - 4, Atal Nagar, District Raipur Chhattisgarh

7 - Environment Conservation Board Through Member Secretary Prayas Bhawan, North Block, Sector-19, Atal Nagar, District Raipur Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	: Ms Muskaan Fatwani, Advocate
For Union of India	: Shri TS Sahu, Advocate
For Respondents/State	: Shri Shashank Thakur, Addl AG
For Respondent-7	: Shri Trivikram Nayak, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice

23.04.2026

Heard Ms.Muskan Fatwani, learned counsel for the petitioner. Also heard Shri TS Sahu, learned counsel for the Union of India, Shri Shashank Thakur, learned Addl AG appearing for the respondents/State, and Shri Trivikram Nayak, learned counsel for respondent-7.

1. Petitioner has filed the present petition for the following reliefs:-

“10.1 The Hon’ble Court may kindly be pleased to call for the entire records leading to passing of the impugned orders Annexures A-1, for the kind perusal of this Hon’ble Court;

10.2 The Hon’ble Court may further kindly be pleased to setting aside the impugned order dated 05.03.2026 passed by the Collector (Mining Branch), District Raipur, whereby the quarry lease granted in favour of the petitioner in respect of land bearing Khasra No.1338 admeasuring 2.10 acres situated at village Nisda, Tehsil Arang, District Raipur has been cancelled;

10.3 The Hon’ble Court may also kindly be pleased to pass an order directing the respondent authorities not to give effect to the impugned order dated 05.03.2026 and to restore the quarry lease granted in favour of the petitioner;

10.4 Cost of the petition may also be granted to the petitioner;

10.5 Any other relief which this Hon’ble Court deems fit and proper may also kindly be granted to the petitioner, in the interest of justice.”

2. Present writ petition has been filed by the petitioner challenging the arbitrary and illegal order dated 05.03.2026 passed by the Collector (Mining), district-Raipur, whereby the quarry lease granted in favour of the petitioner for extraction of flagstone over land bearing Khasra No.1338 admeasuring 2.10 acres situated at village Nisda, Tehsil-Arang,

District-Raipur has been cancelled purportedly under Rule 51(26) of the Chhattisgarh Minor Mineral Rules, 2015 (for short, CGMM Rules, 2015).

3. Brief facts of the case are that mining activities are being carried out by the petitioner in the allotted area, strictly in accordance with the permit granted by the competent authorities, and the lease remains valid and subsisting. Petitioner also obtained Environmental Clearance Certificate from the competent authority in respect of the said quarry lease. On 18.01.2025, notice was issued by the Office of the Collector (Mining), District-Raipur directing the petitioner to keep mining operations closed until further orders, and the petitioner complied with the said directions of the authorities. Subsequently, the authorities issued another show-cause notice to the petitioner on 06.02.2025, to which he submitted detailed reply before the competent authority explaining the factual position and placing relevant documents on record.

In the meantime, a Public Interest Litigation petition bearing No.WPPIL-08 of 2026 (Om Prakash Sen Vs Union of India and others) has been filed before this Court with respect to mining activities in village-Nisda, in which the present petitioner has been arrayed as a private respondent. The said PIL is presently pending consideration before the Court.

However, despite the above fact, and also despite the petitioner having already submitted reply to the show-cause notices, the impugned order dated 05.03.2026 cancelling the quarry lease was issued, without

considering the reply, in a mechanical and arbitrary manner. Hence this petition seeking appropriate relief against the impugned order.

4. Learned counsel for the petitioner would submit that respondent authority has passed the impugned order in mechanical manner without properly considering the replies submitted by the petitioner without supplying the enquiry report and documents, on vague and general allegations, and without recording any clear finding regarding the alleged violation of the conditions of the quarry lease, or the environmental regulations. Learned counsel also submits that petitioner though submitted satisfactory reply explaining the factual position and requesting relevant documents, impugned order has been passed without discussing the contents of the reply and failed to examine it objectively, and the respondent authority has directly cancelled the quarry lease without establishing any specific breach without providing opportunity of hearing to the petitioner.

In a similarly situated miner had challenged the action of the authorities before the Hon'ble High Court in WPC-3735 of 2025 wherein the court vide order dated 18.07.2025 observed that the notices directing closure of mining activities had been issued without proper opportunity of hearing, thereby rendering the action unsustainable. Despite the said observation of this Court, respondent authorities acted in the same manner.

It is also submitted that issue regarding mining activities in the same area is pending consideration before this Court in WPIL-8 of 2026, wherein the Hon'ble Court has already directed the authorities to conduct an inquiry and to submit its report. Despite the matter is pending consideration, respondent authority cancelled the lease which amounts to interference with the subject matter pending before this Hon'ble Court.

She would further submit that the authorities could have taken lesser measures such as directing compliance or imposing penalty under the rules without taking extreme action of cancellation of the quarry lease of the petitioner. The reasoning in the impugned order clearly shows that the authority had already decided to terminate the lease of the petitioner and the proceedings were merely a formality, that were arbitrary and unfair. Hence, the impugned order dated 05.03.2026 which suffers from procedural irregularity, is therefore, liable to be quashed.

5. Per contra, learned counsel for the State would submit that the impugned order dated 05.03.2026 has been passed strictly in accordance with the applicable statutory provisions and after affording due opportunity of hearing to the petitioner. It is contended that the violations committed by the petitioner were of a serious and recurring nature, warranting strict action, and therefore, the competent authority, upon due consideration of the material on record, has rightly exercised its discretion in cancelling the quarry lease. It is further submitted that the petitioner cannot, as a matter of right, claim imposition of lesser penalties,

as the nature and gravity of the violations justified cancellation of the lease. The allegation that the decision was pre-determined or that the proceedings were a mere formality is wholly unfounded and not borne out from the record. The impugned order contains cogent reasons and reflects due application of mind. Learned counsel would also contend that no procedural irregularity or violation of principles of natural justice has been occasioned, as adequate opportunity was granted to the petitioner to put forth his case. In absence of any arbitrariness or illegality, the impugned order does not warrant interference by this Hon'ble Court in exercise of its writ jurisdiction. He would also submit that the petitioner is having alternative statutory remedy of filing appeal against the impugned order as provided under Rule 77(2) of the CGMM Rules, 2015 before the Director, Geology and Mining, CG Government, Raipur and therefore, the writ petition is not maintainable.

6. At this stage, learned counsel for the petitioner was confronted by the Court with regard to the availability of an efficacious alternative remedy under the relevant statutory provisions. The Court observed that the petitioner ought to avail such remedy before invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

7. Chapter XIV of the said CGMM Rules, 2015 provides the remedy of Appeal, Revision and Review of the order passed by the Collector under

the Rules. Rule 77, 78 and 79 are relevant to be noticed here which are as under:

Chapter XIV

Appeal, Revision and Review

77. Appeal, appellate authorities:

(1)Where any power is exercisable by Gram Panchayat, Janpad Panchayat or Zila Panchayat, under these rules in relation to any matter, an appeal shall lie from every such order to the authority mentioned in the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 and in the same manner as prescribed therein.

(2)Where any power is exercisable by the Collector under these rules, in relation to any matter, an appeal shall lie from every such order to the Director, Geology and Mining, Chhattisgarh.

(3)Where any power is exercisable by the Director under these rules, in relation to any matter, an appeal shall lie from order passed under these rules to the State Government.

78.Revision:

The State Government and Director may at any time, suo-moto for the purpose of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of any officer subordinate to it, call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit: Provided that any order in

revision under this rule shall not be varied or reversed unless reasonable opportunity of being heard is given to the interested parties.

79. Review:

The State Government may, suo-moto or on application of interested parties, review its original order within ninety days from the date of issue of original order and may pass such order as it deems fit: Provided that any order in review under this rule shall not be varied or reversed unless reasonable opportunity of being heard is given to the interested parties.

8. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that under Rule 77(2) of the CGMM Rules, 2015 provides for an efficacious alternative remedy against the impugned order dated 05.03.2026 by filing an appeal before competent authority. It is a settled principle of law that where such remedy is available, this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, would ordinarily refrain from entertaining the writ petition, unless exceptional circumstances are made out, and no such exceptional ground has been demonstrated in the present case.

9. Accordingly, the writ petition stands dismissed on the ground of availability of alternative remedy. However, liberty is granted to the petitioner to avail the remedy as may be available to him under the law before the competent authority. In the event the petitioner approaches

the said authority within a period of 30 days from today, the same shall be considered and decided on its own merits, in accordance with law, after providing proper opportunity of hearing to the parties concerned, without being influenced by any observations made in this order, or in the orders passed in WPIL-08 of 2026.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice