

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 1122 of 2026

Ravi Shankar, S/o Sri Nawal Kishore Prasad, R/o Ward No. 19,
Upper Bazar, Mahabir Chowk, P.O. & P.S.-Lohardaga, District-
Lohardaga Petitioner

Versus

District Mining Officer, Lohardaga Respondent

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. Anup Kumar Agarwal, Advocate

For the Respondent: Mr. Piyush Chitresh, A.C. to A.G.

05/07.05.2026

1. Heard learned counsel for the parties.
2. The rule is made returnable immediately at the request of and with the consent of learned counsel for the parties.
3. The petitioner challenges the order dated 30.12.2025 made by the District Mining Officer, Lohardaga demanding an amount of Rs.52,89,303/- from the petitioner for the alleged unauthorized use of sand and stone chips.
4. Learned counsel for the petitioner refers to certain discrepancies in the notices dated 10.09.2024, 05.10.2024, 03.12.2024 and the impugned order dated 30.12.2025. He submits that in the notices, there is reference to the alleged unauthorised use of 4,000 cft. of sand, but the final order refers to 40,000 cft. of sand and 65,000 cft. of stone chips. He, therefore, submits that the impugned final order is in breach of the principles of natural justice, inasmuch as, it travels way beyond the show cause notice.
5. Mr Piyush Chitresh, learned counsel for the respondent, points out that the petitioner failed to respond to the notices issued. Further, he refers to the notice dated 03.11.2025, in which the petitioner was clearly informed about the alleged unauthorized use of 40,000 cft. of sand and 65,000 cft. of chips. He submits that the final order

also refers to these very figures. Accordingly, he submits that there is no violation of nature justice.

6. Mr Piyush Chitresh also submits that as against the final order dated 30.12.2025, the petitioner has an alternate remedy of preferring an appeal. Therefore, this writ petition may not be entertained.
7. The rival contentions now fall for our determination.
8. From perusal of the record, there does appear to be some ambiguity and vagueness regarding the precise charge that the petitioner was required to meet under the show cause notices. However, at least the notice dated 03.11.2025 is quite clear, inasmuch as, it requires the petitioner to show cause as to why the amounts should not be recovered from him for unauthorized use of 40,000 cft. of sand and 65,000 cft. of chips.
9. Learned counsel for the petitioner has explained the circumstances in which no replies could be filed by the petitioner. Further, the petitioner has also deposited an amount of Rs.5,00,000/- (Five Lakhs only) in this court.
10. Therefore, in the peculiar facts and circumstances of the present case, we think that the interest of justice would be met, if the petitioner is granted an additional opportunity to file reply, particularly, to the notice dated 03.11.2025. After such reply is filed, the respondent will have to consider the same and pass a fresh order in accordance with law and on its own merits. An opportunity of hearing will also have to be granted to the petitioner.
11. Therefore, in the peculiar facts and circumstances of this case, we quash and set aside the impugned order dated 30.12.2025 and grant the petitioner fifteen days' time to respond to the show cause notices, in particular, show cause notice dated 03.11.2025.

12. If no reply is filed within fifteen days from today, the respondent will be at liberty to pass a fresh order without awaiting for any further response from the petitioner.
13. If reply is filed by the petitioner within fifteen days from today, the respondent must hear the petitioner and pass an order in accordance with law. The petitioner must attend the hearing on the appointed date and time without seeking any adjournments. Despite receipt of notice/intimation, if the petitioner fails to remain present for the hearing, there is no question of granting any further opportunity of hearing to him.
14. Amount of Rs.5,00,000/- (Five Lakhs only) deposited by the petitioner in this Court can be appropriated by the respondent and such appropriation shall be subject to the final order that shall be passed by the respondent in this matter.
15. Accordingly, the Registry is directed to pay the amount of Rs.5,00,000/- (Five Lakhs only) along with accrued interest, if any, to the respondent herein.
16. All contentions of the parties on merits of the matter are left open to be decided by the respondent at first instance.
17. If the petitioner is aggrieved by the decision of the respondent, it will be open to him to challenge the same in accordance with law.
18. The rule is made absolute to the above extent without any order for costs.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)