



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3778/2026

Mohd. Sabeer Khan S/o Gulbaj Khan Pathan, Aged About 62
Years, Resident Of Saawa, Tehsil And District Chittorgarh.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Mines And
Geology Department, Government Of Rajasthan,
Secretariat, Jaipur.
2. Director, Mines And Geology Department, Udaipur.
3. Mining Engineer, Mines And Geology Department,
Pratapgarh.

-----Respondents

For Petitioner(s) : Mr. Arvind Vyas.
Mr. Amit Vyas.

For Respondent(s) : Mr. Mahaveer Bishnoi, AAG.
Mr. Gaurav Bishnoi.

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

Reportable

25/02/2026

1. The present petition is filed challenging notice dated 04.12.2025, whereby petitioner has been called upon to submit explanation regarding demand of penalty amount to the tune of Rs.68,32,89,120/-, proposed to be imposed upon the petitioner regarding alleged illegal mining based on drone survey report.
2. Learned counsel for the petitioner stated that mining lease No.3A/2006 was granted in favour of the petitioner regarding mineral Red Ochre, Laterite, Bauxite and China Clay, in the year 1986 which is extended up to 2037. It is contended that petitioner is having all the required permissions / clearance / consents and



has undertaken the mining activity strictly in accordance with terms and conditions of the lease agreement.

2.1 Learned counsel for the petitioner stated that respondent authorities have intimated the petitioner and got conducted a drone survey on 04.10.2025, through private agency. It is further contended that without verifying the veracity of said drone survey, impugned show cause notice was issued to the petitioner alleging illegal mining by the petitioner and a huge demand of Rs.68,32,89,120/- was raised against the petitioner.

2.2 Counsel for the petitioner stated that in spite of availability of better, well established and more precise techniques, the inspection has been conducted through drone survey by a private agency. It is stated that even the copy of drone survey report has not been supplied to the petitioner, which is the sole basis of the notice of recovery issued to the petitioner.

3. Per contra, representing respondent Department, AAG Mr. Mahaveer Bishnoi stated that drone survey constitutes the most scientific and reliable methodology for conducting the survey. It is further contended that the relevant details / particulars of the survey report have already been duly mentioned in the notice impugned. Hence, furnishing the complete drone survey report is not necessary.

4. Learned counsel for the petitioner, however, submits that the drone survey report constitutes the sole incriminating material relied upon against the petitioner and non-supply thereof amounts to a clear denial of a fair opportunity to submit his defence and effectively rebut the said report. It is further mere selective reproduction of some details of the said so called drone survey



report is not sufficient as various substantial and essential particulars, including the precise longitude and latitude coordinates of the entire area in question, have not been disclosed in the impugned notice and such details can be ascertained only from the drone survey report itself. It is stated that since the show cause notice in itself is incomplete and laconic, the same being violative of principles of natural justice, is not sustainable in the eye of law.

5. Heard learned counsel for the parties and perused the material available on record.

6. In considered view of this Court, non-disclosure of adverse material to the petitioner, fundamentally denies an effective hearing, as enshrined in the *audi alteram partem* principle of natural justice. Without access to the precise data as mentioned in the said drone survey report underpinning the allegations, the petitioner remains bereft of any meaningful opportunity to contest veracity of the countervailing evidence. The same strikes at the root of procedural fairness and therefore, renders the resultant notice arbitrary.

7. This Hon'ble High Court in ***S.B. Civil Writ Petition No. 9670/2024; Meghraj Singh Shekhawat v. State of Rajasthan & Ors.***, has held that in consonance with the principles of natural justice, it is incumbent upon the State authorities to furnish a copy of the material sought to be relied upon against a person, so as to enable him to effectively defend himself. The same was relied upon in ***S.B. Civil Writ Petition No. 12398/2024; Abhimanyu Choudhary v. State Of Rajasthan And Ors*** and ***S.B. Civil Writ Petition No.***



12110/2024; Paras Devi v. State of Rajasthan. The relevant paragraphs of **Meghraj Singh Shekhawat** (supra) are reproduced herein below:

"7. The facts of the case do not require much attention of the Court, particularly when the factum of notice being issued on the basis of drone survey report dated 14.06.2023 not in dispute so also the fact that copy of the said report was not provided to the petitioner.

8. In the opinion of this Court, the order dated 13.05.2024 is in teeth of principles of natural justice, **which enjoins upon State authorities to provide copy of the material being used against the citizens.**

9. Since, the order impugned is against the basic tenets of law and facets of Article 14 of the Constitution of India, this Court is not much convinced by the preliminary objection raised by Mr. Mahaveer Bishnoi, learned AAG that a remedy of appeal/revision is available to the petitioner.

10. Exercise of writ jurisdiction is a matter of discretion. When the facts are admitted and the violation of principles of natural justice is writ large, this Court would be loath in asking the petitioner to go to appellate authority. That apart, the observation made by this Court about requirement of providing copy of drone report or survey report would requires the authorities to follow the principles of natural justice.

11. The writ petition is, therefore, allowed and the order impugned dated 13.05.2024 is hereby quashed and set aside."

8. This Hon'ble High Court in **Babu Bhai Patel v State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 18885/2024** quashed a demand notice on the ground that no notice was given before undertaking drone survey. The relevant paragraphs are reproduced herein below:

"6. Since no notice was given to the petitioner before undertaking the survey through drone and the order of recovery has been passed by the respondents, as such, the action of the respondents is in violation of the law laid down by the Division Bench of this Court. In the case of *Mewar Marbles* (supra).

7. In view of the discussion made above, the present writ petition is allowed and the demand notice dated 21.10.2024 (Annex.1) is quashed and set aside. The State



Government is given liberty to undertake fresh survey through physical mode/drone after giving notice to the petitioner and thereafter if any recovery is due to the petitioner, the same be made in accordance with law."

9. Therefore, the non-supply of the drone survey report to the petitioner is contrary to the principles of natural justice, and on this ground alone, the notice dated 04.12.2025 deserves to be quashed. This obligation becomes even more stringent in view of the circular dated 06.03.2025 issued by the Department of Mines and Geology, Government of Rajasthan, whereby the authorities have been mandated to issue a notice prior to inspection of mines and, as far as possible, to conduct such inspection in the presence of the mining lessee or his representative. The circular further provides that after the inspection, a copy of the inspection report should be made available to the lessee while issuing any legal notice. The relevant part of the said circular is reproduced herein below:

“खनन पट्टाधारी के खान निरीक्षण करने से पूर्व निरीक्षण का नोटिस तामील कराया जाना सुनिश्चित करें तथा खनन पट्टे का यथा संभव खनन पट्टाधारी/प्रतिनिधि की उपस्थिति में ही खानों का निरीक्षण किया जाए तथा निरीक्षण उपरान्त पट्टाधारी को विधिक नोटिस जारी करते समय निरीक्षण रिपोर्ट की प्रति उपलब्ध करावें।”

10. Moreover, the mere inclusion of selective particulars from the drone survey report, as per subjective satisfaction regarding adequacy of details / particulars by respondents, cannot be regarded as sufficient compliance with the requirement of affording a meaningful and effective opportunity of hearing to the petitioner. Consequently, violation of the principles of natural justice is manifest and apparent on the face of the record in the present case. In this view of matter, the notice impugned cannot be allowed to be sustained.



11. With regard to the objection of the respondents regarding maintainability of the present writ petition against show cause notice, this Court finds that law with regard to writ petitions against show cause notice is well settled as the Hon'ble Apex Court in the land mark judgment passed in case of **Siemens Ltd. v. State of Maharashtra, (2006) 12 SCC 33** held that writ petition against a show cause notice is maintainable where the notice itself is without jurisdiction or in denial of principles of natural justice or where it appears that said notice has been issued with pre-meditation. The relevant paragraph is reproduced herein below:

"9. Although ordinarily a writ court may not exercise its discretionary jurisdiction in entertaining a writ petition questioning a notice to show cause unless the same inter alia appears to have been without jurisdiction as has been held by this Court in some decisions including State of U.P. v. Brahm Datt Sharma [(1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943] , Special Director v. Mohd. Ghulam Ghouse [(2004) 3 SCC 440 : 2004 SCC (Cri) 826] and Union of India v. Kunisetty Satyanarayana [(2006) 12 SCC 28 : (2006) 12 Scale 262] , but the question herein has to be considered from a different angle viz. when a notice is issued with premeditation, a writ petition would be maintainable. In such an event, even if the court directs the statutory authority to hear the matter afresh, ordinarily such hearing would not yield any fruitful purpose. (See K.I. Shephard v. Union of India [(1987) 4 SCC 431 : 1987 SCC (L&S) 438 : AIR 1988 SC 686] .) It is evident in the instant case that the respondent has clearly made up its mind. It explicitly said so both in the counter-affidavit as also in its purported show-cause notice."

12. In view of the aforesaid reasons and judicial pronouncements, the present writ petition stands **allowed**. The impugned show cause notice dated 04.12.2025 is hereby quashed and set aside. However, liberty is given to respondent authorities to issue fresh notice to the petitioner by supplying complete copy



of the drone survey report to the petitioner and consequential proceedings, if any, shall be carried out strictly in accordance with law, while complying provisions of MMCR - 2027, after adhering to the principles of natural justice and guidelines contained in circular dated 06.03.2025.

13. Before parting, in light of observations made in present case so also in various judgments passed in similar circumstance cases, this Court deems it necessary to record its serious concern regarding a recurring practice adopted by the respondents authorities to conduct surveys without issuing prior notice to the concerned mining lessees or to initiate proceedings without furnishing a copy of the survey report to the affected parties. Such a course of action is not an isolated aberration but reflects a continuing disregard for the basic safeguards of fair procedure, on the part of respondent authorities.

14. This Court has repeatedly encountered similar instances in a series of cases, including **Babu Bhai Patel** (supra), **Ashu Singh Bhati v. State of Rajasthan, 2024 SCC OnLine Raj 2938**, **Paras Devi, Sanjay Kumar Garg v. State of Rajasthan, 2024 SCC OnLine Raj 2940**, **Abhimanyu Choudhary (supra)**, **Shekhawat Associates v. State of Rajasthan, 2024 SCC OnLine Raj 2939**, and **Bharat Singh Shekhawat v. State of Rajasthan, 2024 SCC OnLine Raj 2933**, wherein this Court has consistently deprecated such conduct. Despite repeated judicial pronouncements, similar irregularities have been committed by the authorities of respondent – Mining Department, which reflects indifference towards binding precedents and settled legal principles.



15. This Court expresses its displeasure regarding such arbitrary, high-handed, and recalcitrant actions on the part of the respondents. The failure to supply the survey report, despite placing reliance thereon, strikes at the very root of the principles of natural justice, rendering the entire proceedings vitiated. It effectively deprives the affected party of any meaningful opportunity to respond, thereby reducing the proceedings to a mere formality. The same not only results in unwarranted harassment of mining lease holders but also compels them to approach this Court, thereby unnecessarily burdening the judicial system with avoidable litigation.

16. What is even more appalling is that such conduct is in the teeth of the respondents' own circular dated 06.03.2025, which explicitly mandates prior notice before inspection and requires that a copy of the inspection/survey report be furnished to the lessee. The continued and deliberate non-compliance of the said circular demonstrates a casual and negligent approach on the part of the authorities.

17. In the aforesaid backdrop, this Court considers it both necessary and appropriate to direct the Principal Secretary, Mines and Geology Department, to take due cognizance of the observations recorded in the present matter. The Principal Secretary shall, accordingly, issue comprehensive and clear instructions / guidelines to all subordinate authorities delineating the procedure, manner, and methodology to be followed while conducting inspections or surveys. Such instructions shall also expressly incorporate mandatory requirements of law, including adherence to principles of natural justice, transparency, and



fairness, to be observed not only during the course of inspections but also in any consequential proceedings initiated on the basis thereof.

18. The Principal Secretary, Mines and Geology Department is further expected to ensure strict and uniform compliance of these directions across all levels of the Department. To this end, appropriate mechanisms shall be put in place to monitor adherence, and suitable provisions shall be made for fixing accountability in cases of deviation or non-compliance. The instructions / guidelines shall also provide that any lapse on the part of the concerned officials would invite proportionate administrative action so as to deter recurrence of such practices.

19. A copy of this order be sent to Principal Secretary, Mines and Geology Department, Government of Rajasthan, Secretariat, Jaipur for necessary compliance.

20. Stay application and all other pending applications, if any, stand **disposed of**.

(SANJEET PUROHIT),J