

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3782/2026

Chander S/o Sh. Khutta, Aged About 69 Years, Resident Of Basai Mew, Tehsil-Firojpur Jhirka, District-Mewat Nuh (Haryana).

-----Petitioner

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Mines And Geology, Government Secretariat, Jaipur (Rajasthan).
2. Directorate Of Mines And Geology Rajasthan, Through The Additional Director, Mines And Geology, Kota Range, Kota (Rajasthan).
3. Department Of Mines And Geology-Bharatpur Circle, Through The Supdt. Mining Engineer Bharatpur, Situated At Khanij Bhawan, Bharatpur (Rajasthan).
4. Department Of Mines And Geology-Bharatpur, Through The Mining Engineer Bharatpur, Situated At Khanij Bhawan, Bharatpur (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. David Mehla

For Respondent(s) : Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

26/02/2026

1. The present writ petition has been filed by the petitioner assailing the impugned show cause notice dated 12.01.2026, the genesis of which is the inspection dated 07.01.2026 carried out by the respondent-authority.

2. The primary argument of the learned counsel for the petitioner is that no notice worth the name was issued to the petitioner by the respondents before carrying out the said inspection of his Mining Lease (ML) No. 445/2003 on 07.01.2026 and in absence of any notice, the said inspection cannot be relied

upon by the respondents for taking any action whatsoever against the petitioner.

3. Mr. Rahul Lodha, learned AGC, appearing on behalf of respondents, at the very outset, submits that the inspection was rightly carried out considering the obtained circumstances and the consequential show cause notice dated 12.01.2025 is very much in accordance with law.

4. With respect to the inspection carried out by the respondent-authority on 07.01.2026, on being confronted with the office order dated 06.03.2025 issued by the respondent-department, learned counsel submits that the said Office Order has to be applied considering the facts obtained, and the petitioner cannot claim issuance of prior notice of inspection as a matter of right.

5. The Office Order, as issued by the Directorate, Mines And Geology Department, on 06.03.2025 reads as under:

" राजस्थान- सरकार
निदेशालय, खान एवं भूविज्ञान विभाग
खनिज भवन/ KHAND BHAWAN. उदयपुर/ UDAIPUR 313001
दूरभाष/ PHONE 0294.2415091-95 फेक्स/ FAX0294.2410526

कमांक : निदे/प.6/विधि/विविध/2025/

दिनांक- 06.03.2025

प्रेषिति-

समस्त अतिरिक्त निदेशक (खान),
समस्त अधीक्षण खनि अभियन्ता / समस्त अधीक्षण खनि अभियन्ता
(सतर्कता)
समस्त खनि अभियन्ता, / समस्त खनि अभियन्ता (सतर्कता),
समस्त सहायक खनि अभियन्ता, / समस्त सहायक खनि अभियन्ता
(सतर्कता)।

विषय :- खान निरीक्षण करते समय खनन पट्टेधारियों को सूचित करने एवं खनन पट्टेधारी / अवैध खननकर्ता को सुनवाई का अवसर दिए जाने, नैसर्गिक न्याय के सिद्धान्त की पालना बाबत।

प्रायः यह देखा गया है कि विभाग के अधिकारियों द्वारा खनन पट्टों का निरीक्षण करने से पूर्व पट्टाधारी को निरीक्षण की तिथि / सूचना से अवगत कराए बिना ही खानों का निरीक्षण कर दिया जाता है। नैसर्गिक

न्याय के सिद्धांतों की पालना में खनन पट्टाधारीयों को सुनवाई का अवसर दिया जाना चाहिए।

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।

पट्टाधारी से जवाब प्राप्त होने के उपरांत संबंधित अधिकारियों द्वारा केवल यह लिखा जाता है कि जवाब अमान्य है / असन्तोषप्रद है, जो उचित नहीं है। अतः समुचित तथ्यों को शामिल करते हुए कारण सहित स्पीकिंग आदेश संबंधित अधिकारी जारी करें। इसी प्रकार समुचित अवसर देने के उपरांत भी पट्टाधारी से जवाब प्राप्त नहीं होने की स्थिति में उक्तानुसार तथ्यों सहित स्पीकिंग आदेश जारी करें।

अवैध खनन के प्रकरणों में औचक निरीक्षण उपरांत मौका निरीक्षण / पंचनामे की प्रति नोटिस के साथ संलग्न की जाकर अवैध खननकर्ता को तामील कराई जावे तथा नोटिस का जवाब प्राप्त होने के पश्चात कारण सहित स्पीकिंग आदेश जारी किए जाकर जवाब स्वीकार / अस्वीकार किया जाकर अथवा समुचित अवसर देने के उपरांत जवाब प्राप्त नहीं होने की स्थिति में नियमानुसार अग्रिम कार्यवाही की जावे।

अतः समस्त कार्यालयाध्यक्ष उपरोक्त प्रक्रिया की अक्षरशः पालना सुनिश्चित करें यदि उपर्युक्त प्रक्रिया की पालना किए बिना कोई कार्यवाही की जाती है तो संबंधित अधिकारी का उत्तरदायित्व निर्धारित किया जावेगा।"

6. Taking note of the above instructions and without delving into the merits of the matter, this Court is of the considered opinion that once the Department itself has issued Office Order providing guidance for carrying out inspections and issuing subsequent notices, if any required, the Department, in an earnest manner, should comply and take guidance from the said instructions.

7. Accordingly, with consent of learned counsel for the parties, the impugned show cause notice dated 12.01.2026 is quashed, though with the liberty that the respondent-authority would be within their jurisdiction to carry out an inspection of the Mining Lease of the petitioner after issuing a notice with regard to the same to him, specifying therein the date of such inspection before

carrying out the same and would proceed on the basis of the said inspection report strictly in accordance with law.

8. However, it is clarified that neither of the parties would be prejudiced by the quashing of the notice dated 12.01.2026 and so also the present order and the entire exercise would be conducted strictly in accordance with law.

9. It is also directed that as the issue with respect to issuance/non-issuance of notice by the departmental authorities to the lease holders with respect to conducting the inspection is of perennial nature, it would be in the interest of public at large, if a detailed guideline/directives are issued by the respondent-department in this regard.

10. The said instructions should clarify and specify the situations/circumstances, if any, which may require a sudden site inspection to be conducted by the respondent-authority and that whether such inspection would be in the interest of public at large and for ensuring administrative and statutory compliance and may not lead to violation of any of the rights of the lease holder(s).

11. Accordingly, with above directions, the present writ petition stands disposed of.

12. Pending application(s), if any, shall stand disposed of.

(ANUROOP SINGHI),J