

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5148/2026

M/s Goyal Mining And Minerals, Through Its Proprietor Sh. Gopalram S/o Sh. Manohar Lal, Aged About 74 Years, Resident Of Kalyan Mohalla, Ward No. 15, Tehsil-Kaman, District-Deeg (Rajasthan).

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Mines And Petroleum- Government Of Rajasthan At Secretariat, Jaipur (Rajasthan).
2. Directorate Of Mines And Geology-Rajasthan, Through The Director, Situated At Khanij Bhawan, Shastri Circle, Udaipur (Rajasthan).
3. Department Of Mines And Geology-Bharatpur Circle, Through The Supdt. Mining Engineer Bharatpur, Situated At Khanij Bhawan, Bharatpur (Rajasthan).
4. Office Of The Mining Engineer-Bharatpur, Through The Mining Engineer, Department Of Mines And Geology-Bharatpur, Situated At Khanij Bhawan, Bharatpur (Rajasthan).

----Respondents

For Petitioner(s)	:	Mr. David Mehla
For Respondent(s)	:	Mr. Rahul Lodha, AGC Mr. K.C. Goyal, Suptd. Mining Engineer Bharatpur (in-person)

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

19/03/2026

1. Issue notice to the respondents.
2. Mr. Rahul Lodha, learned AGC, puts in appearance on behalf of all the respondents.
3. Hence, service is complete and notice need not be filed.

4. The present writ petition has been filed against the impugned show cause notice dated 26.08.2025, vide which, in respect of Mining Lease No. 129/09 for the period of July 2020 to September 2021, a demand of Rs. 3,81,53,850/- has been determined, though the said communication has been termed as show cause notice.

5. Mr. David Mehla, learned counsel for the petitioner, submits that the said show cause notice is virtually an order in the eye of law, as a specific finding has already been recorded by the respondent – Department that illegal excavation has been carried out and a demand has been determined.

6. Learned counsel submits that the impugned show cause notice is virtually an order issued with a preconceived notion. In support of his submissions, he has placed reliance upon the judgments of the Hon'ble Supreme Court in **ORYX Fisheries Private Limited Versus Union of India & Ors.**, reported in **(2010)13 SCC 427** and **Siemens Ltd. Versus State of Maharashtra & Ors.**, reported in **(2006) 12 SCC 33**.

7. Learned counsel further submits that the period in respect of which the said demand pertains is prior to the transfer of the said Mining Lease in favour of the petitioner, as the transfer in favour of the petitioner was executed on 21.07.2023. Thus, it is prayed that the impugned show cause notice be quashed and set aside.

8. *Per contra*, Mr. Rahul Lodha, learned AGC, for the respondents, submits that he has instructions that the impugned show cause notice dated 26.08.2025 shall be withdrawn and a fresh notice shall be issued strictly in accordance with law, without being prejudiced by the present show cause notice.

9. Considering the submissions so fairly made by the learned counsel for the respondents, nothing further survives for adjudication in the present writ petition and accordingly, the impugned show cause notice dated 26.08.2025 is quashed and set aside.

10. However, the respondents shall be at liberty to initiate proceedings afresh and issue a fresh show cause notice to the petitioner, if so required, strictly in accordance with law.

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

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

(ANUROOP SINGHI),J