

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>CLCON No. 59 of 2026</u>  <b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Bhupesh Kandpal, learned counsel for the petitioner.</li> <li>2. Mr. P.C. Bisht, learned C.S.C. for the respondents.</li> <li>3. Senior Superintendent of Police, Udham Singh Nagar, District Forest Officer, Udham Singh Nagar and District Mining Officer, Udham Singh Nagar joined the proceeding through V.C.</li> <li>4. Two inspection reports in a pen-drive has been placed before this Court and this court perused the same and after perusing it reveals that regular illegal mining activities are going on in the area reference of which has been given in the order dated 23.05.2025 passed in WPPIL No. 56 of 2025. I also perused the report of the officers from which it reveals that the officials physically inspect the spot, however, this Court is of the view that the officials are not aware how the inspection should be carried out. The Division Bench in another order dated 25.08.2025 passed in WPPIL No. 56 of 2025 observed as under:- <ol style="list-style-type: none"> <li>7. <i>The Government shall also submit a report with regard to action to be taken to prevent the illegal smuggling of mineral across the border. The Government shall also submit an action plan for night-time surveillance of sensitive areas and the border areas where it is alleged that illegal operators carry out mining during the night and transport the same before day break. In fact, in one case, a District Magistrate in one of the border areas had submitted that these illegal operators come fully armed with semi-automatic weapons, and that they pose a serious threat. If that be</i></li> </ol> </li> </ol>

*the case, we wonder what the police department is up to.*

8. *The Secretary (Mining) shall personally look into this issue and submit an action plan to prevent such illegal mining.*

9. *This Court is of the opinion that it would be preferable if the department resorts to aerial surveillance by using drones during night-times. The department may also consider establishing a control room wherein the live images relayed by the drones can also be shared on real time basis with the local Police Station. The Government may also consider reinforcing the strength of the Police Stations and also ensure that the policemen in these sensitive areas are equally well armed to enforce the law and to defend themselves in the course of any engagement."*

5. On perusal of para 9 of the aforesaid order, the Division Bench opined that the department should prefer to resort aerial surveillance by using "Drones" during night-times and to consider about establishing a control room. This order was passed on 25.08.2025 and almost 11 months have been passed but there is no progress and illegal mining activities still going on.

6. The District Mining Officer who joined the proceeding through V.C. submits that since last two to three years penalty has been imposed on the persons who are indulged in illegal mining activities. Such an excuse is not acceptable. Imposing penalty does not mean that illegal mining has been stopped. If the department is focusing only on imposing penalty that means they are not focusing on stopping the illegal mining activities.

7. D.F.O. also joined the proceeding through V.C. and submits that he himself visited the spot and it reveals that in large scale the mining activities are going on.

8. Let Mr. P.C. Bisht, learned Chief Standing Counsel may get further instructions why department is not using a drone surveillance once Division Bench of this Court has already observed in the order dated

25.08.2025 passed in WPPIL No. 56 of 2025. Learned C.S.C. shall also furnish the details of persons against whom penalty was imposed on the charge of illegal mining activity and how many times penalty were imposed because this Court is of the view that if a person who indulged in mining activities and penalized for more than five times it means he acquired his assets movable or immovable through proceeds which he achieve through illegal mining, therefore, such assets should be treated as proceeds of crime.

9. List this case on 12.05.2026.

**(Rakesh Thapliyal, J.)**

**24.04.2026**

Parul

