



2026:UHC:2019-DB

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

23<sup>th</sup> March, 2026

**Writ Petition (M/B) No. 142 of 2026**

Buddha Singh and others

-----Petitioners

**Versus**

State of Uttarakhand & others

-----Respondents

**Presence:-**

Mr. I.D. Paliwal, learned counsel for the petitioners.

Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State/respondent no. 5.

---

**JUDGMENT: (per Manoj Kumar Gupta, C.J.)**

1. Heard Mr. I.D.Paliwal, learned counsel for the petitioners and Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State.

2. The petitioners aggrieved by order dated 14.07.2023 passed by respondent no. 5, order dated 23.09.2024 passed by respondent no.3 and order dated 16.01.2026 passed by respondent nos. 1, had preferred the instant Writ Petition.

3. By order dated 14.07.2023, the Additional District Magistrate, Finance and Revenue, Udham Singh Nagar has directed for recovery of certain amount as



royalty for illegal mining by the petitioners and has also imposed a penalty. By order dated 23.09.2024, the Commissioner, Kumaun Mandal, Nainital has dismissed the Appeal preferred by the petitioners against the aforesaid order. By order dated 16.01.2026, the Revision filed by the petitioners has been dismissed.

4. The specific case of the petitioners was that they had not carried out any illegal mining. In fact, one Digvijay Singh was having mining lease in respect of his Plot No. 350, which is adjoining Plot No. 357 area 0.329 Hectare, the plot of the petitioners and Digvijay Singh in garb of the mining patta in his favour, had done mining from the adjoining plot of the petitioners. The petitioners have taken specific plea in this behalf before the authorities but none of the authorities has examined the said contention.

5. We have gone through the order passed by the State Government, whereby the revision has been dismissed. In the order, the contention of the petitioners though noted, has not been dealt with and the Revision has been dismissed, merely observing that the petitioners have failed to file any documentary evidence.



6. The question as to whether the petitioners have indulged in any illegal mining or the mining was done by Digvijay Singh is question of fact and which could not have been proved by any documentary evidence, but only on basis of inquiry, which should have been carried out by the respondents.

7. As the same has not been done, therefore, the Revisional order dated 16.01.2026 is hereby quashed. The matter is remitted back to the State Government for deciding the revision afresh after getting proper inquiry done.

8. The writ petition stands disposed of.

9. Pending application, if any, also stands disposed of.

**(MANOJ KUMAR GUPTA, C.J.)**

**(SUBHASH UPADHYAY, J.)**

Dated: 20.03.2026  
Kaushal