



2026:UHC:2652-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

15TH APRIL, 2026

WRIT PETITION (M/B) No. 257 OF 2026

Jaspal SinghPetitioner.

Versus

State of Uttarakhand and others. ...Respondents

Counsel for the petitioner : Sri Balvinder Singh, learned counsel.

Counsel for the respondents : Sri R.S. Bisht, learned Deputy Advocate General with Sri B.S. Parihar, learned Additional Chief Standing Counsel for the State.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J)

1. The petitioner is aggrieved by order dated 24.05.2025 passed by respondent No. 2 by which penalty for illegal mining has been imposed against the petitioner and the consequent recovery proceedings by way of Recovery Citation dated 23.07.2025.

2. Admittedly, the order, imposing penalty dated 24.05.2025, is under challenge at the behest of the petitioner before the Commissioner of the Division. In the appeal, an interim order was also passed in favour of the petitioner on 04.09.2025 till the next date. It appears that that for one reason or the other, on subsequent dates, the interim order could not be extended. Now 15.04.2025, i.e. today's date is fixed for consideration of the Stay Extension Application of the petitioner.

3. We dispose of the writ petition with a direction to the Commission of the Division, before whom the appeal of the petitioner is pending, to decide the Stay Extension Application. In case, the Application is adjourned for any reason, it is desirable



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that the same be decided within next two weeks and until then, the recovery proceedings in pursuance of the impugned citation shall remain in abeyance. In case the Stay Extension Application is decided and the order goes against the petitioner, then the interim protection granted to the petitioner shall be of no avail and it shall be open to the petitioner to avail legal remedies against the order of the Commissioner, if so advised.

4. Pending application, if any, also stands disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 15th April, 2026
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