

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17754 of 2025

Decided on: 24.12.2025

M/s Sada Shiv Stone Crusher	... Petitioner
Versus	
State of Himachal Pradesh & others	... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹Yes

For the petitioner	:	Mr. Deepak Kaushal, Senior Advocate, with M/s Aditya Chauhan and Abhishek Verma, Advocates.
For the respondents	:	Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 to 3. Mr. Sunita Sharma, Senior Advocate, with Ms. Sugandh Verma, Advocate, for respondent No.4.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

- “1. *Quash and set aside the impugned order dated 4.11.2025 passed by the respondent Mining Officer, being illegal, arbitrary, discriminatory, and in gross violation of the principles of natural justice.*
2. *Direct the respondents not to disconnect the electricity supply of the petitioner’s stone crusher unit pursuant to the impugned order or any consequential communication issued to the Electricity Department.*

¹ Whether reporters of the local papers may be allowed to see the judgment?

3. Restrain the respondents from taking any coercive or adverse action against the petitioner's mining lease or crusher unit without following due-process of law and affording the petitioner a reasonable opportunity of hearing.

4. Issue appropriate directions to the respondent Mining Officer to produce before this Hon'ble Court the record of similar inspections and orders, if any, passed in respect of other mining leaseholders within his jurisdiction, so as to establish transparency and equal treatment."

2. Learned Senior Counsel for the petitioner argued that the Annexure P-4, which is order dated 04.11.2025, has been passed on the basis of an inspection, which was carried out at the back of the petitioner without associating it. He submitted that the report prepared by the Inspection Committee, if any, was not made available to the petitioner, no Show Cause Notice was issued to it, no response of the petitioner was sought thereto and punitive action stands taken against the petitioner at its back. Accordingly, he prayed that the petition be allowed, as prayed for.

3. Learned Additional Advocate General submitted that as illegalities were found during inspection, therefore, needful has been done by the Authority.

4. Having heard learned Senior Counsel for the petitioner

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as well as learned Additional Advocate General, this Court is of the considered view that order dated 04.11.2025 is not sustainable in the eyes of law, as it violates the principles of natural justice. In case any action has to be taken by the Authorities against the petitioner, then they should do it in accordance with law and minimal that is expected is that if any inspection is to be carried out, then the petitioner should be associated and if any action has to be taken thereupon, a Show Cause Notice has to be issued to the party concerned, seeking response of the party and only thereafter, action can be taken.

5. Accordingly, this petition is allowed. Order dated dated 04.11.2025 (Annexure P-4) is quashed and set aside, but with the observation that the respondents may proceed against the petitioner afresh in accordance with law and by adhering to the principles of natural justice.

6. The petition stands disposed of, so also the pending miscellaneous application(s), if any.

(Ajay Mohan Goel)
Judge

December 24, 2025
(Rishi)