



2025:UHC:7540-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
26TH AUGUST, 2025
WRIT PETITION (M/B) NO. 643 OF 2025

M/s Altyka Stone Crusher Petitioner.

Versus

State of Uttarakhand & others Respondents.

Counsel for the Petitioner : Mr. Rajeshwar Singh and Mr. Yash Bisht, learned counsel holding brief of Mr. Vikas Bahuguna, learned counsel.
Counsel for the State : Mr. J.C. Pande, learned Standing Counsel.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Heard learned counsel for the petitioner and learned counsel for the State.

2. The case of the petitioner is that he is the owner of a stone crushing unit. That on 03.10.2020, an inspection of the premises was carried out by the officers of the State and on the allegations that the stock available in the premises was lesser than the quantity purchased by the petitioner, the unit came to be sealed; that between the said date and 09.04.2021, the Unit was sealed and is alleged to have been under the custody of the Tehsildar. That, during the said



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period, a lot of material came to be stolen, with regard to which, the petitioner has lodged complaint with the local police station and the Tehsil Authority; that despite the unit being in the custody of the Tehsil officers, the theft of material has occurred; that, thereafter, on 03.02.2025, the petitioner has served with a recovery notice from the Additional Collector Hardiwar; that copy of the order passed by the ADM Haridwar, imposing the penalty of Rs.95,03,609/- as penalty, is produced as Annexure-1.

3. A bare reading of the order makes it apparent, that it is an *ex parte* order. Be that as it may, aggrieved by the recovery citation issued thereafter, the petitioner has preferred a revision case before the competent authority. The said revision is pending consideration and it is the case of the petitioner that the same has not been taken up for consideration. But now, despite the pendency of the revision, the Revenue Authorities are attempting to recover the same as arrears of land revenue and a recovery certificate has been issued to the Collector on 03.02.2025.

4. The original proceedings being *ex an parte*



proceeding and no material being placed to demonstrate that the petitioner was served or an opportunity of hearing was accorded to him in the said matter, the Authorities ought to have held their hand at least till the revision case preferred by the petitioner is heard and disposed of on merits, or in the alternative, the concerned Authorities ought to have attempted to expedite the hearing of the revision. Nothing having been done, and there being an arguable case, as demonstrated by the petitioner, we are of the opinion that the instant recovery certificate may be stayed till the disposal of the revision case. It is open for the respondents to seek expeditious disposal of the revision.

5. Accordingly, the writ petition is allowed in-part. The recovery certificate (Annexure-4) No.26/Reader-A.J.M. (Admin.)/2024, Dated 25.11.2024 is hereby, stayed till the disposal of the revision case pending before respondent no.1. Respondent no.1 shall consider expeditious disposal of the revision case.

6. The writ petition stands ordered accordingly.



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7. There shall be no order as to costs.
8. As a sequel thereto, pending application, if any, shall stand closed.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dated: 26th August, 2025
NISHANT

NISHANT
KUMAR