IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 5572 of 2026

M/s Jaishankar Stone Industries represented through proprietor Sri Niwas Kumar, aged about 30 years, son of Late Shyamakant Singh, having his residence at village Khutikewal Khurd, P.O. & P.S. Hunterganj, District Chatra, Jharkhand ... ... Petitioner

Versus

1. The State of Jharkhand through the Principal Secretary, Department of Mines and Geology, Government of Jharkhand having its office at Nepal House, Doranda, P.O. Doranda, P.S. Doranda, District-Ranchi, Jharkhand.
2. The Director, Mines, Directorate of Mines, Department of Mines and Geology, Government of Jharkhand having its office at Nepal House, Doranda, P.O. Doranda, P.S. Doranda, District-Ranchi, Jharkhand.
3. The Deputy Director, Mines, North Chotanagpur Circle, P.O. & P.S. Hazaribagh, Jharkhand.
4. The Deputy Commissioner, Chatra, P.O. & P.S. Chatra, District Chatra, Jharkhand.
5. The Additional Collector, Chatra, P.O. & P.S. Chatra, District Chatra, Jharkhand.
6. The Sub Divisional Officer, Chatra, P.O. & P.S. Chatra, District Chatra, Jharkhand.
7. The Circle Officer, Hunterganj, P.O. & P.S. Chatra, District Chatra, Jharkhand.
8. The District Mining Officer, Chatra, P.O. & P.S. Chatra, District Chatra, Jharkhand.
9. Manoj Toppo, District Mining Officer, Chatra, P.O. & P.S. Chatra, District Chatra, Jharkhand. … … ... Respondents

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr Sumeet Gadodia, Advocate
(Through V.C.)
Mr Ranjeet Kushwaha, Advocate
Mrs Richa Lal, Advocate
Ms Shruti Shekhar, Advocate

For the Respondents Mr Vibhor Mayank, AC to AG

04/Dated: 16.09.2026 Per: M.S. Sonak C.J.

1. Heard Mr Sumeet Gadodia, learned counsel for the petitioner, through video conferencing and Mr Vibhor Mayank, learned A.C. to learned Advocate General for the respondents.

2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.

3. The petitioner challenges letter/order No. 576 dated 22.06.2026 (Annexure-9) issued by the District Mining Officer, Chatra (R-8), directing the petitioner to pay Rs. 42,96,33,270/- for alleged unlawful mining of 27106200 cubic feet of stone boulders outside the leasehold area granted to the petitioner.

4. Mr Gadodia submitted that the District Mining Officer (R-8) was part of the joint inspection team, and the show cause notice in the impugned order was issued by the same District Mining Officer, relying on the joint inspection report. He submitted that, in essence, the District Mining Officer has acted as a Judge in his own cause, thereby infringing the principles of natural justice and fair play.

5. Mr Gadodia relied on this Court's judgment and order dated 09th September 2025 in **Binay Kumar Singh Vs The State of Jharkhand and Others**, [**W.P. (C) No. 769 of 2025],** wherein, under almost identical circumstances, the impugned order was quashed and directions were issued to the Deputy Director, Department of Mines and Geology, to issue and dispose of a show cause notice for any alleged violations of mining beyond the prescribed leased area.

6. Mr Vibhor Mayank defended the impugned order by submitting that an appeal is provided against it and, therefore, this petition may not be entertained. In any event, Mr Mayank submitted that the District Mining Officer, by merely being part of the joint inspection team, cannot be presumed biased to attract the principle of **Nemo Judex in causa sua.** Accordingly, he submitted that this petition may be dismissed.

7. Upon considering the rival contentions, perusing the material on record and the decision of the Co-ordinate Bench in the case of **Binay Kumar**

Singh Vs The State of Jharkhand (Supra), we are satisfied that the interest of justice would be best served if the impugned order is set aside and the next higher officer, i.e. the Deputy Director, Department of Mines and Geology, is directed to issue a fresh show cause notice to the petitioner based on the joint inspection report, consider the petitioner's response, and dispose of such show cause notice in accordance with law and in a time-bound manner. Incidentally, in similar circumstances, the Coordinate Bench adopted this course in **Binay Kumar Singh Vs State of Jharkhand** (Supra).

8. In this case, there is no dispute that the District Mining Officer who passed the impugned order was part of the joint inspection team that inspected the location and submitted a report. The report indicated large-scale illegal mining beyond the prescribed leased area. Given this, the petitioner's apprehension that this officer was reasonably likely to uphold his prima facie findings in the joint inspection report cannot be readily discounted.

9. Actual bias is not the core issue in such matters. If there was a real and reasonable likelihood of bias, the principles of natural justice require the decision-maker to recuse themselves. In such matters, the appearance of justice is as important as justice itself.

10. Besides, we refer to the judgment and order dated 09th September 2025 in **Binay Kumar Singh** (Supra), wherein a similar situation arose. In that matter, learned counsel appearing for the State, after going through the documents relating to the joint inspection committee, after admitting that the District Mining Officer was a part of such joint inspection committee which had made the report, in fact agreed that an

officer higher than the District Mining Officer may be directed to properly adjudicate the issue involved.

11. We specifically refer to paragraphs 5, 8, and 10 of the judgment and order dated 09th September 2025, the contents of which are transcribed below for convenience of reference.

> **5.** *The learned counsel appearing for the State after going through the documents related to joint inspection committee submits that the joint inspection committee consists of four officers, one of which was the District Mining Officer of the concerned district. Hence, the officer higher than the District Mining Officer may be directed to be approached by the petitioners for proper adjudication of the issue involved.*
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> ***8.*** *In view of above, the impugned orders need interference and, accordingly, the impugned orders, both, dated 25.1.2025 passed in WP(C) No. 769 of 2025 and WP (C) No. 826 of 2025 are hereby quashed and set-aside. The Deputy Director, Department of Mines and Geology of concerned district(s) are directed to issue show-cause-notice to the petitioners within a period of two weeks' from the date of receipt of the copy of this order stipulating time for furnishing the explanation. The petitioners are to respond within the time stipulated in the show cause-notice.*
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> **10.** *So far as WP(C) No. 3559 of 2020 and WP(C) No. 1570 of 2025 are concerned, the learned counsel for the parties have agreed in view of the concession of the learned counsel for the State to approach the competent authority i.e. District Mining Officer of the concerned district(s).*

12. In the present case, the facts are not substantially different, except that in the above case learned counsel for the State made some concession, whereas in this case learned counsel for the State has made no such concession. But considering the DMO's association with the joint inspection team and its role in preparing the report, we cannot hold that

the petitioner's apprehension of a reasonable or even real likelihood of bias is completely unfounded.

13. Therefore, by adhering to the above principle, which is well settled, we are satisfied that the impugned order is liable to be set aside, with an opportunity for the respondents to initiate fresh proceedings through the Deputy Director, Department of Mines and Geology of the concerned district, i.e. the 3rd respondent herein.

14. In this case, the petitioner has not disputed that the Deputy Director of Mines of the concerned circle, i.e. the 3rd respondent herein, could also be a competent authority to issue and adjudicate on the show cause notice concerning the issue involved.

15. In view of the above, we cannot agree with the contentions raised on behalf of the Respondents. Accordingly, we quash and set aside the impugned order dated 22.06.2026 and direct the 3rd respondent to issue a fresh show cause notice to the petitioner within four weeks from today. The petitioner may file a response to the show cause notice within two weeks of the receipt of such show cause notice. Under no circumstances must the Petitioner delay the matter.

16. The 3rd respondent is then directed to dispose of the show cause notice after considering the petitioner's response and giving the petitioner an opportunity of hearing, within a period of eight weeks thereafter. The 3rd respondent must pass and communicate a reasoned order in the matter.

17. If the petitioner is aggrieved by such order, the petitioner shall be at liberty to take out such proceedings as are available under the law to question such order.

18. This petition is disposed of. The Rule therein is made absolute in the above terms without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

September 16th, 2026
N.A.F.R.
APK/Shahid
Uploaded on 17.09.2026