



HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND**

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

18TH AUGUST, 2026

WRIT PETITION (M/B) No. 89 of 2026

1: Asgar

--Petitioner

Versus

1: State Of Uttarakhand

2: District Mining Officer

3: Directorate Of Geology And Mining

--Respondents

Counsel for the petitioner. : Mr. Mehboob Rahi, learned counsel.

Counsel for the respondents. : Mr. Gajendra Tripathi, learned Standing
Counsel with Mr. M.S. Bisht, learned Brief
Holder for the State of Uttarakhand.

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

1. The present writ petition has been filed by the petitioner being aggrieved by the action of the respondents in locking the generation of e-ravanna in respect of his vehicle bearing Registration No. UK14-CA-4073.

2. The case of the petitioner is that he was transporting 30.50 metric ton of minerals on basis of e-ravanna generated in Form J, a copy whereof has been filed as Annexure No. 2 to the writ petition. It is also his case that, although on three separate occasions, the vehicle was challaned, but the challan amount was paid by third parties, and there was no involvement of the petitioner in the said incidents. It is stated that despite the fine amount having been paid already, the



respondents have illegally locked the generation of e-ravanna on the official portal, without any notice, or opportunity of hearing to him.

3. On 09.04.2026, when the matter was taken up, learned State Counsel placed reliance on Rule 14(2)(4)(b) of the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) (Fourth Amendment) Rules, 2024, and submitted that because the vehicle was found involved in transporting minerals illegally for the third time, therefore, treating the petitioner to be a habitual offender, the State-respondents have invoked power under Rule 14(2)(4)(क) in locking the generation of e-ravanna. Relevant part of Rule 14(2)(4)(क) reads as follows:

“एक खनन सत्र (वर्ष 01 अक्टूबर से 30 जून तक) के अन्तर्गत 02 बार तक खनिज का अवैध परिवहन करने पर वाहनस्वामी पर नियमावली के नियम -14 के उपनियम (2) के अनुसार अर्थदण्ड अधिरोपित किया जायेगा और यदि वाहन तीसरी बार अवैध खनिज परिवहन में पकड़ा जाता है तो आदतन अपराधी मानते हुए पकड़े गये वाहन को जब्त कर राज्य सरकार में समाहित कर राज्य की सम्पत्ति घोषित कर दिया जायेगा, जिसकी नीलामी कर प्राप्त धनराशि को विभागीय लेखा शीर्षक में जमा किया जायेगा।”

4. The aforesaid provision confers power in favour of the State-respondents to seize vehicle of a habitual offender, and also to confiscate the same in favour of the State. Therefore, we inquired, by our order dated 09.04.2026,



whether any order of seizure or confiscation was passed in respect of the vehicle in question.

5. Today, when the matter is taken up, learned State Counsel has placed on record the instructions dated 22.04.2026 received from the District Mining Officer, Dehradun, wherein again reliance has been placed on Rule 14(2)(4)(क) in contending that, since the vehicle was involved in illegal transportation of minerals for the third time during the mining year, therefore, the Department had the power to seize and confiscate the vehicle. However, it is specifically admitted in paragraph no. 1 that no seizure or confiscation order has been passed in respect of the vehicle so far.

6. As regards the case of the petitioner that he was transporting the minerals on basis of valid e-ravanna in Form J, it is stated by the respondents that the same was generated at 11:11:41 hrs on 23.03.2025 after the inspection was conducted at 10:50:00 hrs on the said date.

7. Learned counsel for the petitioner is also not in a position to dispute the said fact. Therefore, the case of the petitioner that he was transporting minerals on basis of valid e-ravanna is not acceptable. However, as noticed above, till date there is no order of seizure or confiscation in existence.



Learned State Counsel could not show to us any provision, which confers power in favour of the respondents to lock the generation of e-ravanna on the official portal, without there being any order of seizure or confiscation of the vehicle.

8. It is noteworthy that in Rule 14(2)(5)(क) power is vested in the Department to close access to e-ravanna portal and stop generation of e-ravanna in cases of illegal storage of minerals but the learned State Counsel could not show to us any similar provision in case of mere illegal transportation of minerals. Further, the respondents also could not dispute that the impugned action has been taken against the petitioner without any opportunity of hearing to him.

9. In view of the above, the action of the respondents in locking the generation of e-ravanna in respect of the vehicle of the petitioner bearing Registration No. UK14-CA-4073 is held to be illegal.

10. The writ petition is, accordingly, allowed.

11. The respondents are directed to unlock the generation of e-ravanna on the official portal. The instant order will however not be an impediment for the department to take action under Rule 14(2)(4)(क), or under any other power vested in them.



12. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 18th August, 2026

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