



2026:UHC:1988-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

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

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

20TH MARCH, 2026

WRIT PETITION (M/B) No. 171 OF 2026

Mohd. Rizwan.

...Petitioner

Versus

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner. : Mr. D.C.S. Rawat, Mr. Anil Kumar Joshi
and Mr. Deepak Mishra, learned counsel.

Counsel for the respondent nos. 1 to 4. : Mr. Gajendra Tripathi and Mr. Y.C. Tiwari,
learned Standing Counsel for the State of
Uttarakhand.

Counsel for respondent no. 5. : Ms. Menka Tripathi, learned counsel.

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

1. The present Writ Petition has been filed, praying for
the following reliefs :-

- "i) Issue a writ of certiorari quashing the impugned Vehicle Challan No.VC6700001044 dated 10.3.2026, Vehicle Challan No.VC6700001045 dated 10.3.2026 and Vehicle Challan No.VC6700001046 dated 10.3.2026 issued under the authority of Director of Geology and Mining of Uttarakhand (contained as Annexure No.1 to this writ petition).*
- ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to release the vehicles of the petitioner confiscated by the impugned Vehicle Challan No.VC6700001044 dated 10.3.2026, Vehicle Challan No.VC6700001045 dated 10.3.2026 and Vehicle Challan No. VC6700001046 dated 10.3.2026."*



2. The case of the petitioner is that he was transporting ordinary soil, purchased from one Guru Kripa Enterprises, through Inter State Transit Pass, issued under Uttarakhand Minor Minerals (Concession) Rules, 2023. On 10.03.2026, the vehicles were checked at Matish Check Post by one Krishna Teja, District In-Charge, Kailash Riverbed Mineral, Udham Singh Nagar. It is alleged that he, without examining the Transit Pass, forcibly got the vehicles weighed and challaned, alleging overloading. The submission is that respondent no. 5 is a private person, and he had no authority to challan or detain the vehicles.

3. In view of the said submission, we granted time on 19.03.2026 to learned State Counsel to obtain instructions, as regards the power of respondent no. 5 to detain the vehicles, or issue any challan.

4. Learned State Counsel has placed on record the instructions received from the District Mining Officer dated 19.03.2026. The stand taken therein is that respondent no. 5 has been given contract after inviting tenders, in terms of Rule 69(5) of the Uttarakhand Minor Minerals (Concession) Rules, 2023. It is also the case of the respondents that the trucks were found overloaded, and that the e-Ravanna, on basis of which the minor minerals were being transported, authorized



the petitioner to transport 30 tonnes of ordinary soil, while after the vehicles were intercepted, the petitioner got another set of e-Ravannas generated to cover up the illegality.

5. Rule 69 of the Uttarakhand Minor Minerals (Concession) Rules, 2023 reads as follows :-

“69. Proprietary or Dead Rent may be collected through contractor/tender:-

(1) The Government may arrange for the collection of Proprietary or Dead Rent from the holders of mining leases by the selected contractor/successful tenderer and such holders shall, when directed by the State Government to do so, pay Proprietary or Dead Rent at the rates specified in their lease to the said contractors/tenderers within such period as may be directed.

(2) Non-payment of dues by the selected contractor/successful tenderer or the holder of the mining lease or the ownership or dead rent, as the case may be, shall have the same consequences as if the payment was made to the State Government and in that event the State Government shall have all such rights as are provided in these rules in respect of recovery of the dues from the lessee and termination of the lease.

(3) The State Government may enter into an agreement with any person, as deemed fit, for collection of ownership or dead rent from the holders of mining leases in the specified area for a period of five years or more, by negotiation or inviting tenders or by e-tender/e-auction or in any other manner on such terms and conditions as may be considered appropriate. For determining the criteria of eligibility and auction process for selection of contractor/tenderer, the Director, Directorate of Geology and Mining shall prepare a separate tender form and obtain approval from the Government.

(4) The contractor/successful tenderer selected as above shall be given priority in granting mining lease in vacant sub-mineral areas having river bed availability within the State territory, as per Chapter-2 of the Rules.

(5) Permission may be granted to the selected contractor/successful tenderer on request to visit the departmental e-Ravanna portal for discharging the



responsibilities given under the contract and for prevention of illegal mining/transportation/storage from the Director, Directorate of Geology and Mining.”

6. A bare perusal of the aforesaid provision reveals that Government is authorized to appoint a contractor for collection of proprietary or dead rent from the holders of mining leases, and the selected contractor can be authorized to visit the departmental e-Ravanna Portal, for discharging the responsibilities given to him under the contract, to prevent illegal mining/ transportation/ storage.

7. The e-challans, which have been generated in the instant case, were on the e-portal, and, therefore, it cannot be said that the same were issued by respondent no. 5. The e-challans also reveal that the same have been issued under the authority of Directorate of Geology & Mining, Uttarakhand, and the reason given for challan of the vehicles is :- *“found greater weight than recorded in the e-Ravanna/ ISTP form”*.

8. Thus, the submission of learned counsel for the petitioner, that respondent no. 5 was not empowered to stop or weigh the vehicles, cannot be accepted.

9. Learned State Counsel further submits that, after the petitioner was found transporting minerals contrary to the e-Ravanna, he, himself, offered to pay the entire amount and,



therefore, the respondents have not initiated any proceedings for seizure and confiscation. It is submitted that respondent no. 5, after noticing the discrepancy, handed over the vehicles to the nearest Police Station, and it is submitted that, in case the amount under the e-challans is deposited by the petitioner, the respondents would immediately handover the vehicles to the petitioner.

10. Shri D.C.S. Rawat, learned counsel for the petitioner submitted that even otherwise, the vehicles were wrongly challaned, as the minerals were being transported on basis of valid e-Ravanna. He submits that the petitioner may be permitted to deposit the penalty amount under protest, and the vehicles be directed to be handed over to the petitioner forthwith.

11. Learned State Counsel submits that, as soon as the amount, under the e-challans, is deposited, the vehicles shall be handed over to the petitioner.

12. In view of the stand taken by the counsel for the parties, we dispose of the Writ Petition, by providing that it shall be open to the petitioner to deposit the amount, being demanded from him on basis of impugned challans, without prejudice to his right to challenge the e-challans in the manner provided under law. It is further provided that, as soon as the



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amount is deposited, the respondents would hand over the possession of the vehicles to the petitioner.

13. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 20th March, 2026
Rahul