



2026:UHC:2683-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Writ Petition (M/B) No.259 of 2026
April 16, 2026

Mamchand

-----Petitioner

Versus

State of Uttarakhand & Ors.

-----Respondents

Presence:-

Mr. Narendra Bali, learned counsel for the petitioner

Mr. Rajeev Singh Bisht, learned Additional C.S.C. for the State

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present writ petition has been filed by the petitioner claiming that he is owner of khasra no.557 admeasuring 0.656 hectares situated at Village Ferupur Ramkheda, Pargana Jwalapur, Tehsil and District Haridwar. The adjoining land bearing khasra nos.561, 558, 577, 572 and 559 are recorded in the name of private respondents. It is alleged that the private respondents have established a stone crusher over their land in the name and style "*M/s Pal Stone Crusher*" and have carried out illegal mining by digging earth and thereby creating a deep pit approximately 30 feet in depth, which resulted in erosion of soil from the field of the



petitioner during the rainy season. The further case of the petitioner is that the District Magistrate had imposed penalty on the private respondents for carrying out illegal mining. The petitioner has made representation to the District Magistrate on 16.12.2024 and has now filed the present writ petition with the following prayers:-

“(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to take strict legal action against the private respondents for illegal mining activities.

(ii) Issue a writ, order or direction in the nature of mandamus directing the private respondents to fill the excavated pit and restore the petitioner's land to its original condition.

(iii) Issue a writ, order or direction in the nature of mandamus directing the respondent no.3 to decide the representation of the petitioner dated 16.12.2024 pending before the District Magistrate, Haridwar (contained as Annexure no.8 to this writ petition).”

3. It has come in a recent report of Revenue Inspector that at present no mining activity is being carried out by the private respondents. The mining was done in the past in respect of which penalty was imposed on the private respondent. As at present no mining is being done, therefore, no further action is required to be undertaken by the Department.

4. Once it is not disputed that at present no mining is being carried out, the stand taken in the report of the Revenue Inspector that no further action is required to be



2026:UHC:2683-DB

taken by the Department appears to be correct. The petitioner has already served a notice on the private respondents, through his Advocate, claiming damages to the tune of ₹ 50.00 lakhs.

5. In case, the petitioner has suffered any damage on account of any illegal mining carried out by the private respondents over their land, it shall be open to the petitioner to avail civil remedies. No good ground is made out to examine the claim in exercise of writ jurisdiction.

6. Accordingly, the writ petition is disposed of with liberty as aforesaid to the petitioner.

7. Pending application(s), if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.04.2026

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