



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (M/B) NO. 600 OF 2026

28TH JULY, 2026

Akshay Bhatt Petitioner

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner : Mr. Shashank Pandey (through VC)
and Mr. Akshay Pradhan, learned
counsel

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

The Court made the following:

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

1) The case of the petitioner is that he was given a lease of Amlawa River RBM mining lot, Village Jokla, Tehsil Kalsi, District Dehradun, Khasra No. 1 Kha, area 3.80 Hectare for extraction / collection of RBM, namely sand, bajri and boulder by lease-deed dated 18.04.2017 for the



period upto 17.04.2022. The mining operations remained disrupted for 01 year 17 days i.e. 382 days for various reasons not attributable to the petitioner. On 27.01.2020, the State Government issued an order whereby it was provided that in cases where the mining operations had remained obstructed for reasons not attributable to the lessee, then after verifying that no third party interest had come into existence and the leased land is still vacant, the lessee can be granted permission to carry out mining operations for the obstructed period. It was further provided that for the said period the rate of royalty would be the same as then prevailing to avoid any financial loss to the State exchequer. It appears that on basis of the said policy decision the department considered the request of the petitioner for permitting him to carry out mining operations for the obstructed period of 01 year 17 days. In this regard the District Magistrate, Dehradun issued an order on 29.12.2023 / 03.01.2024 granting permission to the petitioner to carry out mining operations in the aforesaid area for 01 year 17 days subject to payment of royalty at current rates. Thereafter, a supplementary lease-deed was executed between the parties in terms of Rule 13 of the Uttarakhand Minor



Mineral Transportation Rules, 2023 (as amended from time to time).

2) After the expiry of the period stipulated under the lease-deed the present writ petition has been filed assailing the permission granted by the District Magistrate vide order dated 29.12.2023 to the extent it provided for the payment of royalty at the then prevailing rates. The petitioner has also prayed for a mandamus commanding the respondents to charge royalty from the petitioner as applicable on 27.01.2020, the date on which Government Order was issued in this regard.

3) The main thrust of the argument of learned counsel for the petitioner is on paragraph 3 of the Government Order dated 27.01.2020, which is as follows :

“उक्त के संबंध में शासन स्तर पर सम्यक विचारोपरान्त लिये गये निर्णय के क्रम में मुझे यह कहने का निर्देश हुआ है कि यदि किसी खनन क्षेत्र में किसी तृतीय पक्ष का अधिकार उत्पन्न न हुआ हो तथा क्षेत्र रिक्त हो और यह स्थापित होता हो कि पट्टाधारक की त्रुटि के बिना उसे खनन कार्य करने से किसी अवधि के लिए रोका गया हो, तब खनन रोके जाने की अवधि को बाधित मानते हुए उक्त अवधि के समतुल्य अवधि पट्टाधारक को खनन कार्य करने हेतु प्रदान किये जाने की अनुमति इस शर्त के अधीन प्रदान की जाती है कि यदि दिनांक 12.01.2020 को खनन पट्टे की विहित अवधि अवशेष है तब ही बाधित अवधि के समतुल्य अवशेष अवधि पट्टाधारक को खनन कार्य के सम्बन्ध में अनुमन्य की जायेगी एवं वित्तीय हानि न हो इसलिए रायल्टी की दरें वही होंगी जो वर्तमान में अनुमन्य हैं।”



4) The submission is that as per the said Government Order royalty was required to be charged at the rate applicable at the relevant time i.e. on the date of issuance of the Government Order dated 27.01.2020. However, the respondents have charged royalty at the rate applicable on 03.01.2024, the date on which the District Magistrate approved the grant of lease in favour of the petitioner.

5) The argument does not have any force as it is based on a complete misinterpretation of paragraph 3 of the Government Order dated 27.01.2020. The said Government Order, as already noted, only enables the Government to grant a lease for the obstructed period under the original mining lease, subject to payment of royalty at the current rates. It would only mean the rates prevailing on the date on which approval is granted on basis of the Government Order dated 27.01.2020 and not the rates applicable on the date of issuance of the Government Order itself. Admittedly, the petitioner entered into lease with the Government fully aware of the terms and conditions on which approval had been granted in his favour vide order dated 03.01.2024. Even, the preamble of the lease-deed specifies the rate applicable



2026:UHC:6468-DB

on the date of execution of the lease-deed. Now, having enjoyed the lease for its entire tenure, the petitioner is estopped from questioning the rates.

6) The writ petition lacks merit and is, accordingly, dismissed.

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

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 28TH JULY, 2026
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