



201/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20876-2022 (O&M)
Date of decision: 27.11.2025

Kamaljit Singh

...Appellant

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Gurminder Singh, Senior Advocate with
Mr. R.P.S. Bara, Advocate
for the petitioner(s).

Ms. Samdisha Kaur, AAG, Punjab.

Mr. Lokesh Chander Aggarwal, Addl. Standing Counsel (Sr. Panel)
for respondent No. 4.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition is directed against the certificate of recovery issued in reference to Rule 80 of the Punjab Minor Mineral Rules, 2013, whereby, a sum of Rs.53,15,938/- is sought to be recovered from the petitioner.
2. The recovery allegedly is on account of balance unpaid royalty on account of mineral excavated by the petitioner pursuant to licence granted in that regard. The certificate is challenged on the ground that such amount is not due and payable and that the actual deposits made by the petitioner have not been factored in. It is also submitted that without examining the matter in its correct perspective, the authorities have proceeded to issue attachment notices, which is wholly arbitrary. The petitioners are also aggrieved by notices issued



for recovery on account of land compensation payable to the tenure holders on whose land mining was carried out. It is submitted that such sums were already paid to the landowners and therefore, the recovery under such head is also impermissible. An affidavit was also filed before the authorities and the grievance is that this aspect has also escaped the attention of the authorities. The petitioners have approached this Court after attachment notices have been issued.

3. The respondent-State has filed reply disputing the contentions made in the writ petition.

4. Be that as it may, from the facts placed on record, it is apparent that the issue raised by the petitioner requires factual determination with regard to liability of the petitioner to pay outstanding amount towards royalty for mining and for land compensation to be paid to the landowners. Though, contentions are advanced on merits of the matter but we find that there is no specific order passed by the competent authority determining the liability of the petitioner after taking into consideration the plea advanced on their behalf.

5. In such circumstances, we are not inclined to embark upon the factual enquiry with regard to the petitioner's liability, at the first instance. The writ petition accordingly is disposed of permitting the petitioner to submit a comprehensive representation together with the copy of this order clearly explaining the stand of the petitioner with regard to the actual payments made towards royalty as also towards land compensation together with proof of such deposit. Such representation would be made within a period of two weeks from today. The Director Mining, i.e. respondent No.2 will examine the petitioner's representation and shall pass an appropriate reasoned order within a period of



six weeks thereafter. Any further action against the petitioner shall abide by the fresh determination to be made by the competent authority, as directed herein. It shall also open for the petitioner to seek adjustment of the amount lying with the respondents as refundable security.

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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

27.11.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No