HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1005 of 2025 (M/B)

Karan Pal .....Petitioner

Vs.

State of Uttarakhand and others ..... Respondents

Present : Mr. Avidit Noliyal, Advocate for the petitioner.
Mr. Gajendra Tripathi, Standing Counsel with Mr. Sachin Mohan Singh Mehta, Brief Holder for the State of Uttarakhand/respondent nos.1 to 6.

JUDGMENT

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Alok Mahra, J.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the Recovery Certificate dated 29.11.2018, issued by the District Magistrate Haridwar and the Recovery Citation dated 10.10.2025, issued by the SDM Haridwar and Tehsildar Haridwar for recovery of Rs.5,38,800/- with further directions to the respondents to comply with the appellate court's order dated 18.04.2019, passed by the Commissioner, Garhwal Mandal.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that with regard to the illegal mining, a penalty of Rs.5,38,800/- was imposed on the petitioner and recovery citation was issued by the respondent no.4, the District Magistrate, Haridwar, pursuant to which, a show cause notice was issued to the petitioner.

4. Learned counsel for the petitioner submits that the order passed by the District Magistrate, Haridwar was challenged

by the petitioner in Appeal No. 29/2018–19, Karanpal Vs. Government in the court of Commissioner, Garhwal Mandal, Pauri ("the appeal"). The appeal was decided on 18.04.2019 and the penalty was reduced to Rs.3,35,520/- + Rs.5,000/- charges for fee of the appeal. He submits that the petitioner is liable to pay this amount and not fine.

5. Since the order passed by the District Magistrate, Haridwar has already been modified in the appeal, therefore, the process for recovery shall be made in accordance to the order dated 18.04.2019, passed in the appeal for recovery of Rs.3,35,520/- the penalty + Rs.5,000/- fee for appeal. The Recovery Citation shall confine to this amount and other admissible expenses. The petitioner may file response to the notice issued to him. The writ petition stands disposed of accordingly.

(Alok Mahra, J.) (Ravindra Maithani, J.)

09.12.2025

Sanjay

SANJAY KANOJIA

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