IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19606 of 2026

Decided on: 02.11.2026

Gurcharan Singh .....Petitioner

Versus

State of H.P. and others .....Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Romesh Verma, Judge

Whether approved for reporting?[1]

For the petitioner	:	Mr. Deepak Kaushal, Senior Advocate with Mr. Aditya Chouhan, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

Notice. Mr. Pushpender Jaswal, learned Additional Advocate General, accepts notice on behalf of the respondents.

2. By way of this petition, the petitioner has *inter alia* prayed for the following reliefs:-

> *"1. Quash and set aside the impugned Notifications dated 10.02.2022 (Annexure P-3) and 26.09.2024 (Annexure P-4) issued by the Respondent State enhancing the rate of surface rent, being arbitrary, ultra vires the Mines and Minerals (Development and Regulation) Act, 1957, and unconstitutional.*
>
> *2. Quash and set aside the consequential demand order dated 20.08.2026 (Annexure P-1) issued against the Petitioner on*

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

2026:HHC:48156

the basis of the aforesaid notifications.

3. Issue a writ of mandamus or any other appropriate writ, order, or direction restraining the Respondent State and its officials from enforcing or giving effect to the impugned notifications and demand order against the Petitioner.

4. Direct the Respondent State to renew the PMT of the Petitioner's stone crusher in accordance with law, without insisting upon payment of the impugned demand of surface rent"

3. Having heard learned Senior Counsel for the petitioner and having perused the impugned order Annexure P-1, dated 13.08.2026, as well as the averments made in the petition, we are of the considered view that as impugned order Annexure P-1, in terms whereof, certain demands have been raised from the petitioner, has been issued without actually issuing any notice with reasons to the petitioner, informing him that such amount was due from him to the Department and providing an opportunity to the petitioner to respond thereto, this petition is disposed of by setting aside impugned demand notice Annexure P-1, dated 13.08.2026, but with the observation that respondents may issue a fresh notice to the petitioner, mentioning therein the reasons, on the basis whereof the amount is being demanded from the petitioner and after giving him some reasonable time to respond to the same, appropriate further

2026:HHC:48156

action be taken, in accordance with law.

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

(Ajay Mohan Goel)
Judge

(Romesh Verma)
Judge

November 02, 2026
(*narender*)