SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/698/2017 Kamil Hasan and Others --Appellant **Versus** State of Uttarakhand and others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Davesh Bishnoi, Advocate for the appellants. 2. Mr. Ganesh Dutt Kandpal, Additional Advocate General for the State of Uttarakhand. 3. This Intra Court appeal is directed against judgment and order dated 27.06.2017, rendered by learned Single Judge in Writ Petition (M/S) No. 1860 of 2010. By the said judgment, writ petition filed by respondents was dismissed. Relevant extract of the impugned judgment is reproduced below:- *"2. The petitioners are contractors, who have been given some construction work by various departments of the State Government. They are aggrieved by the orders dated 01.05.2009 and 25.02.2010, whereby for a river bed material, which is being used for construction, the petitioners are liable to pay a certain amount towards royalty. According to the petitioners, in case the said royalty has already been paid either by the petitioners or by the seller from whom the RBM has been purchased, this amount is not liable to be paid by the petitioners.* *3. According to the learned State Counsel, this has been done by the State for the reason that due to illegal mining of mines and minerals, the State is incurring a huge loss as river bed material is being excavated from the area, on which no royalty is being paid and this is being done in order to check this activity.* *4. Learned State Counsel further submits that the intention of the State is clear that in case the contractor*

has already paid the royalty on it, all he has to do is to show a proof to the Government that the royalty has already been paid and then he will not have to pay the amount as is given in the impugned orders, otherwise the amount of royalty which is liable to be paid on the said amount is to be paid by the petitioners.

5. This Court sees no illegality in the impugned orders inasmuch as this is being done by the State in public interest and in order to save the amount which is liable to be given to the public exchequer.

6. In view of the aforesaid, writ petitions have no merit and the same are hereby dismissed.

7. Interim order dated 02.08.2010 passed in WPMS No. 1215 of 2010 is hereby vacated.

8. Having made the above determination, it is made clear that since due to the interim order operating in the matter, no amount is paid by the petitioners, in case, the State Government comes to the conclusion that the amount is liable to be paid by the petitioners for the period during which the interim order existed, the State Government would be at liberty to recover the amount from the petitioners in accordance with law."

4. In their writ petition, respondents challenged an interdepartmental letter issued by Executive Engineer, Construction Division, Public Works Department, Kashipur to all Assistant Engineers within the division, asking them to recover royalty from contractors as per the rates revised by Government Order dated 20.12.2002.

5. Learned State Counsel submits that the exercise, which was contemplated by the letter issued by the Executive Engineer was intended to check illegal mining and learned Writ Court held that it was done in public interest and also to save revenue of the State.

6. Since the rate of royalty was revised, vide Government Order dated 20.12.2002, therefore, anyone using minor mineral

			thereafter is liable to pay royalty as per the revised rates. 7. We do not find any reason to interfere with the view taken by learned Single Judge. 8. The Special Appeal is, accordingly, dismissed. **(Subhash Upadhyay, .J.) (Manoj Kumar Tiwari, A.C.J.)** 29.10.2026 Navin NAVEEN CHANDRA