HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29142 of 2026

M/S Manish Stone Works

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Harshit Kumar Srivastava, Himanshu Srivastava, Madan Lal Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 21

HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.

1. On moving of the writ petition we had recorded petitioner's contention as would appear from paragraph 1 in order dated 15th September, 2026, reproduced below.

> *"1. Mr. Madan Lal Srivastava, learned advocate appears on behalf of petitioner. Prayer (I) is reproduced below.*
>
> > *"I. Issue a writ, order or direction in the nature of Mandamus to direct the Respondents to renew/generate/Update the Lease ID of the petitioner and permit the petitioner to carry out his mining operation in his lease area as per the terms of the lease deed."*
>
> *Mr. Srivastava submits, his client had filed amendment application to bring on record subsequent order passed and challenge thereto. Amendment application no. 2 of 2026 is allowed and disposed of. It be retained in the file for purpose of incorporation of the amendment."*

Dr. Rajeshwar Tripathi, learned advocate, Chief Standing Counsel appears for State.

2. We by our order dated 6th July, 2026 had disposed of petitioner's earlier Writ C no.25198 of 2026. Direction paragraph 3 from said order is reproduced below.

> *"3. We see that co-ordinate Bench, by said order dated 23rd June, 2026 (supra) had fixed 7th July, 2026 (i.e., tomorrow) for petitioner to appear before respondent no.2 (the District Magistrate). He must appear and*

> *present his case in defence against the allegation of illegal mining. Considering petitioner has been prevented from carrying on mining operation by omission to generate OTP, said respondent is directed to deal with the defence and pass fresh order by 15th July, 2026. In it there must be clear reason to find on illegal mining and prevention of further mining operation, with its consequences. Otherwise, thereupon OTP is to be generated, for petitioner to resume and continue his mining business."*

Mr. Madan Lal Srivastava submits, the District Magistrate constituted a committee and purported to proceed to fix petitioner with liability and penalty. Also one time password (OTP) generation was suspended. In the circumstances, his client again moved this Court by present writ petition.

3. Dr. Tripathi relies on paragraphs 10 to 13 in the counter dated 28th September, 2026. He submits, there was inspection made with participation of petitioner. Discrepancies were detected. The District Magistrate duly passed order dated 24th July, 2026, before which time petitioner had already moved present writ petition and thereafter filed amendment application purporting to challenge said order dated 24th July, 2026. Petitioner is seeking to dispute findings on fact. There is statutory remedy of appeal available to him.

4. Petitioner must find his statutory remedy. We go so far to observe that in event appeal is filed by 13th November, 2026, there should not arise question of delay since, petitioner was prosecuting before us. So far as petitioner's prayer for interim measure regarding OTP is concerned, the statutory authority is competent to deal with it and any other interim measure prayed for. We request the appellate authority to expeditiously deal with the appeal and interim application, if made.

6. The writ petition is **disposed of.**

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

October 27, 2026
Shiv

Digitally signed by :-
SHIV KUMAR SHARMA
High Court of Judicature at Allahabad