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CWP-26496-2025 (O&M)

M/S DHARAMPAL STONE CRUSHER AND OTHERS

V/S

THE STATE OF HARYANA AND OTHERS

Present: Mr. Shailendra Jain, Senior Advocate assisted by
Ms. Ruchi Jain, Advocate
Mr. Vikrant Rana, Advocate and
Mr. Rahul, Advocate, for the applicants-petitioners.

Mr. Nitin Kaushal, Addl. Advocate General, Haryana.
Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for respondents No.4 and 5 assisted by
Ms. Sanchi, Mining Officer.

Mr. Amit Jhanji, Senior Advocate assisted by
Mr. Himanshu Malik, Advocate
Mr. Abhishek Premi, Advocate and
Mr. Jaswinder, Advocate, for respondents No.9 and 11.

Mr. Kanwal Goyal, Advocate Commissioner and
Ms. Sheena Dahiya, Advocate.

1. This matter poses serious concern not only for the parties to this case but has much wider ramifications for preservation of ecology and environment as well as for the larger public interest. This would be clearly reflected from the facts noticed hereinafter.

2. The petitioners are residents of village Pichopa Kalan, District Charkhi Dadri, Haryana. Petitioner No.1 is running a stone crusher unit at the mining site in question. They claim to be surface right holders of land comprised in Khasra Nos.109 and 110 of revenue village Pichopa Kalan, District Charkhi Dadri. Right to mine 'stone' along with 'associated minor minerals' over Pichopa Kalan Plot No.3, situated on Khasra No.109 and 110, have been awarded to private respondent No.9 pursuant to e-auction

held on 16/17.03.2016, vide letter of intent dated 11.04.2016, over an estimated area of 11 hectares for a period of ten years.

3. Petitioners have approached this Court with the grievance that the State authorities have allowed indiscriminate illegal mining by private respondents on their plots as well as on adjoining areas far beyond the approved mining site, causing prejudice not only to the petitioners but to the residents and farmers of the village and thereby causing severe damage to the ecological balance in the area.

4. The petitioners assert that large scale illegal mining by the private respondents has resulted in serious damage to the environment and led to various accidents etc. They also claim that royalty/rent/compensation which was due to be paid to them in accordance with law, has been denied. Along with Writ Petition photographs have been annexed from Pages 78 to 84, which would demonstrate massive ecological destruction on the mining site. The hillocks that existed on the land in question have completely disappeared. The petitioners, therefore, have prayed for a direction to the State authorities to stop the illegal and unsafe mining done by private respondent No.9, outside and within their mining areas, being in violation of Environment Clearance Certificate (P-17) as well as the provisions of the Haryana Mines and Minerals Concession Rules. Prayer is also made to direct the respondents-State to determine fair rent and compensation in terms of the applicable Rules. According to the petitioners, outstanding rent and compensation stands at more than ₹9 Crores which have not been paid to them. Other reliefs have also been sought in the Writ Petition which

either are in respect of the petitioners' individual rights or in respect of the damage to the environment.

5. The Writ Petition was entertained and on 08.09.2025 time was allowed to the learned State Counsel to get instructions in the matter. On the next date of hearing i.e. on 17.09.2025, the matter was again adjourned on the request of learned State counsel to obtain complete instructions. On 24.09.2025, a status report came to be filed by the Mining Officer, Charkhi Dadri which was taken on record. Following observations are contained in the report of the Mining Officer, Charkhi Dadri dated 24.09.2025:-

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During inspection, following observations were found:-

- 1. Mining operations were found to be completely closed.*
- 2. The pit of the mine was found filled with water; however no motor or pipe for removal of water was installed.*
- 3. As per the approved Mining Plan, pillars from A to I were to be erected around the mine. On-site, pillars C, D and E were not found, which are adjacent to the area near Dharmapal Stone Crusher.*
- 4. No public road was found in the vicinity of the mining area.*
 - In the complaint, the Pichopa to Shishwala Link Road has been referred as a passage, however, as per the Revenue Department report (copy enclosed), no such road exists in the revenue record.*
- 5. The approach road towards Dharmapal Stone Crusher, Pichopa Kalan was found obstructed due to soil sliding, due to which the entire mining area could not be inspected. Consequently, illegal mining could not be detected at the site.*
 - Verification of mining, if any, carried out beyond the lease area can only be ascertained after appointment of a surveyor from headquarters.*
- 6. The report of water accumulated in the mine, submitted by the Hydrologist, Ground Water Cell, Charkhi Dadri (copy enclosed), states that the accumulated water is rainwater.*

7. *Regarding the compensation-related complaint, this office has already forwarded a letter No. 702 dated 15.04.2025 to the Deputy Commissioner, Charkhi Dadri.*

- *The Deputy Commissioner is the competent authority to decide in such compensation-related matters.*
- *The said complaint is presently under consideration with the office of Deputy Commissioner, Charkhi Dadri.*

This is for your information and necessary action please.

6. The report of the Mining Officer accompanies various photographs which show that areas adjoining and near the mining site are hillocks/hills, except the place where mining has been undertaken. On the mining site, the hill/hillock has virtually disappeared leaving behind huge pits, shaven trenches and downward cliffs. It has come on record that Khasra No. 109 and 110 are recorded in the revenue records as ‘*gair mumkin pahar*’ i.e. hill/hillocks. The adjoining areas are seen as barren stretches of land with soil depleted/removed by several feet.

7. Upon receiving the report of the Mining Officer, we passed orders on 14.10.2025 calling upon the respondent-State to get the petitioners’ grievance examined and file affidavit in reply to the allegations made in the Writ Petition as well as in the CM-15290-CWP-2025. On 18.11.2025, the matter was adjourned in order to enable learned State counsel to file reply/further affidavit, in compliance of the previous order. The matter was again adjourned on 21.11.2025 on the joint request of learned counsel for the parties.

8. It was only on 03.12.2025, that the senior counsel for the petitioners highlighted various acts of omission and commission not only on part of the private respondents but also with regard to the conduct of the

State authorities. The petitioners asserted that repeated adjournments are being claimed by the State authorities only with an intent to cover up the brazen acts of violations of law. Faced with such allegations, we thought it appropriate to appoint Sh. Kanwal Goyal, Advocate as an Advocate Commissioner in the matter and require him to visit the site and submit his report. The order passed by us on 03.12.2025 is reproduced hereinafter:-

|Repeated opportunities have been granted to the State counsel to obtain instructions and get the facts investigated in the matter.

Vide order dated 18.11.2025, following orders were passed by this Court:-

“In view of the statement made by the learned State counsel that a reply would be filed within 48 hours, we adjourn the matter to 21.11.2025, failing which, the Court shall proceed to pass appropriate orders.”

On 21.11.2025, the matter was again adjourned on the request of the parties. Today also, learned State counsel comes up with a prayer to adjourn the matter by two weeks in order to submit a proper report. It is stated that survey has been conducted by drone and that appropriate report would be submitted.

Learned Senior Counsel for the petitioners states that the prayer for grant of further time is not bona fide inasmuch as the time is being utilized only to remove the evidence available at the site which would demonstrate rampant illegal mining. Considering the nature of serious allegations levelled against the State authorities of collusion, we deem it appropriate to appoint Advocate Commissioner of this Court to inspect the site and submit a report.

Accordingly, Mr. Kanwal Goyal, Advocate, is appointed as an Advocate Commissioner who would inspect the site and submit a report to this Court within a period of one week. We also direct respondent No.6- Collector, District Charkhi Dadri to extend all co-operation to the Advocate Commissioner. Respondent No.6-

Collector, District Charkhi Dadri is also directed to depute a team of revenue officials along with Officers of the Mining Department to accompany the Advocate Commissioner. A representative of the petitioners would also be present at the time of the inspection. The Advocate Commissioner would give information, about his proposed visit, to the concerned parties a day in advance.

The petitioners undertakes to pay a sum of Rs.1,00,000/- towards fee and travelling expenses etc., to the Advocate Commissioner for the said purpose, in advance, to the learned Advocate Commissioner.

Adjourned to 15.12.2025.

9. The case was adjourned on 17.12.2025 and 22.12.2025 and was heard on 20.01.2026, when we passed following orders:-

“Pursuant to the orders passed on 03.12.2025, learned Advocate Commissioner has submitted its report, which is taken on record. Registry is directed to tag the same at the appropriate place.

The parties are at liberty to inspect the report submitted by the learned Advocate Commissioner or to get the copy of the same, if so desired, from the Registry.

Adjourned to 29.01.2026.”

10. Pursuant to such orders passed on 20.01.2026, the matter came to be adjourned to 29.01.2026. The report of the Advocate Commissioner was perused by us which substantially affirmed the allegations made in the writ petition.

11. Learned Advocate Commissioner has inspected the site on 06.12.2025 in presence of the parties as also Officials of the State including the Mining Officer of the District concerned. Khasra No.109 having area of 5.48 Kanal and 15 marlas as well as Khasra No. 110 having an area 928

Kanal and 8 Marlas of Village Pichopa Kalan, Tehsil Charkhi Dadri, District Dadri is recorded in the revenue record as *gair mumkin pahad*. The jamabandi has also been placed on record as Annexure P-1 which would reveal that these plots on which mining permit has been granted is actually a hill. The area falls in the Arravalis.

12. Letter of Intent was issued in favour of the private respondent No.9 to undertake stone mining of Village Pichopa Kalan, District Charkhi Dadri namely Plot No. 3 pursuant to e-auction held on 16/17.09.2016. The issuance of Letter of Intent was on 11.04.2016. Permission for stone mining along with associated mines and mineral were allowed on area of 11 hectares falling in Khasra No. 109 and 110 for a period of 10 years.

13. The Advocate Commissioner was informed by the Mining Officer concerned that current mining plan covers an area of 11 hectares and is valid w.e.f. 2022 to 2027. Mining site plan and current mining plan have been annexed along with report of the Advocate Commissioner.

14. It has been observed by the Advocate Commissioner that the mining site plan demarcates the mining lease area with nine reference boundary pillars labelled as Pillars A, B, C, D, E, F, G, H and I forming the perimeter of the mining block. The latest lease plan of 2022-27 to respondent No.9 identifies the pillars with geographical specifications in longitude and latitude. The Plan outlines a polygonal boundary joining the pillars in a sequential manner. Pillar F is the primary entrance/approach point to the Mining Block. The internal topography includes a deep central pit located between the sequence of Points D-E-F-G-H and the rising slope toward Pillars A and I. A higher elevated zone toward Pillars A and I on

one side and Pillars G and H on the other side is also seen. Road connectivity between major Pillars i.e F to G, H to I and A to I is also depicted. The Site Plan, therefore, reflects a structured accessible mining block with clearly established pillar based boundaries.

15. During the course of inspection by the Advocate Commissioner, it was found that out of 9 pillars, only 6 were found on the spot and Pillars C, D and E were found missing. The report of the Mining Officer also states so. This was so notwithstanding the fact that the site plan required all pillars to be standing and accessible. However, on ground it was found that no proper road existed surrounding the entire leased mining block. From Pillar F to D there is little or no buffer between path and slope of pit although the mining plan contemplates a buffer area. The Advocate Commissioner has found loose unstable, non-cohesive hill slopes; Potential sliding surfaces; no constructed or maintained pathways. Pillars C, D and E are not found to be physically present. Their identification was based purely on assumption of the parties, as there were no pillar bases, remains or markings. As per Mining Officer, Pillars E and D were lost during slides that had taken place in January 2025 and July 2025.

16. The Advocate Commissioner has also recorded his observations, some of which are disturbing. He has found that on the pathway from pillars B to C ground fissures have surfaced near the pit which were seen unprotected. The photographs have also been annexed which would clearly reveal that large scale destruction in the land mass has occurred with deep fissures posing a serious threat. From Pillar C to Pillar B it is observed that it is away from main pit area and stone crusher of

petitioner No. 1 was operating in between Pillars B and C. Its photographs are also attached along with the report. The Advocate Commissioner has further found that on the path from Pillar B to Pillar A, there is an upward climb on uneven slope. From Pillar B, it can be seen that fresh saplings have been planted around the area adjoining the pit near pillar A and also on the area falling in between pillar A & B. It seems incongruous with the surrounding area which is vastly barren, with loose soil visible in and around the pit area. All other areas have been found as barren with loose soil.

17. The path from Pillar A to I has the steepest ascent on the entire site. There is no road or track existing. The area is accessible only on foot. Pillar I is situated at the top of Hillock. On the path from Pillar I to Pillar G, it is found non-existent and the path is only available between Pillar F to G. On the ground, the Advocate Commissioner has found an un-mettled pathway existing from Pillar F to G and H which was being used by trucks at several places. Photographs attached show large number of trucks standing at the spot. From Pillar G to H, there is un-mettled road with a circular route. The Advocate Commissioner has observed as under:-

- *“From Pillar G to Pillar H*
 - *The unmettled road is taking a circular route;*
 - *Unprocessed rocks and soil dump could be seen lined along the un-mettled road. A deep crevasse, which does not appear to be naturally formed was also visible leading into the pit.”*

18. A deep central pit is marked between Pillar A to I and ascending slope towards Pillar A and I. The Central Pit is filled with water

and clearly visible from area between Pillar F to E. The depth and scale of the pit is described as large and expansive.

19. The Advocate Commissioner has found existence of stone crushing activity going on between Pillars C-B and G-F. Trucks and loading operations were visible. Small stone dumps existed around Pillar G. Large stone and soil dumps exist near Pillar H. Missing pillars C, D, E made substantial area of one entire boundary side unverifiable on the spot. On a pointed query by us, the Advocate Commissioner informed us that the stretch of land subjected to mining, extended far-far beyond the approved mining site.

20. The Advocate Commissioner has also observed that slope irregularities and erosion suggested absence of benching or maintenance. In his findings, boundary integrity was compromised and it was not fully aligned with approved layout.

21. No mining activity was found at the time of inspection but as per the oral statements of the villagers present, the blasting and terrain alterations were continuing. The unstable slopes near E-D posed safety hazards. Lack of pillar maintenance suggested non-compliance with boundary marking obligations. The Advocate Commissioner has also observed that fresh land fill cannot be ruled out into the pit from Pillars F and D and around Pillar A.

22. The Advocate Commissioner has also ensured drone mapping of the area and its report with latitude and longitude is enclosed.

23. In his final conclusion, learned Advocate Commissioner has found that the integrity of the mining block boundary is compromised.

Mining site stretches far beyond the areas earmarked for the mining purposes by the private respondents. The exact measurement of it was not found possible due to lack of verifiable fixed points on the spot. The Mining Officer in her statement made to the Advocate Commissioner, expressed her helplessness to verify whether the pillars exist on the spot as per the exact GPS location/coordinates of Official Mining Plan.

24. The Advocate Commissioner has found terrain to be unstable and posed serious safety concerns. He observed soil collapse and the deep central pit with large amount of water accumulated over an area of 1.07 hectares. The report also indicates that the depth of mining visible to the naked eye was to the extent of 47 meters whereafter the pit was filled with water and therefore it could not be ascertained as to what is the exact depth upto which mining had been carried out.

25. The Advocate Commissioner, having inspected the site on 06.12.2025 has submitted his report as well as Drone survey report in a Pen Drive which have been perused by us. What is seen with the naked eye, is not only disturbing but is also bewildering. It prima-facie appears to be a case of blatant violation of Environmental norms contained in the Environmental Clearance Certificate as well as mining plan causing loot and plunder of natural resources.

26. The other unfortunate aspect noticed by us is the callousness on part of the State authorities in discharge of their duties which has led to such unfortunate situation. At this stage, we cannot rule out connivance on the part of the responsible officers who were entrusted with the duty to ensure compliance of laws.

27. The above observations of ours find acknowledgment from a communication sent by the Mining Officer herself made to the Director General Mines and Geology Haryana on 01.10.2025. Incidentally, this report is sent only after we have entertained the writ petition and instructions were invited. This report is one of the annexures to the report of the Advocate Commissioner. Although, by this communication, the District Mining Officer, has recommended cancellation of mining lease granted in favour of respondent No.9 but a careful perusal of it raises more questions about the conduct of the state officials. The recommendation made refers to instances of accidents and lack of adherence to Environmental norms and terms of lease, yet, the primary reason for cancellation is the economic unviability of further mining in the area. The exact reason for recommending cancellation, in the words of the Mining Officer is ***'taken together, these factors strongly indicate that the continuation of mining operations at the site is becoming increasingly less feasible, both economically and technically.'***

28. Prior to this letter, there is nothing on record to show that either the mining area was regularly inspected or safeguards envisioned in the environment clearance certificate have been adhered to. In fact, the communication of the Mining Officer dated 01.10.2025 refers to two accidents that have occurred in the area in the months of January and July 2025. The letter of the Mining Officer addressed to the Director General Mines and Geology Haryana is extracted hereinafter.

*"From
Mining Officer,
Mines & Geology Department,*

Charkhi Dadri.

To
The Director General,
Mines & Geology Haryana,
DHL Square, Plot No. 9,
IT Park, Sector-22, Panchkula.

Memo. No/MO/Ch.Dadri/ 1799
Dated:-01/10/2025

Subject: -Recommendation for termination of M/s Jai Dada Dohla Stone Mine, Pichopa Kalan-3; District Charkhi Dadri-Reg.

On the subject noted above.

2. It is intimated that the stone mine of village Pichopa Kalan namely "Pichopa Kalan Plot No. 3" was granted to M/s Jai Dada Dohla Stone Mines, C/o Rapid Stone Crusher, Village Birhi Kalan, District Charkhi Dadri in the e-Auction held on 16/17.03.2016 and the Lol (Letter of Intent) was issued on dated 11.04.2016, after offering the highest bid of Rs. 15,45,50,000 per annum, against the Reserve Price of Rs. 7.26 Crores per annum for extaction of "Stone alongwith Associated minor minerals" having tentative area of 11.00 Hects falling in Khasra Nos. 109 min & 110 for a period of 10 years.

3. In this regard it is intimated that as you are aware various incidents has been reported i.e. On 02.01.2025; an incident was reported wherein a person sustained an injury in his leg due to falling stones near the mining area of the above-mentioned mine. Following this, this office issued a notice to the lessee directing that necessary provisions be implemented to prevent the occurrence of any such untoward incident within the mining lease area in the future. Subsequently, on 15.01.2025 in the evening, it again came to the notice of the Mining Department that soil/stones had slipped from the edge of the mining area of the said firm. Upon receiving the complaint, the then Mining Officer, Sh. Rinku Kumar and Mining Inspector, Sh. Komal Kumar conducted a site inspection.

4. As per the inspection, it was observed that soil/stones had slipped from one edge of the mine and had fallen onto a truck, which was immediately cleared with the help of another machine. During this incident, no harm to any individual was reported,. The Mining Officer informed the Sub-Divisional Officer, Charkhi Dadri about the incident over the telephone from the site itself, and the Sub-Divisional Officer 'further apprised the Deputy Commissioner, Charkhi Dadri accordingly.

5. Worthy Deputy Commissioner, Charkhi Dadri vide Memo dated

16.01.2025 issued notice to the said lessee that despite repeated directions issued vide Memo No. 3759 dated 12.09.2024 and Memo No. 13 dated 03.01.2025, the, lessee has failed to remove contraventions regarding unsafe mining operations.

Lack of proper benches and contouring has been noticed, which is necessary for safe mining operations. Reports of accidents on 02.01.2025 and 15.01.2025 highlight unsafe practices. The lessee was directed to furnish a detailed report and obtain a "No Objection Certificate" from government-approved technical experts certifying the safety of mine infrastructure. Until compliance, all mining operations, production, and dispatch of minerals were revoked at M/s Jai Dada Dohla 'Stone Mine, Pichopa Kalan-3, District Charkhi Dadri, till further orders.

6. Further directions of Directorate General of Mines Safety, Ghaziabad Region vide letter dated 14.05.2025 intimated that during the inspection conducted on 15.04.2025 by the Deputy Director of Mines Safety, Ghaziabad Region, partial compliance of earlier violations was observed. Accordingly, the prohibition order issued under Section 22(3) of the Mines Act, 1952, vide letter No. DMS/GR/VL/2022/1645 dated 07.10.2022, has been partially vacated-for the north-western part of the mine enclosed by coordinate points A1 (28°32'33.35"N, 76°05'35.19"E) to A6 (28°32'36.33"N, 76°05'34.94"E). The mine management has been directed to demarcate the said area and install dummy pillars at the specified coordinate points, ensuring that mining operations are restricted only within this permitted zone.

7. In this regard, it is also submitted that the Directorate General of Mines Safety, Ghaziabad Region vide letter No. 24E2 #/2025/1133 dated 23.07.2025, has already issued directions to the above mine owner to stop deployment of HEMM (Heavy Earth Moving Machinery) in conjunction with deep hole 'drilling & blasting in the mine and stop all operations connected with the above permission, since the earlier permission granted under Regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961 had expired on 04.05.2025.

It has also been brought to your notice that regular and recurring instances of sliding of clay into the mine pits have been recorded in the above said mine. Particularly during the rainy season tendency of soil to slip not only increases the risks associated with worker safety but also leads to abnormal accumulation of overburden. The removal of such overburden requires significant deployment of machinery, manpower, and financial resources. In many instances, the expenditure incurred on this exercise far exceeds the market value of the

mineral extracted thereafter, thereby reducing the overall profitability of the mining operations.

In addition, the geotechnical instability of the strata poses a serious hazard, as it may result in large-scale slope failures leading to casualties, damage to machinery, and potential loss of human lives. This risk further undermines the sustainability of continued operations.

It has also been observed that the mine has been developed without adopting systematic bench formation, has failed to comply with the stipulated condition , no. 9 of the Environmental Clearance granted vide letter no. SEIAA/HR/2017/354 dated 23.05.2017., As per Condition No. 9, "The benches height and slope shall be maintained as per approved mining plan" and also without maintaining the required buffer zone, and in a manner that does not conform to scientific mining practices.

Taken together, these factors strongly indicate that the continuation of mining operations at the site is becoming increasingly less feasible, both economically and technically.

In view of the above, it is hereby recommended that the lease of the M/s Jai Dada Dohla Stone Mine, Pichopa Kalan-3 may kindly be terminated with immediate effect."

29. It is with utter sense of despair that we record that notwithstanding the letter of the Mining Officer dated 01.10.2025, no action at the level of the Director General has followed. It appears that the office of the Director General Mines and Geology, Haryana has turned a blind eye to rampant violations committed in the mining area.

28. Before proceeding further, we would like to refer to the safeguards envisioned in the Environment Clearance Certificate dated 23.05.2017. This certificate refers to the production to be made from the area and the steps required to be taken to ensure that environment concerns are addressed. It provides for green belt/plantation each year in the area. The proposed plantation year wise is of 600 trees. As per the report of the Advocate Commissioner, apart from some fresh saplings, no plantation is

seen. Going by the EC plan, over the leased period of ten years, at least 6000 trees ought to have been planted which are not there at all. Mining was otherwise permitted subject to the mining plan. Clause 4 of specific conditions of environment clearance certificate provides that the mining operations shall not intersect with the ground water table and the mining operations shall be restricted at least three meters above from the ground water table.

29. The topsoil is required to be stacked temporarily at earmarked sites and was not to be utilized for a period of more than three years. The topsoil was required to be used for land reclamation and plantation in mined out areas. There is absolutely nothing available on record which may indicate that such reclamation or plantation would even be possible inasmuch as neither the topsoil has been found stacked nor the plantation has taken place.

30. The mining plan also provides for benches to be formed such that step wise mining would be undertaken as per the mining plan. The steep cliffs found by the Advocate Commissioner clearly indicates that no step wise mining was undertaken.

31. The mining plan although states that mining would be allowed upto a level of three meters above the ground water table but the level of ground water table is not specified and is left to speculation. Preservation of ground water from contamination and depletion of water table, thus cannot be ensured.

32. Clause 15 of the Condition of EC Certificate provides that higher benches of excavated void/mining pit shall be terraced and plantation

done to stabilize the slopes. The slope of higher benches shall be made gentler for easy accessibility by local people to use the water body. Peripheral fencing was to be carried out along the excavated area.

33. Clause 16 provides that the catch drains and siltation ponds of appropriate size were to be constructed for the pit, OB dumps and minerals dumps to arrest flow of silt and sediment.

34. Green Belt was required to be developed as per the proposed plantation which is completely found absent. Regular water sprinkling was required which is missing. Regular monitoring of groundwater level and quality in and around the mining site was required but there is nothing on record to show that this was done.

35. Data on ambient air quality and stack emissions were to be submitted to the Pollution Control Board. Mining operations were to be carried out in controlled manner which is not shown to have existed as would be apparent from massive cracks which have surfaced on the landmass.

36. The mining clearance certificate contains large number of protections for preservation of environment but nothing of it is observed at the spot.

37. Various newspapers reports have also been annexed with the Writ Petition to show that the villagers have resorted to a wide spread protest on account of illegal mining in the Village but all such attempts have landed on deaf ears.

38. Another aspect that adds to our concern is the complete disappearance of a metalled road from the mining area.

39. According to the petitioners, there existed a metalled road crossing the mining area which has completely been destroyed such that there is no trace of any road now left at the spot. The Mining Department in its stand clearly states that no such roads existed. The report of the revenue officer also states that there is no road shown over the land in question.

40. The petitioners, however, have filed affidavit placing on record certain replies/information received under the RTI Act which proves the existence of the said road. This Road was constructed by the Haryana State Agricultural Marketing Board, Bhiwani pursuant to an announcement made by the Chief Minister, Haryana.

41. As per annexure P-25, a road was constructed from Pichopa to Silvasa, having a length of 5.36 KMs., in the year 2012. An amount of ₹67.02 Lakhs was spent on construction of this road. This road crosses through mining area from RD 2175 meters to 2165 meters. The stretch of 286 meters of this road was stated to be constructed with cement component. This road was again strengthened in the year 2021 at a cost of ₹23 Lakh.

42. Annexure P-26 is a letter sent by the Executive Engineer, HSAMB, Bhiwani, to the Mining Officer, Charkhi Dadri informing him that the link road from Village Pichopa to Sishwala in Badhra Constituency was constructed pursuant to the announcement by the then Chief Minister Haryana vide announcement Code No. 3204 dated 03.08.2008 in order to facilitate farmers and villagers, which has been damaged due to excavation carried out by the mining agencies. Request was made to the Mining Officer to direct the mining company to stop the mining/excavation from

the road portion and to provide sufficient benching from the existing road portion to avoid any accident in future and also provide sufficient passage for farmers.

43. Annexure P-27 is then a reminder sent to the District Mining officer, Charkhi Dadri on 16.03.2021. There are various complaints made to the Mining Officer and to the District Collector highlighting rampant illegal mining going on at the site. As per the allegation, mining was being done upto the level of 50 ft below the ground water table.

44. Annexure P-24 is the report of the Police Station, Badhra, District Charkhi Dadri which surprisingly records that the protest of the villagers have been stopped so as to facilitate mining at the site. All this indicates that a mettled road passed through the mining site, which has completely disappeared without any trace of it left at the spot. The Mining Department is even declining to acknowledge such facts. Either the HSAMB has siphoned off money to the tune of crores or the Mining Department is telling a blatant lie to the Court. Either of the exigency is most disturbing.

45. We have also been informed by the Advocate Commissioner that while he was carrying out inspection he heard various blasts in the nearby area suggesting widespread mining.

46. The grievance raised in the writ petition is primarily in two parts. One relates to petitioners entitlement to rent/royalty/compensation from the private respondents, while the other pertains to violation of terms of mining lease/EC certificate/mining plan causing substantial damage to the ecology and the environment.

47. So far as the first part of the petitioners' grievance is concerned, it will be for the concerned state authorities to examine the respective claim of the parties and pass appropriate orders.

48. With regard to the other aspect, learned senior counsel appearing on behalf of respondent No.9 states that much of the illegal mining has been done by the petitioners themselves. On this aspect, we refrain from saying anything at this stage.

49. Prima facie, it appears to us, at this stage, that both the private parties are responsible for causing damage to the ecology. The crusher license of petitioner No.1 is also reported to have been cancelled. They are apparent beneficiaries from the illegal activities carried out at the mining site and around. They have been suitably assisted by the State machinery. These prima facie findings persuade us to probe deeper in the matter. The State authorities, however, have to be first given an opportunity to take stock of the situation and to take necessary steps as may be warranted in law. For such purposes, we direct the Chief Secretary to the Government of Haryana to examine the entire matter and to file his personal affidavit in response to the observations made by us, specifying as to how the State proposes to deal with the vast extent of environmental plundering prima facie observed by us in the matter. Not only that the responsibility of the private individuals but also those officials who were entrusted with compliance of laws and have defaulted in doing so, will have to be appropriately determined and dealt with as per law.

50. The State will also have to suggest ways and means that it proposes to take to ensure that such rampant loot and plundering of natural

resources is not allowed in the name of mining. We may take judicial notice of environmental concerns resulting from worsening air quality as well as depleting water table, which pose serious concerns. The facts placed on record in this Writ Petition indicate as to how in the name of mining, such damage to environment is being carried out. The mechanism contemplated to contain destruction and damage to environment has prima facie failed to check the menace.

51. Considering the serious impact which this matter may pose for the collective well-being of the Society, we direct the Union of India through the Secretary, Ministry of Environment, Forest and Climate Change to be impleaded as respondent in the Writ Petition. This order shall be forwarded to the Secretary concerned through the office of the Additional Solicitor General of India as also by the Registry of this Court within a week from today. We call upon the Secretary to take note of the larger concerns noticed in our order and file an affidavit suggesting measures to be taken to redress the situation.

52. We also direct the Chief Secretary, Government of Haryana to forthwith summon the entire record with regard to mining in question and ensure that a copy of it is sent to the Registrar General of this Court within a week from today to be kept in sealed cover.

53. Liberty is also reserved to the petitioners and the private respondents to clarify their stand in light of the prima facie observations made by us on the strength of materials placed on record.

54. Pendency of this Writ Petition will not preclude the District Collector from examining the individual claim of the petitioners vis-à-vis

the private respondents or the State authorities in respect of payment of rent/compensation in accordance with law and to proceed further as per law.

55. The Mining Officer, present in the Court today, although submits that the Director General has cancelled the mining lease of the respondent No.9 on 11.12.2025 but no such document has been placed on record. This prima facie appears to be nothing but a cover up on part of the official respondents. The Mining Officer is not even having a copy of the order, therefore, we have a serious doubt as to whether any such order has actually been passed.

56. We may also indicate that in case if we are not satisfied with the response of the respondents-State, we may consider the question of referring investigation to an appropriate independent agency.

57. After the above order was passed, and before we could rise, learned State counsel has placed before us order dated 11.12.2025 of the State Mining Engineer on behalf of Director General, Mines and Geology Department, Haryana approving the closure of mining and for execution of restoration and rehabilitation work. This order contains an over writing on the date. It has not been brought on record even though the hearing is continuing in the matter. Prima facie to us this order is nothing but a cover up. It is also not passed by the Director General, Mines and Geology, rather is passed by the State Mining Engineer on behalf of the Director General. Para 6 of this order reads as under:-

“6. Whereas, considering the reports of the Mining Officer, the approved Final Mine Closure Plan by the State Geologist, the factual position of depletion of minerals reserves, and keeping in view of the mandate of Rule 79 of the State Rules,

2012 the proposal of M/s Jai Dada Dohla Stone Mines for closure of the mine and for execution of Restoration and Rehabilitation works as per the approved Final Mine Closure Plan is hereby approved.'

58. The order produced in Court does not refer to serious violations of EC Certificate/mining plan etc. It proceeds on the premise that further mining operations are economically and technically unviable. By omitting to refer to the breach of EC conditions/mining plan the order virtually condones all illegalities and endeavours to legalise it by enforcing the mine closure plan. Since we are leaving the issues to be examined by the Chief Secretary, State of Haryana, at the first instance, we refrain from expressing any further in the matter. However, in the circumstances noticed above, we restrain the parties from altering the status existing on the spot in question. The Chief Secretary, Government of Haryana will ensure that the entire mining area is sealed. The sealing operation will be undertaken within 48 hours by the Deputy Commissioner, Charki Dadri himself and will get the entire process videographed.

59. In the peculiar facts of this case, we also call upon the Director, Haryana Space Application Centre, Citizen Resources Information Department, Government of Haryana, Hisar, to place on record the satellite imagery of the mining site in question from 2016 onwards, year wise, till date. To facilitate it, we direct the concerned Director of Haryana Space Application Centre to be impleaded as a respondent in the Writ Petition. Registry is directed to send a copy of this order to the Director concerned, for necessary compliance.

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60. We also acknowledge the sincerity and forthrightness with which the learned Advocate Commissioner has submitted his report in the matter.

61. List this matter before the appropriate Court, once again on 25.02.2026.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

January 31, 2026

Ess Kay