



2026:AHC:57386-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9954 of 2026

M/S Lnbs Infratech Llp

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devansh Misra, Yogesh Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE SUDHANSHU CHAUHAN, J.**

1. Heard Shri Devansh Misra, learned counsel for the petitioner and learned Standing Counsel.
2. The petitioner has filed the present writ petition being aggrieved by the order dated 17.11.2025 passed by the District Magistrate, Mirzapur-respondent no.4 by means of which the petitioner has been saddled with the liability of Rs. 72,51,328/- under the provisions of U.P. Minerals (Prevention of Illegal Mining Transport and Storage) Rules, 2018 and the order dated 12.02.2026 by means of which the revision of the petitioner has been rejected.
3. The contention of the petitioner is that the petitioner was awarded license for storage of sand stone and boulders for a period from 11.05.2025 to 10.05.2028. Subsequently a show cause notice dated 16.10.2025 was issued to the petitioner in pursuance to the inquiry dated 15.10.2025 wherein it was alleged that the petitioner had stored excess of sandstone (gitti), which had been transported without any transits pass. The petitioner in response to the said show cause notice vide letter dated 12.11.2025 had sought a copy of the inspection report dated 15.10.2025 and the same was supplied to the petitioner.
4. In the meanwhile as the generation of OTP in favour of the petitioner was stopped on 03.11.2025 at around 8:30 pm, the petitioner vide the letter dated 13.11.2025 had made a request that the petitioner should not be restrained from carrying out sale and purchase of sandstone (gitti) and

generation of OTP in this regard should not be stopped. The petitioner in support of said letter had filed an affidavit, stating that the petitioner was willing to deposit an amount of Rs. 18,12,832/- under protest for the purpose but at the same time the petitioner wanted to contest the proceedings on merits of the case and the deposit would be subject to the order to be passed in the proceedings and those passed by the appellate authority.

5. It is contended on behalf of the petitioner that the aforesaid amount deposited was solely to ensure that OTP was generated in favour of the petitioner and the petitioner was able to carry out his business in pursuance to the above license.

6. It is also contended that thereafter on 14.11.2025 petitioner had filed a detailed reply to the show cause notice dated 16.10.2025 wherein the petitioner had raised objection in respect of the manner in which inspection had been carried out and has also denied his liability of having stored any mineral in excess of what had been legally transported by the petitioner.

7. In the above circumstances it is stated that the respondent no.4 has passed the impugned order dated 17.11.2025 without taking into consideration the contention raised by the petitioner in his detailed reply dated 14.11.2025 and has erroneously treated the letter dated 13.11.2025 as an admission of liability on the part of the petitioner.

8. It is further contended that the respondent no.3 in the appeal filed by the petitioner has also not considered the grounds raised by the petitioner in his appeal and has only reaffirmed the findings of the respondent no.4, treating the letter dated 13.11.2019 as the reply of the petitioner instead of the reply dated 14.11.2025 by means of impugned order dated 12.02.2026.

9. It is contended by learned Standing Counsel that once the petitioner has admitted his liability sought to be enforced upon him in pursuance to the show cause notice there was no occasion for the petitioner to have alleged otherwise in the present proceedings, hence, it is vehemently contended that the present writ petition is devoid of merits and is liable to be

dismissed.

10. We have perused the records of the case and the perusal of the letter dated 13.11.2025 of the petitioner reveals that the petitioner had only made a request that even before the petitioner could submit his reply to the show cause notice dated 16.10.2025, wherein 30 days time had been granted to the petitioner for submission of reply, the generation of OTP of the petitioner was stopped on 03.11.2025 at 8:30 pm. The petitioner in support of the letter had filed an affidavit dated 13.11.2025 paragraphs 3 and 4 whereof reads as under:

"दफा 3- यह कि एक पक्षीय कारण बताओ नोटिस दिनांक 16.10.2025 द्वारा भण्डारण अनुज्ञप्ति क्षेत्र से उपखनिज का क्रय विक्रय प्रतिबन्धित कर दिया गया है। उक्त कारण बताओ नोटिस के विरुद्ध प्रार्थी उपर्युक्त स्पष्टीकरण प्रस्तुत करते हुये मामले को गुण दोष के आधार पर Contest करेगा। जिसका निस्तारण सक्षम अधिकारी अपीलीय अधिकारी एवं मा० न्यायालय द्वारा गुण दोष के आधार पर किया जायेगा।

दफा 4- यह कि भण्डारण अनुज्ञप्ति क्षेत्र से उपखनिज के क्रय विक्रय प्रतिबन्ध को वापस लेते हुये उपखनिज का क्रय विक्रय की अनुमित हेतु प्रार्थी Under Protest मु०-18,12,832/-रु० अठारह लाख बारह हजार आठ सौ बत्तीस रूपया आर०टी०जी०एस० के माध्यम से खनिज विभाग के पक्ष में जमा कर रहा है। जो कि मामले के सक्षम अधिकारी अपीलीय अधिकारी और माननीय न्यायालय द्वारा दिये जाने वाले निर्णय के अधीन रहेगा।"

11. Hence, the perusal of the affidavit clearly reveals that petitioner had been restrained from sale and purchase of minor minerals and the petitioner wanted to contest the proceedings on merits after filing appropriate reply to the show cause notice. Further the petitioner had deposited an amount of Rs. 18,12,832/- under protest, which would have been subject to the outcome of the proceedings and the order passed by the competent appellate authority. Hence, it is beyond doubt that the petitioner had deposited the aforesaid amount under protest so as to ensure that generation of OTP was not stopped and the petitioner could continue his business.

12. Further the records reveal that the petitioner had filed a detailed reply dated 14.11.2025 morefully annexed as Annexure No.9 to the writ petition and the same contains an endorsement of having been received in the office of respondent no.4.

13. Furthermore, a perusal of the order dated 17.11.2025 passed by the

respondent no.4 clearly reveals that none of the contentions of the petitioner raised in his detailed reply dated 14.11.2025 have been taken into consideration by the respondent no.4 while passing the impugned order.

14. Subsequently although the petitioner in the appeal filed before the respondent no.2 had taken a specific plea to the effect that a reply dated 14.11.2025 had been filed by the petitioner and the same was duly received in the office of respondent no.4 but the order dated 17.11.2025 had been passed without considering the contentions of the petitioner raised in his reply dated 14.11.2025. However, a perusal of the appellate order dated 12.02.2026 reveals that despite a specific ground to that effect being taken by the petitioner, the same has not been dealt with by the respondent no.3 while passing the impugned order dated 12.02.2026.

15. In fact the respondent no.3 in the impugned order has only reiterated the findings of the respondent no. 4 in the order dated 17.11.2025 without even considering the grounds raised by the petitioner in his appeal.

16. Hence, it is beyond doubt that the impugned orders have been passed without even considering the contention raised by the petitioner in his detailed reply dated 14.11.2025.

17. Under the circumstances, we are of the view that the impugned orders are not sustainable in the eyes of law having failed to consider the contentions raised by the petitioner in his reply dated 14.11.2025.

18. Hence the writ petition succeeds and is allowed. The impugned orders dated 17.11.2025 and 12.02.2026 respectively are set aside and the matter is remanded back to the respondent no. 4 to pass order afresh after considering the detailed reply of the petitioner dated 14.11.2025, morefully annexed as annexure No. 9 to the writ petition and after affording opportunity of hearing to the petitioner by means of reasoned and speaking order, strictly in accordance with law, preferably within a period of two months from the production of certified copy of this order.

March 17, 2026
Nadeem

(Sudhanshu Chauhan,J.) (Saral Srivastava,J.)