

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
WP No. 49598 of 2025
(AKRAM KHAN Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 16-07-2026

Shri Anil Kumar Mishra - Advocate for the petitioner.

Shri Vivek Khedkar Senior Advocate/Additional Advocate General
with Shri Ravindra Dixit - Government Advocate for the State.

The compliance report submitted by State vide Document No.10322/2026 was considered. Along with the compliance report, the details of 16 miners have been given in a tabular form, which are as follows:-

(i) The mining lease is in favour of Bachan Singh. According to information as contained in this table, the mining lease was sanctioned for the first time on 08/09/2020, and the sanctioned period is 30/11/2020 to 29/11/2030. According to SDO, Shri Rupesh Ratan Singhai, who is also present in the Court, submitted that mining operations on Survey No. 3922/2 are in progress. However, it was submitted by Shri Vivek Khedkar that a show cause notice was issued to Bachan Singh on 14/08/2017, alleging that he has carried out illegal mining on an area which was outside the sanctioned mining lease of Survey No. 3922/2 and had extracted 1,40,300 cubic meter of mineral, and accordingly, he was called upon to show cause as to why the amount of Rs.21,04,50,000/- by way of royalty, i.e., 20 times of royalty, and a penalty of Rs.17,53,75,000/- be not recovered.

In these details, it has been deliberately suppressed by Shri Singhai that Bachan Singh was already having a mining lease. In the affidavit, which

has been filed along with the compliance report, it is mentioned that, "the present status report has been drafted as per my instructions and the contents of which are true and correct as per the record, which is made available to him."

The file of Bachan Singh, in which show cause notice has been issued, was available with OIC, and it was specifically mentioned in the show cause notice that a mining lease in respect of a part of Survey No.3717/2, area 2 hectares, was earlier sanctioned in favour of Bachan Singh. The suppression of existence of mining lease cannot be said to be a bona fide mistake. According to Shri Singhai, mining lease was renewed on 08/09/2020 for a period of 30/11/2020 to 29/11/202. As per Rule 9(1) of the M.P. Minor Mineral Rules, every application for the grant or renewal of a quarry lease shall be accompanied by a no dues certificate in Form II granted by the Mining Officer or Assistant Mining Officer, in respect of payment of mining dues payable under the Act or rules made thereunder from all the districts where the aspirants hold or has held mineral concessions.

Thus, lease in favour of Bachan Singh could not have been renewed in absence of NOC. Thus, it is clear that it is not only the case of non-disposal of show cause proceedings which were initiated with the issuance of show cause notice, but it is also a case of illegal renewal of the lease in favour of Bachan Singh on 08/09/2020. Therefore, this Court is of considered opinion that the suppression of the fact in table filed alongwith the status report that Bachan Singh was already having a mining lease is deliberate.

Filing a forged, false and misleading information or documents before

the Court amounts to material suppression of facts, necessitating the prosecution of the deponent under Article 215 of the Constitution of India. Accordingly, issue notice to Shri Rupesh Ratan Singhai, SDO, Dabra to show cause as to why the contempt proceedings be not initiated against him for filing a false and misleading compliance report in respect of Bachan Singh.

Office is directed to register a separate proceedings of contempt of Court.

Since this order of initiation of contempt proceedings has been passed in presence of Shri Singhai, therefore, no separate notice is required.

Shri Singhai prays for and is granted 15 days time to file reply.

List contempt case on 31/07/2026.

(ii) The show cause notice was issued for recovery of royalty and penalty, i.e., Rs.1,18,56,000 + Rs.98,80,000/- respectively. According to this information, the period of lease has already come to an end, but Shri Singhai was not in a position to make a statement as to whether the mining operations on Survey No.3717/2, which was leased out in favour of A.K.Jain/J.J. Granite Private Limited, are still going on or not.

When this Court insisted that Shri Singhai should point out as to whether the mining operations are going on the said leased area or not, then he submitted that he has not visited the place.

It is really shocking that this petition is pending since 16/12/2025 and a report is being submitted that mining lease in respect of land which was leased out to J.J. Granite Private Limited/A.K.Jain has already come to an

end, still, Shri Singhai before filing the compliance report did not care to go to spot to verify the factual aspect. Either this conduct of Shri Singhai is indicative of his callousness or negligent attitude towards discharge of his duties, or he was under obligation of somebody to stay away from the mining area.

Be that whatever it may be.

Accordingly, Shri Vivek Khedkar is directed to provide the satellite image of the area which was leased out to J.J. Granite Private Limited/A.K.Jain.

It is submitted by Shri Vivek Khedkar that the satellite image shall be provided to this Court latest by 1:30 p.m.

(iii) The mining lease has been granted to Pitambara Grit Industries through partner/S.C. Jain. This mining lease is in respect of Survey No. 3624/1. A report was received on 07/07/2017 about the illegal mining which was being carried out by this miner, and a show cause notice was also issued on 14/08/2017, but still, mining lease was renewed on 07/07/2017, i.e., prior to issuance of show cause notice but subsequent to submission of report of illegal mining by Shri S.C.Jain/ M/s Pitambara Grit Industry.

Accordingly, State is directed to explain under what circumstances, the mining lease was renewed.

Shri Vivek Khedkar undertakes to produce the file pertaining to renewal of mining lease in favour of S.C. Jain/ M/s Pitambara Grit Industry in respect of Survey No. 3624/1.

A show cause notice was issued on 14/08/2017 to Shri S.C.Jain for

recovery of Rs.16,72,000/- by way of royalty and Rs.4,18,00,000/- by way of penalty.

(iv) The mining lease was granted to Kallu @ Deendayal in respect of Survey No.3921. A show cause notice was also issued to him on 14/08/2017 requiring him to explain as to why an amount of Rs.3,80,60,000/- (20 times of royalty) + Rs. 2,80,50,000/- (by way of penalty) be not recovered from him. Although life of this lease has already come to an end in the year 2024, but still Shri Rupesh Ratan Singhai was not in a position to make a statement as to whether the illegal mining operations on this area have stopped completely or not. He further stated that he has not visited the place.

Instead of condemning the conduct of Shri Rupesh Ratan Singhai repeatedly in each and every case, it is suffice to mention here that observation made by this Court in respect of mining lease granted to A.K. Jain/J.J. Granite Private Limited would apply to all the cases where Shri Rupesh Ratan Singhai has not visited the disputed areas in spite of pendency of this petition, as well as the fact that he has filed incomplete status report.

(v) In respect of mining lease granted in favour of Ram Niwas, which is at serial No. 5 of the table, it is clear that this mining lease was granted in respect of Survey No. 3921.

A show cause notice was issued on 14/08/2017 in respect of illegal mining on Survey Nos.8924/2 and 3921 and mining lease holder was called upon to explain as to why an amount of Rs.63,75,90,000/- by way of 20 times of royalty and Rs.53,13,25,000/- by way of penalty be not recovered.

Although the proceedings were pending on the allegation of illegal

mining, but still the mining lease was renewed by order dated 09/09/2022. Accordingly, respondents are also directed to explain that when there was already an allegation of illegal mining and proceedings were pending, then under what circumstances the mining lease was renewed.

(vi) The mining lease holder is Rajesh Nikhra. It was fairly conceded by **Shri Vivek Khedkar that Shri Rajesh Nikhra is a habitual offender**. Earlier also, he was found guilty of illegally extracting minor minerals, and an order of imposition of 20 times of royalty and penalty was imposed. Writ petition was also dismissed. However, it is mentioned in the table that the period of lease has come to an end and process for renewal is pending.

Again, Shri Singhai had not visited the place before filing the status report to claim that illegal mining is not going on in the area which was leased out to Shri Rajesh Nikhra.

Accordingly, Shri Vivek Khedkar undertakes to file the satellite image of area which was leased out to Shri Rajesh Nikhra also.

(vii) A show cause notice was issued to Manohar Lal on 14/08/2017 on the allegation of carrying out illegal mining outside the sanctioned area of Survey No. 3624/1. He was called upon to explain as to why 20 times of royalty, i.e., Rs.5,85,90,000/- and penalty to the tune of Rs.4,88,25,000/- be not recovered, but still, the lease was renewed on 30/07/2022.

Accordingly, Shri Vivek Khedkar undertakes to produce the file pertaining to renewal of lease of Shri Manohar Lal.

(viii) Name of offender has been mentioned as Shri Omprakash, but it is also mentioned that there was no sanctioned mining lease. However,

counsel for respondents could not point out any valid reason for non-disposal of show cause notice which was issued on 14/08/2017, in spite of the fact that 09 long years have passed.

(ix) Mining lease was granted to Shri Rajiv Lochan in respect of Survey Nos. 3909 min 1 and 3909 min 2.

As per show cause notice dated 14/08/2017, Shri Rajiv Lochan had carried out illegal mining outside the mining area of Survey Nos. 3897, 3907, 3908, 3911 and 3910 and he was called upon to show cause as to why 20 times of royalty, i.e., Rs.7,16,25,000/-, and penalty of Rs.5,96,87,500/- be not recovered. Still, the mining lease was renewed on 30/07/2021.

Shri Vivek Khedkar also undertakes to produce the file pertaining to renewal of mining lease of Shri Rajiv Lochan Sharma.

(x) Mining lease holder is Shri Ashok Singh Yadav. A show cause notice dated 14/08/2017 was issued on the allegation of illegal mining on Survey No. 3624/1 and he was called upon to explain as to why 20 times of royalty, i.e., Rs.19,64,47,500/-, and penalty of Rs.16,37,06,250/- be not recovered, but the said show cause notice is still pending in spite of the fact that nine long years have passed. In the table, it is mentioned that life of mining lease has expired and the process for renewal is pending. However, Shri Singhai was not in a position to make a categorical statement as to whether the mining on this area has completely stopped or not.

Accordingly, Shri Vivek Khedkar is directed to furnish the satellite image of the mining area which was the subject matter of mining lease granted to Shri Ashok Singh.

(xi) The holder of mining lease is Shri Sunil Sharma. A show cause notice was issued on 14/08/2017 alleging that he has carried out illegal mining outside the mining area of Survey No.3717/2 and he was called upon to explain as to why 20 times of royalty, i.e., Rs.12,86,43,000/-, and penalty to the tune of Rs.10,72,02,500/- be not recovered.

It is mentioned in the table that life of mining lease has come to an end and the procedure for renewal of mining lease is pending. However, again Shri Singhai conceded that before filing the status report or before coming to this Court, he has not visited the area to make a categorical statement that no illegal mining is going on in the said area.

Accordingly, Shri Vivek Khedkar is again directed to provide the satellite image of the mining area which was granted to Shri Sunil Sharma.

(xii) Mining lease was granted to Shri Mirendra Singh/ M/s Guru Granite in respect of Survey No.3717/2.

A show cause notice dated 14/08/2017 was issued alleging that he has carried out illegal mining on Survey No.3708 and he was called upon to explain as to why 20 times of royalty, i.e., Rs.10,08,00,000/-, and penalty to the tune of Rs.8,40,00,000/- be not recovered.

In spite of that, the mining lease was renewed on 12/10/2018. Again, Shri Vivek Khedkar is directed to produce the file pertaining to renewal of the mining lease.

(xiii) The name of mining lease holder is Smt. Vinita Yadav, who was granted mining lease in respect of part of Survey No.3717/2.

A show cause notice dated 14/08/2017 was issued alleging that she has

carried out illegal mining outside the sanctioned mining area of Survey No.3717/2 and accordingly, she was called upon to explain as to why 20 times of the royalty, i.e., Rs.14,91,00,000/-, and penalty of Rs.12,42,50,000/- be not recovered.

However, it is submitted by Shri Singhai that under the orders of Collector, the mining lease has been placed under suspension, but Shri Singhai was not in a position to make a statement as to whether any illegal mining is going on in the said area or not? That shows the hostile attitude of the officers towards their duties for which they are drawing salary from the State Government.

Be that whatever it may be.

It is for the State to consider as to whether they are happy with such type of officers who have no respect for the duties for which they are drawing their salary from the public exchequer or not?

(xiv) Lease holders are Shri Prateek Khandelwal, Shri Ramniwas Sharma, Smt. Asha Jain, Smt. Madhu Jain, Shri Meharban Singh, Shri Ranveer Singh/ Shriji Granite, Prateek Khandelwal.

Mining lease in respect of Survey No.3717/2 was granted.

On 14/08/2017, a show cause notice was issued that they have carried out illegal mining on Survey Nos.3711, 3712, 3713, 3714, 3715 and 3716 and accordingly, they were called upon to explain as to why 20 times of the royalty, i.e., Rs.44,83,80,000/-, and penalty to the tune of Rs.37,36,50,000/- be not recovered from them. However, it appears that in spite of the pendency of the proceedings, mining lease was renewed on 25/08/2017.

Accordingly, Shri Vivek Khedkar is directed to produce the file pertaining to renewal of mining lease in favour of Prateek Khandelwal and others, whose names are mentioned at serial No.14 of information contained in the tabular form.

(xv) Mining lease holder is Shri R.C.Jain who was also granted mining lease in respect of 2.00 hectares of Survey No.3717/2.

Again, a show cause notice was issued on 14/08/2017 alleging that he had carried out illegal mining outside Survey No.3717/2, and he was called upon to explain as to why 20 times of the royalty, i.e., Rs.73,56,96,000/-, and penalty of Rs.61,30,80,000/- be not recovered. It is mentioned that the life of mining lease had already come to an end in the year 2022 and the proceedings for renewal of mining lease are going on.

Again, Shri Singhai was not in a position to make a statement as to whether any illegal mining is going on at the spot or not. He fairly conceded that neither before filing status report nor coming to the Court, he had ever visited the area.

This Court would not like to express displeasure on each and every act, but it is suffice to mention here that Shri Singhai has miserably failed in honouring the duties which have been assigned to him being a Government employee. On the contrary, it appears that either he is completely negligent or he is hand in gloves with the miners against whom the show cause notices were issued by respondents themselves on 14/08/2017.

(xvi) Name of mining lease holder is Shri Prateek Khandelwal. He too was granted mining lease in respect of a part of Survey No.3717/2, area

1.582 hectares.

A show cause notice was also issued to Shri Prateek Khandelwal on 14/08/2017 on the allegation that he has carried out illegal mining outside the sanctioned mining area, and he was called upon to explain as to why 20 times of royalty, i.e., Rs.48,02,77,500/-, and penalty of Rs.40,02,31,250/- be not recovered. But nothing has been done.

With great pains, this Court is left with no other option but to observe that in spite of the fact that nine long years have passed, and in spite of the fact that even according to respondents, the mining lease holders are causing extensive, irreparable, irretrievable damage to the ecological system of the area, but still the officers are living in a state of hibernation most probably with their ulterior motive.

Be that whatever it may be.

During the course of arguments, it was submitted by Shri Vivek Khedkar that he has received the instructions that Collector, Gwalior is going to pass restrain order thereby restraining 16 miners whose names have been disclosed in the tabular sheet filed alongwith the status report. It was submitted that such order can be passed under Rule 9 of Miner and Minerals, 1996.

Since we had certain doubt on the effectiveness of that statement and as the SDO was already found to be most negligent and may be acting in connivance with the wrong doers, therefore, we requested Shri Vivek Khedkar to request the Collector, Gwalior to appear personally because not only it is a case of theft of royalty and penalty, but it is a case of existence of mankind

and ecological balance of area. Although, initially Collector, Gwalior refused to come on the ground that she is in meeting, then when this Court expressed that this Court may pass ex-parte order without hearing her, then again sometime was sought to ensure the appearance.

Accordingly, Smt. Ruchika Chauhan appeared in proceedings. She was told about the conduct of SDO. She was also informed that Shri Vivek Khedkar had voluntarily made a statement that Collector, Gwalior is intending to stay the mining operations at least in respect of 16 persons who have been mentioned in the tabular sheet but when this question was put to her and it was told to her that even otherwise this Court is going to stay the mining operations, then it was submitted by Smt. Chauhan that this Court may pass the order.

In view of observations made above, it is clear that the authorities have miserably failed in discharging their duties and on the contrary, it appears that they are out and out to help out the wrong doers.

It was submitted by Smt. Chauhan that to decide the show cause notice which was issued on 14/08/2017 fresh demarcation is required, and for adjudicating the show cause notice dated 14/08/2017, fresh demarcation is necessary.

This Court is unable to understand the stand which has been taken by respondents. How, the position which was in existence on 01/07/2017, i.e., the date on which the report was given for the first time, on the basis of which the show cause notice dated 14/08/2017 was issued, can be controverted by carrying out the demarcation in the present.

Although, Smt. Chauhan submitted that she was not intending to make a statement in respect of 16 cases which are pending before the Court of SDO, but when she was shown the file, then she admitted that her predecessors had also passed an order in 2021 to carry out the fresh demarcation.

Be that whatever it may be.

As the respondents are still not serious towards maintaining the ecological balance of the area, they are not serious towards the survival/protection of mankind, they are not serious towards the revenue of State by finally deciding the show cause notice dated 14/08/2017 and by recovering the royalty and penalty as per law and even today, Shri Singhai, SDO has clearly and categorically admitted that he does not know anything about the factual position on the ground.

This Court is of considered opinion that in order to save mankind and ecological balance of the area, it has become necessary to immediately stop the mining operations by mining lease holders, namely: Shri Bachan Singh, Shri A.K.Jain/ J.J. Granite S.C.Jain/ M/s Pitambra Grit Industries, Shri Kallu @ Deendayal/Shri Balram Yadav, Shri Ramniwas Sharma/Smt. Maya Devi Sharma, Shri Rajesh Neekhara/ Amarnath Granite Private Limited, Shri Manohar Lal/ M/s Sarvodaya Manufacturing & Contract, Shri Omprakash, Shri Rajeev Lochan, Shri Ashok Singh Yadav, Shri Sunil Sharma/ M/s Shiva Stone Pro., Shri Meerendra Singh/ M/s Guru Granite, Smt. Vinita Yadav, Shri Prateek Khandelwal, Shri Ramnivas Sharma, Smt. Asha Jain, Smt. Madhu Jain, Shri Meharwan Singh/ Shriji Granite Prateek Khandelwal, Shri

R.C.Jain/ M/s J.J. Granite, Shri Prateek Khandelwal/ M/s Shriji Granite.

Since the subordinate officers who are posted in Dabra have miserably failed in discharging their duties, accordingly, it is directed that from today onwards, it shall be the sole and personal responsibility of Collector, Gwalior, to ensure that the illegal mining is completely stopped and transportation of illegally excavated minerals from the mining area to outside the mining area is completely checked and stopped. In case if it is found that things have not improved, and Collector, Gwalior, has miserably failed in discharging and complying with the directions, then further course of action shall be decided on the basis of facts and circumstances.

It is submitted by Smt. Ruchika Chauhan, Collector, Gwalior that CCTV cameras have been installed on all the e-check gate (check post). It is further submitted by Smt. Chauhan that it is the duty of Mining Officers to check the CCTV footage regularly and to compare the number of trucks going outside the area with the number of EPS issued by department. Shri Ghanshyam Singh Yadav, Mining Officer, Area Gwalior who is in-charge of area in question was also present in the Court, he submitted that he never check the CCTV footage regularly.

Under these circumstances, Collector, Gwalior is directed to seize the CCTV footage of DVRs immediately and produce before this Court on 17/07/2026.

Shri Yadav, Mining Officer is also directed to produce the record pertaining to ETPs which are being used for passing of trucks from the mining area to outside.

Since respondents are trying to controvert the allegations made in the show cause notice dated 14/08/2017 by making attempt to carry out fresh demarcation, therefore, it is directed that unless and until a leave is granted by this Court, no fresh demarcation shall be done and the authorities shall proceed on the basis of demarcation report which was filed alongwith report dated 01/07/2017 on the basis of which the show cause notice dated 14/08/2017 were issued.

The entire CCTV footage which are stored in DVRs of respective e-check gate shall be produced in a sealed cover and in case if it is found that CCTV footage of any day have been erased, then an adverse inference shall be drawn that it was done with solitary intention to destroy the evidence of illegal transportation of excavation.

List on 17/07/2026.

For the time being, proceedings of show cause notice dated 14/08/2017 which were produced by SDO are being kept in a sealed cover and 16 sealed cover envelops were sealed in the Court itself and are handed over to Shri Vivek Khedkar with a request to produce the same on tomorrow, i.e., 17/07/2026.

The Collector, Gwalior is directed to strictly comply the order of restrained passed today.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

