2026:CGHC:23223-DB

ROHIT KUMAR CHANDRA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1970 of 2026

Gram Panchayat, Hathnewra Through Its Sarpanch - Thakur Dushyant Singh Chandel S/o Shri Shatrughan Singh Chandel, Aged About 44 Years, R/o Ward No. 11, Village - Hathnewra, Tehsil - Champa, District - Janjgir-Champa (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through Secretary, Mineral Resources Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District - Raipur (C.G.)

2 - Collector (Mining Branch) District Janjgir-Champa Chhattisgarh

3 - Tehsildar Janjgir Champa District - Janjgir-Champa Chhattisgarh

4 - Mining Officer District Janjgir- Champa Chhattisgarh

... Respondents

For Petitioner	:	Ms. Sharmila Singhai, Senior Advocate assisted by Mr. Shashwat Rai, Advocate
For Respondents/ State	:	Mr. Praveen Das, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

***Per* Ramesh Sinha, Chief Justice**

15.05.2026

1. Heard Ms. Sharmila Singhai, learned Senior Advocate assisted by Mr. Shashwat Rai, learned counsel for the petitioner as well as Mr.Praveen Das, learned Additional Advocate General, appearing for the State/respondents

2. The present writ petition has been filed by the petitioner seeking following reliefs :

> *"10.1 That, this Hon'ble Court may kindly be pleased to issue appropriate writ/ writs quashing the Tender no. 1580 pertaining to Event No. - MSTC/RPR / Chhattisgarh / Janjgir Tender/2/26-27/1580 inviting tender for Village Hathnewara under the impugned NIT no. dated 30.03.2026 (ANNEXURE-P/1) issued by the respondent no.2, inviting bid from the eligible candidates / entities for grant of quarry lease for ordinary Sand by way of auction (Reverse Auction) so far as it relates to the petitioner Gram Panchayat.*
>
> *10.2 That, the Hon'ble Court may kindly be pleased to grant any other relief, including the cost of this petition, as it appears to be fit and appropriate to this Hon'ble Court."*

3. Brief facts of the case are that respondent authorities have issued a Notice Inviting Tender (Reverse Auction) dated 30.03.2026, bearing no. 728/Kh.Li.1/Sand Auction/2025 by which the authorities have invited tender under Rule 7 of Chhattisgarh Minor Mineral Ordinary sand (Quarrying and Trade) Rules, 2025 for grant of quarry lease through electronic auction (Reverse Auction) for 4 villages i.e. (i) Khapridih, Tehsil - Bamhanidih, (ii) Hathnewra, Tehsil-Champa, (iii) Hadha, Tehsil -Pamgarh, (iv) Karnaudh, Tehsil Bamhanidih, (ANNEXURE-P/1) issued by the respondent no. 2.

4. The instant writ petition has been preferred by the petitioner i.e. Gram Panchyat, Nathnewra, through its Sarpanch, challenging the Notice Inviting Tender dated 30/03/2026 issued under Rule 7 of

the Chhattisgarh Mining Mineral Ordinary Sand (Quarrying and Trade) Rules, 2025 for grant of quarry lease through Electronic Auction (Reverse Auction) in respect of Village Hathnewra, Tehsil Champa. The principal grievance raised by the petitioner is that no valid District Survey Report (DSR), which is mandatory for undertaking sand/gravel mining activities, exists in respect of the concerned district. It has further been contended that the Gram Panchayat Hathnewra has passed a resolution opposing the issuance of the impugned NIT for sand mining within the territorial limits of the said Gram Panchayat.

5. Learned Senior Advocate, appearing on behalf of the petitioner, would submit that the respondent authorities have issued a Notice Inviting Tender (NIT) for a quarry lease for sand mining in four villages, namely Hathnewra, Khapridih, Hadha, and Karnaudh, District Janjgir-Champa, without obtaining a District Survey Report (DSR) from the District Collector. The bid was called for interested participants from 21.04.2026 to 27.04.2026. She would submit that the Government of Chhattisgarh issued a notification on 12.09.2025 regarding the general terms and conditions for quarry leases and the trade of minor mineral ordinary sand. In the said notification dated 12.09.2025, Clause 11(22) is binding upon the respondent authorities, which provides that the orders, rules, and instructions of the Court, as well as those of the Central and State Governments, issued from time to time, must necessarily be complied with. She would also submit that the Hon'ble Supreme

Court, in the case of ***State of Uttar Pradesh and Another vs. Gaurav Kumar and Others,*** reported in **(2025 SCC Online SC 1069)**, has held that a District Survey Report from the District Collector is a precondition for granting a quarry lease for general sand. In the present case, no approved District Survey Report was obtained from the Collector before the issuance of the NIT; therefore, the same cannot be acted upon.

6. It is further submitted by learned Senior Advocate that before inviting tenders for a quarry lease for ordinary sand, the authorities are required to obtain the necessary permissions from the local authorities. Only after obtaining such permissions can the tender process for allotment of the quarry lease to the successful tenderer be initiated. However, in the present case, despite specific objections raised by the petitioner Gram Panchayat, the authorities proceeded with the matter and called for applications for the allotment of a quarry lease through a reverse auction. She would also submit that before issuing the Notice Inviting Tender for a quarry lease for ordinary sand, the respondent authorities, particularly respondent Nos. 2 and 3, did not prepare a District Survey Report (DSR), which is mandatory for applying for environmental clearance for sand mining. In the present case, the last District Survey Report for District Janjgir-Champa was prepared in 2019, and the validity of such a report is five years. After the expiry of five years, the existing District Survey Report ceases to be tenable, and a new District Survey Report must be

prepared and finalized for the purpose of sand mining. However, the authorities in the instant case, without preparing any District Survey Report, called for the NIT, which is contrary to the terms and conditions prescribed for quarry leases and the trade of minor mineral ordinary sand. It is further submitted that the competent authority, without appreciating the provisions of Section 54 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, invited applications for a quarry lease for ordinary sand through a reverse auction.

7. Per contra, learned Additional Advocate General appearing on behalf of the State/respondents would submit that the instant writ petition is wholly misconceived, devoid of merits, and liable to be dismissed. It is submitted that the allegation regarding non-existence of the District Survey Report (DSR) is factually incorrect, inasmuch as the District Survey Report for District Janjgir-Champa for the year 2025 was duly prepared in accordance with law after considering all mandatory environmental, geological, and geographical parameters. The said DSR was prepared under the supervision of the Regional Head and Deputy Director (Geology & Mining), Regional Office, Bilaspur, with technical assistance from IIT Rourkela, and was duly approved by the competent authorities on 27.11.2025. It is further submitted that the approved DSR was uploaded in the public domain on 27.11.2025 itself for information and scrutiny by the general public, and no objections or suggestions were received against the same. Therefore, the impugned NIT for sand mining has been issued strictly in

consonance with the approved DSR and in accordance with the provisions of the Chhattisgarh Mining Mineral Ordinary Sand (Quarrying and Trade) Rules, 2025.

8. Learned State counsel would further submit that the objection raised by Gram Panchayat Hathnewra has no legal sanctity, as the village does not fall within a Scheduled Area and, therefore, the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA Act) are not applicable. Consequently, the Gram Panchayat has no authority to restrain the State from undertaking lawful mining activities in accordance with statutory provisions. It is also submitted that instances of illegal sand mining had earlier been detected in Village Hathnewra and appropriate action, including seizure of machinery, has already been taken by the competent authorities. The petitioner-Sarpanch never raised any complaint regarding such illegal mining activities and remained a silent spectator. Hence, there is a strong possibility that persons involved in illegal mining are behind the present petition with the intent to obstruct the lawful and transparent tender process. The State counsel would further submit that the tender process has already substantially progressed and successful bidders have been declared on 30.04.2026 pursuant to a transparent electronic auction process. Interference at this stage would adversely affect public revenue, prejudice the rights of successful bidders, and hamper the State's efforts to regulate sand mining and curb illegal extraction of minerals. It is therefore submitted that the respondent

authorities have acted strictly in compliance with the statutory provisions as well as the law laid down by the Hon'ble Supreme Court with regard to preparation of District Survey Reports and regulation of sand mining activities. No illegality, irregularity, or procedural impropriety has been committed by the respondents warranting interference under Article 226 of the Constitution of India. Accordingly, the writ petition deserves to be dismissed.

9. In rejoinder, learned Senior Advocate, appearing for the petitioner would submit that the stand taken by the respondents regarding existence of a validly approved District Survey Report (DSR) for District Janjgir-Champa, 2025 is wholly misconceived and contrary to the law laid down by the Hon'ble Supreme Court in ***Gaurav Kumar*** (supra). It is submitted that Sub-Clause 22 of Clause 11 of the Rules, 2025 mandates strict compliance with the orders, rules, and directions issued by the Courts and the Central and State Governments from time to time. She would submit that as per Paragraph 4.1.1 of the Enforcement and Monitoring Guidelines for Sand Mining, 2020, the DSR is required to be prepared and finalized prior to auction/e-auction or grant of mining lease. The Hon'ble Supreme Court in *Gaurav Kumar* (supra) has further clarified that the draft DSR must first be placed in the public domain for inviting objections and suggestions and only thereafter can it be finalized and approved by the District Collector/ Chairperson of the DEIAA. It is submitted that in the present case, the respondents have failed to place any material on record to

demonstrate that the DSR dated 27.11.2025 was ever finally approved by the Collector/Chairperson of the DEIAA after following the prescribed procedure. Unlike the DSR of 2019, which bore the approval and seal of the Collector, the alleged DSR of 2025 is merely a draft report and, therefore, cannot be treated as a valid DSR in the eyes of law. Consequently, the impugned NIT issued without a validly approved DSR is unsustainable.

10. Learned Senior Advocate would further submit that the petitioner has never relied upon the provisions of the PESA Act. The objection raised by the Gram Panchayat is based upon Section 54 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993, under which the Panchayat is duty-bound to regulate environmentally sensitive and hazardous activities within its territorial jurisdiction. It is also submitted that the judgments of the Hon'ble Supreme Court in *Deepak Kumar vs. State of Haryana* (2012) 4 SCC 629 and *State of Bihar vs. Pawan Kumar* (2022) 2 SCC 348 clearly mandate environmental assessment and a valid DSR before initiation of any auction or mining activity. The allegation of the respondents that persons involved in illegal mining are behind the present petition is specifically denied. It is submitted that despite pendency of the writ petition and despite the interim observation made by this Hon'ble Court, the respondents hurriedly proceeded to open bids and issue Letters of Intent, which clearly reflects arbitrariness and an attempt to frustrate the proceedings pending before this Hon'ble Court. Accordingly, it is submitted that the impugned NIT having

been issued without a validly approved DSR and in violation of binding statutory guidelines and judicial directions deserves to be quashed by this Hon'ble Court.

11. Having heard learned counsel for the parties at length and upon perusal of the material available on record, this Court finds that the principal issue involved in the present petition is whether the respondent authorities could have proceeded with issuance of the impugned Notice Inviting Tender (NIT) for grant of quarry lease for ordinary sand without there being a validly finalized and approved District Survey Report (DSR) in accordance with the law laid down by the Hon'ble Supreme Court and the applicable statutory guidelines governing sand mining activities.

12. The Sub-Clause 22 of Clause 11 of notification dated 12.09.2025 issued by Government of Chhattisgarh regarding the general terms and conditions for quarry leases and the trade of minor mineral ordinary sand reads as under :-

> *"The orders, rules and instructions of the Court, Central and State Governments, issued from time to time, shall have to be necessarily complied with."*

13. The Hon'ble Supreme Court in the ***Gaurav Kumar*** (supra), has held that :-

> ***12. Establishment of District Level Environment Impact Assessment Authority (DEIAA) & District Expert Appraisal Committee (DEAC) under Para***

3A: *As is evident from the above extracted portion of the preamble to the EIA Notification 2016, two bodies namely, the DEIAA and DEAC have been established by inserting Para 3A to the EIA Notification, 2006 for grant of EC to a newly introduced category (by amending para 2), called category B2. The amended Para 3A establishing DEIAA and DEAC, is extracted herein below for ready reference;*

"3A. District Level Environment Impact Authority: Assessment

(1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.

(2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.

(3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.

(4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.

(5) The members of the DEIAA who are serving officers of the concerned State Government or the

Union territory Administration shall be ex-officio members except the expert member.

(6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.

(7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.

(8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.

(9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification

(10) The members of the DEAC who are serving officers of the or the Union concerned State Government territory Administration shall be ex-officio members except the expert members.

(11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.

(12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.

(13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail";

19.2. *We have also noted that the NGT has been taking a consistent stand about the mandatory requirement of a DSR being a condition precedent to carry mining activity, Further, the decision of the NGT that DSR should be the basis for an application for grant of an EC and that an application without DSR is incomplete cannot be processed or proceeded further is correct in law. We may add that a 'draft DSR' is virtually a non-existing DSR for purpose of grant of environmental clearance.*

20. Conclusion: *Having considered the regulatory regime introduced from time to time, increasing the width as well as the depth of scrutiny before granting an environmental clearance for sand mining, we are of the opinion that there is a mandatory requirement of preparation of a DSR. The DSR shall form the basis for application of environmental clearance. It shall also be the basis for preparation of reports and also appraisal of the projects. Another important facet of DSR is that it shall be prepared for all the districts*

and the draft is to be placed in the public domain. There is a requirement for keeping a copy of DSR in Collectorate. It must also be posted on the district's website for 21 days. After comments are received, they shall be considered and if found correct, they will be incorporated in the final report. The final DSR will then be finalized within 6 months by the DEIAA. The lifetime of the report is five years. After five years the existing DSR will not be tenable and a new DSR will have to be prepared and finalized. The purpose and object of prescribing a lifetime of five years for subsistence of a DSR is for the reason that the position of ecology and the environment is rapidly changing and the position that exists five years. back, may not subsist for later days. It is true that it might have changed even before the expiry of five years but a reasonable estimate, to work as a benchmark is a policy consideration. May be a precautionary principle, it is not only legal and valid but is also mandatory. It must be enforced strictly and with all vigor.

***21**. We conclude by holding that:*

(i) A District Survey Report is a document of seminal importance as it enables informed decision making.

(ii) Preparation of a DSR as per the procedure prescribed for its preparation under Appendix X, read with para 7 (iii) (a), is required to be followed meticulously.

(iii) A valid and a subsisting DSR alone can be the basis for an application for grant of EC. A draft DSR is untenable for grant of an EC.

(iv) Preparation of reports and appraisal of projects by DEIAA and DEAC shall be on the basis of a valid and a subsisting DSR.

(v) DEIAA and DEAC are recognized as the authorities fastened with the statutory duty of preparing the DSR every five years and this duty compels them to have a comprehensive and a real time perspective of the environment position of the district including its eco-sensitivity and other fragilities."

14. This Court finds that the Enforcement and Monitoring Guidelines for Sand Mining, 2020 specifically provide that preparation of the District Survey Report is a mandatory precondition prior to auction/e-auction, grant of mining lease, or issuance of Letter of Intent for sand mining. The Hon'ble Supreme Court in ***Gaurav Kumar*** (supra), while reiterating the mandatory nature of the DSR, has categorically held that the draft DSR is required to be placed in the public domain for inviting objections and suggestions and only thereafter can the same be finalized and approved by the competent authority/DEIAA in accordance with law. The Hon'ble Supreme Court has further emphasized that in the absence of a validly approved DSR, no mining activity or auction process can legally proceed. Similar principles have also been reiterated in ***Deepak Kumar*** (supra) and ***Pawan Kumar*** (supra).

15. In the present case, although the respondents have contended that the DSR for District Janjgir-Champa, 2025 was prepared and uploaded in the public domain on 27.11.2025, the material placed

before this Court does not satisfactorily establish that the said DSR was finally approved by the District Collector/Chairperson of the competent authority after following the procedure contemplated under the applicable guidelines and the law laid down by the Hon'ble Supreme Court. From the record, it appears that what was uploaded in the public domain was only a draft DSR intended for public scrutiny and comments. No document has been produced demonstrating final approval of the DSR by the competent authority after consideration of objections/suggestions, if any.

16. This Court is therefore of the considered opinion that in the absence of a validly finalized and approved DSR, the respondent authorities could not have proceeded with issuance of the impugned NIT for quarry lease of ordinary sand. Consequently, the action of the respondents in initiating the tender process is contrary to the Enforcement and Monitoring Guidelines for Sand Mining, 2020 as well as the binding directions issued by the Hon'ble Supreme Court in *Gaurav Kumar* (supra).

17. At the same time, this Court is not inclined to accept the contention of the petitioner that the State authorities are altogether denuded of their power to regulate sand mining activities or to take action against illegal mining. Regulation of mining activities and prevention of illegal extraction of minerals are matters concerning public interest, environmental protection, and preservation of natural resources. The State is therefore fully empowered and

duty-bound to take appropriate action against persons indulging in illegal sand mining in accordance with law.

18. Accordingly, the present writ petition deserves to be and is hereby **allowed**. The impugned Notice Inviting Tender (NIT) pertaining to Event No.- MSTC/ RPR/ Chhattisgarh/ Janjgir Tender/ 2/26-27/ 1580, inviting tender for Village Hathnewara, District – Janjgir-Champa under impugned NIT dated 30.03.2026 (Annexure-P/1) for grant of quarry lease for ordinary sand is quashed.

19. However, liberty is reserved in favour of the respondent authorities/State to proceed afresh in the matter strictly in accordance with law, the applicable statutory provisions, the Enforcement and Monitoring Guidelines for Sand Mining, 2020, and the directions issued by the Hon'ble Supreme Court in ***Gaurav Kumar*** (supra) and other governing precedents, after preparation and approval of a valid District Survey Report by the competent authority.

20. It is further made clear that this order shall not preclude the State/respondent authorities from taking appropriate action, in accordance with law, against any person or entity found involved in illegal sand mining or unlawful extraction of minerals in the area concerned.

21. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra

Head-Note

The draft District Survey Report (DSR) is required to be placed in the public domain for inviting objections and suggestions and only thereafter, the same can be finalized and approved by the competent authority/DEIAA in accordance with law and in the absence of a validly approved DSR, no mining activity or auction process can legally proceed.