



2026:UHC:1209

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 442 of 2026

24 February, 2026

- 1: Pooja Goel
- 2: Punit Kumar Goel

--Petitioners

Versus

- 1: State Of Uttarakhand
- 2: District Magistrate Nainital
- 3: Additional District Magistrate Finance And Revenue
- 4: Sub Divisional Magistrate Ramnagar
- 5: Tehsildar Tehsil Ramnagar

--Respondents

Presence:-

Mr. Dushyant Mainali, Advocate for the petitioners.

Mr. D.S. Bora with Mr. Suyash Pant, learned S. C. for the State.

Hon'ble Pankaj Purohit, J.

Petitioners were proceeded against the provisions of the Uttarakhand Minerals (Prevention of Illegal Mining, Illegal Transportation and Illegal Storage) Rules, 2021. The allegations against the petitioners were that they excavated the land and sold the minor minerals derived there-from. Petitioners were inflicted with a penalty of Rs.52,89,700/-vide judgment and order dated 27.08.2025 passed by the District Magistrate, Nainital, and they were further directed to deposit the amount within one month from the date of order. It is aggrieved by the aforesaid judgment and order dated 25.08.2025, petitioners preferred an appeal under Rule 15 of the aforesaid Rules before the Commissioner, Kumaon Division, Nainital. The said appeal is still pending for



admission and is due to be listed on 26.02.2026.

2. In between, Citation to Appear has been issued by Tehsildar, Ramnagar on 08.01.2026. When petitioners did not appear before the Tehsildar, Ramnagar pursuant to citation to appear dated 08.01.2026, arrest warrants have been issued against the petitioner no.2 under the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952.

3. It is contended by learned Counsel for petitioners that warrants have been served upon petitioners by 'Whatsapp' which is in contravention of Rule 247-A of Rules of 1952. Further, recovery citation has been issued jointly against both the petitioners which is also in contravention of Rule 239 of the said Rules.

4. Per contra, learned State Counsel submits that since the appeal is pending before the Commissioner, Kumaon Division, Nainital against the ex parte order dated 25.08.2025, instead of straightway coming to this Court, petitioners could make a request to the appellate authority for stay of order dated 25.08.2025.

5. Having heard learned Counsel for the parties and upon perusal of the record of the writ petition, this Court is of the view that so far as the argument of petitioners that they have been served over 'Whatsapp' and which is not in accordance with Rule 247-A of the Rules of 1952 is concerned, this Court is of the view that in this age of electronic development, service over 'Whatsapp' shall be considered to be the proper service upon the petitioners, and therefore, this argument cannot be sustained.



6. At this, learned Counsel for the petitioners submits that petitioners would file an interim application before the appellate authority i.e. Commissioner, Kumaon Division, Nainital.

7. Liberty is, accordingly, given to the petitioners to move such an application before the appellate authority/ Commissioner, Kumaon Division, Nainital in Appeal/ Case No.C1044824438426 on the next date i.e. 26.02.2026. In the event such an application is moved by petitioners, the appellate authority/ Commissioner, Kumaon Division, Nainital shall consider the same strictly in accordance with law within three weeks from 26.02.2026. It is further provided that till the application is not decided, no coercive steps against the petitioners shall be taken. Petition stands disposed of accordingly.

8. No order as to costs.

(Pankaj Purohit, J.)
24.02.2026

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