



CGHC010235802026



2026:CGHC:41112

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3357 of 2026

Order Reserved on 03.08.2026

Order Passed on 22 .09. 2026

1 - M/s Maa Mahamaya Explosives Through Its Proprietor Sandeep Kumar
S/o Shri Satanand Sharma Aged About 41 Years, R/o Main Road, Distt.
Balrampur Ramanujganj Chhattisgarh

... Petitioner

Versus

1 - Union of India Through Chief Controller Of Explosives, Petroleum And
Explosives Safety Organization 5th Floor A-Block, C G O Complex, Seminary
Hills, Distt. Nagpur, Maharashtra.

2 - The Deputy Chief Controller Of Explosives Central Secretariat, Sector-24,
Atal Nagar, Nava Raipur, Distt. Raipur Chhattisgarh.

3 - The Commissioner Surguja Division, District Ambikapur Chhattisgarh

4 - The Collector District Balrampur-Ramanujganj Chhattisgarh

5 - The Sub-Divisional Officer (R) District Balrampur-Ramanujganj
Chhattisgarh

6 - The Tehsildar Tehsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh

7 - Samast Gramvasi Gram Panchayat, Dignagar Through Its Sarpanch, P.S.
And Tehsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh

8 - Chanchal Chaudary D/o Sakaldeep Chaudary R/o Village Dignagar P.S.
And Tehsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh

9 - Gram Panchayat Dignagar Through Secretary, Gram Panchayat Dignagar,
Thana And Tehsil Rajpur, District Balrampur- Ramanujganj (C.G.)

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner : Mr. Sudhanshu Upadhyay, Advocate on
behalf of Mr. Sharad Mishra, Advocate.

For Respondents No. 1 & 2 : MS. Shakshi Bali, Advocate on behalf of
Ms. Anmol Sharma, Advocate.

For State/Respondents No. : Mr. Anand Dadariya, Dy. A.G.

3 to 6

For Respondents No. 7 & 8 : Mr. D.N. Prajapati, Advocate.

For Respondent No. 9 : Mr. Suraj Patel, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. By way of the present writ petition, the petitioner has challenged the order dated 02.06.2026 passed by respondent No. 3, the Commissioner, Surguja Division, Ambikapur, in Revenue Appeal No. 202512960100119/B-121/2025-26 (Annexure P/1), preferred under Section 44(1) of the C.G. Land Revenue Code. It is the case of the petitioner that the Collector, Ramanujganj, vide order dated 25.09.2024, had approved the No Objection Certificate issued by Gram Panchayat Dignagar in favour of the petitioner and had granted permission/licence for possession of magazines and use of explosive substances. However, the learned

Commissioner, Surguja Division, while deciding the aforesaid appeal, held that the No Objection Certificate dated 25.09.2024, issued by Gram Panchayat Dignagar, was not in accordance with law, as the resolution dated 22.08.2024, on the basis of which the said NOC was issued, was found to be forged. Consequently, it was held that the NOC issued on the basis of such purportedly forged resolution, for possession and use of explosive substances under Rule 115(1)(c) of the Explosive Substances Rules, 2008, could not be sustained in law. Aggrieved by the aforesaid order dated 02.06.2026, the petitioner has preferred the present writ petition seeking the following reliefs:-

“10.1 That, the Hon’ble Court may kindly be pleased to allow the present writ petition and call for the entire records of the case from the Respondent Authorities.

10.2 That this Hon’ble Court may kindly be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Certiorari, quashing and setting aside the order dated 02.06.2026 passed by Respondent No. 3 in Revenue Appeal No. 202512960100119/B-121/2025-26.

10.3 That, pending final disposal of the present writ petition, this Hon’ble Court may kindly be pleased to stay the operation and effect of the impugned order dated 02.06.2026 and all consequential actions taken pursuant thereto, and permit the petitioner to continue operations in terms of the licence dated 12.11.2025, in the interest of justice.

10.4 Any other relief which the Hon’ble Court deems fit under the facts and circumstances of the case may kindly be granted to the petitioner.”

2. The brief facts of the case, as projected by the petitioner, are that the petitioner is engaged in the business of storage and sale of explosives and has been carrying on the said business since 2024 after obtaining the requisite permissions, approvals and licence from the competent authorities. The petitioner initially applied for grant of NOC before the District Magistrate on 28.11.2023 for possession and use of explosives, along with the prescribed documents and Form DE-1 under Rule 113 of the Explosives Rules, 2008. According to the petitioner, the application was scrutinized and requisite clearances were obtained from the concerned departments, whereafter the District Magistrate issued NOC dated 25.09.2024 in his favour in respect of Khasra Nos. 283/2 and 283/5, P.H. No. 00016, Village Dignagar, Tehsil Rajpur, District Balrampur-Ramanujganj. It is further the petitioner's case that, upon inspection, the competent authority communicated on 21.01.2026 that the licence issued in his favour was valid up to 31.03.2030. The petitioner further states that respondent No. 7 had challenged the NOC dated 25.09.2024 before respondent No. 3, but the proceedings were subsequently withdrawn pursuant to a settlement between the parties and were disposed of on 21.04.2025. Thereafter, according to the petitioner, the lease deed was amended on 23.04.2025 and only Khasra No. 283/5 was retained for establishment and operation of the magazine. Subsequently, a complaint was made regarding inclusion of Khasra No. 283/2 in the NOC, pursuant to which the petitioner

informed the authorities that only Khasra No. 283/5 was proposed to be utilized. Respondent No. 4 thereafter issued communication dated 13.10.2025, stating that Khasra No. 283/5 was already covered under the original NOC and directing that the said communication be treated as an integral part of the NOC dated 25.09.2024. On the basis thereof, the petitioner obtained licence dated 12.11.2025. Respondent No. 7 thereafter preferred an appeal challenging the aforesaid communication. During the pendency of the appeal, operation of the communication dated 13.10.2025 was stayed on 05.02.2026 and the petitioner was directed to discontinue further operations relating to storage and possession of explosives. The petitioner thereafter filed his reply and placed reliance upon the permissions, clearances, NOC and licence issued in his favour. The proceedings ultimately culminated in the order dated 02.06.2026 passed by respondent No. 3, which is under challenge in the present writ petition.

3. Learned counsel for the petitioner submits that the impugned order dated 02.06.2026 has been passed without properly appreciating the material available on record and the various statutory permissions and clearances obtained by the petitioner from the competent authorities. It is contended that the NOC dated 25.09.2024 was granted after due scrutiny and upon obtaining clearances from the concerned departments and that, subsequently, Khasra No. 283/5 alone was retained for establishment and operation of the explosive magazine pursuant

to amendment of the lease deed dated 23.04.2025. He further submits that communication dated 13.10.2025 merely clarified that Khasra No. 283/5 was already covered by the original NOC and was rightly treated as an integral part thereof; consequently, the licence dated 12.11.2025 was validly issued by the competent authority. He also submits that respondent No. 3 erred in treating the NOC as invalid merely on the basis of the subsequent resolution dated 25.10.2024 allegedly declaring the earlier Gram Panchayat resolution dated 22.08.2024 to be forged, particularly when the petitioner had obtained the NOC after scrutiny by the competent authorities and had acted upon the same. Learned counsel also submits that respondent No. 3 failed to properly consider the petitioner's reply and the documents placed on record and travelled beyond the scope of the proceedings while relying upon objections raised by private persons and alleged deficiencies in the Gram Panchayat proceedings. It is therefore, contended that the impugned order dated 02.06.2026 is arbitrary, contrary to the material available on record and unsustainable in law, and consequently deserves to be quashed along with the consequential action taken against the petitioner's licence.

4. Learned counsel for respondents No. 1 & 2 submits that the grant of NOC and issuance of licence for possession and storage of explosives are governed by the provisions of the Explosives Act, 1884 and the Explosives Rules, 2008, and the same can be sustained only upon strict compliance with the statutory

requirements. It is next submitted that the mere fact that certain departmental clearances were obtained by the petitioner would not, by itself, confer an indefeasible right to continue with the storage and possession of explosives if the foundational NOC or any mandatory statutory requirement is subsequently found to be defective. She next submits that the validity of the NOC and consequential licence has to be examined in the light of the relevant statutory provisions and the factual circumstances prevailing at the site. It is further submitted that respondent No. 3, while passing the impugned order dated 02.06.2026, was justified in examining the legality and validity of the NOC and the consequential licence, particularly when serious objections were raised regarding the Gram Panchayat resolution and compliance with the prescribed procedure. She also submits that the petitioner cannot claim any vested right merely on the basis of the licence issued pursuant to the NOC if the very foundation thereof is found to be legally unsustainable. She lastly submits that the impugned order does not warrant interference in exercise of the writ jurisdiction of this Court.

5. Learned counsel for State/respondents No. 3 to 6 submits that the NOC dated 25.09.2024 and communication dated 13.10.2025 were subsequently found unsustainable upon examination of the record and objections raised by the concerned villagers, particularly in view of the irregularities relating to the Gram Panchayat resolution dated 22.08.2024, which was subsequently

declared forged resolution. He next submits that the subsequent amendment of the lease deed does not cure the defects in the foundational NOC or dispense with the mandatory statutory requirements. He also submits that respondent No. 3, after duly considering the relevant records and objections, rightly cancelled the NOC and consequential licence vide order dated 02.06.2026. As such, the State, therefore, supports the impugned order and submits that no interference is warranted by this Court.

6. Learned counsel for the respondents No. 7 & 8 submits that the that Respondent No. 8 was granted a valid mining lease in respect of Khasra Nos. 283/1 and 283/2, admeasuring 0.834 hectare at Village Dignagar, Tahsil Rajpur, District Balrampur-Ramanujganj, for the period from 03.03.2009 to 02.03.2039, and the corresponding certificate was issued on 10.07.2024. Prior to grant of the lease, the requisite map was submitted before the Licensing Authority. The subsequent NOC dated 01.01.2024 issued by the Regional Officer, Environment Department, Ambikapur, for storage of explosives over Khasra Nos. 283/2 and 283/5 was issued without proper verification and without correlating the same with the existing mining permissions. The NOCs subsequently obtained by the petitioner were likewise issued without due compliance with the statutory requirements of the Explosives Rules, 2008, particularly in view of the existing mining lease, the 500-metre restrictions, the use of the pathway by villagers for Nistari purposes, and absence of a valid Gram

Sabha consent. The NOC allegedly issued by the Sarpanch was only in his personal capacity and not by the Gram Sabha. The earlier Gram Panchayat resolution dated 22.08.2024 was subsequently declared forged by the Gram Sabha vide resolution dated 25.10.2024. The diversion proceedings concerning Khasra Nos. 283/2 and 283/5 also record the existence of a common road at a distance of about 12 metres. It is further submitted that the answering respondents, being aggrieved by the NOC dated 25.09.2025 and amended NOC dated 13.10.2025 issued by the District Magistrate, Balrampur-Ramanujganj, preferred Revenue Appeal No. 202512960100119/B-121/2025-26 before the Commissioner, Surguja Division, Ambikapur, who, upon examining the relevant records and NOCs, rightly cancelled the said NOCs vide order dated 02.06.2026 for violation of the Explosives Rules, 2008. The withdrawal of the appeal by some villagers does not extinguish the right of other affected villagers, particularly when the appeal was pursued in the interest of the villagers collectively. It is also submitted that the alleged withdrawal application purportedly bearing the signature of Vikas Minj was not made by him and a complaint in this regard has already been lodged before the concerned Police Station and Superintendent of Police. The contention regarding lack of jurisdiction of the Commissioner is wholly misconceived, as the Commissioner was competent to entertain and decide the appeal under Rule 121 of the Explosives Rules, 2008. In view of the aforesaid facts and circumstances, the

writ petition is devoid of merit and deserves to be dismissed with exemplary costs.

7. Learned counsel for respondent No. 9/Gram Panchayat Dignagar submits that the NOC relied upon by the petitioner was not supported by a valid resolution/consent of the Gram Sabha and that the resolution dated 22.08.2024 was subsequently declared forged vide resolution dated 25.10.2024. It is further submitted that the petitioner's NOC and consequential licence were issued without proper compliance with the statutory requirements and without duly considering the objections and interests of the villagers. It is, therefore, submitted that the impugned order dated 02.06.2026 cancelling the NOC and consequential licence is justified and calls for no interference by this Court.
8. Having heard learned counsel for the parties, perused the record, and considered the facts and circumstances of the case, this Court is of the considered view that the matter requires fresh consideration by the competent authority in accordance with law. Accordingly, the petitioner is directed to submit an appropriate application before the concerned Collector. Upon receipt of such application, the Collector shall obtain the requisite objections/NOCs from the concerned Gram Panchayat and all other relevant authorities and shall thereafter reconsider the matter afresh, particularly in view of the fact that the earlier NOC was based upon a Gram Panchayat resolution which was subsequently found to be fraudulent and no fresh NOC was

obtained in respect of Khasra No. 283/5. The Collector shall also take into consideration the existing mining and mineral-related activities in the vicinity and pass a reasoned and speaking order after affording due opportunity of hearing to the petitioner and all other affected/interested parties. Such exercise shall be completed expeditiously and, in any event, within a period of 45 days from the date of receipt of a copy of this order.

9. With this observation and direction this petition stands **disposed of**.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
03.08.2026	22.09.2026.	--	22.09.2026