

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR.(1) SB CIVIL WRIT PETITION NO. 2769/2010
M/s. Diya Constructors Product Industries
Versus.

State of Rajasthan and another

(2) SB CIVIL WRIT PETITION NO. 2770/2010
M/s. Diya Constructors Product Industries
Versus.

State of Rajasthan and another

DATE OF ORDER : 30/04/2010

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. RN Mathur, for petitioners.

Counsel submits that the other identical writ petitions preferred by the writ petitioners were initially decided by the Single Bench on the premise that in view of alternative remedy available of appeal, the writ petitions are not maintainable. However, a condition of 50% amount computed was directed to be deposited by the writ petitioners. However, on Special Appeal, bearing DB Civil Special Appeal (Writ) No. 216/2010 and other Special Appeals, being preferred by the said writ petitioners, the Division Bench, while disposing of the appeal vide order dated 12/04/2010, has modified the order to the extent that payment of 50% amount computed may not be considered as a condition precedent for maintaining the appeal preferred under Rule 48 of the Rules.

Accordingly, in the light of the order of

the Division Bench passed in DB Civil Special Appeal (Writ) No. 216/2010 on 12/04/2010 and other connected cases, referred to supra, the present writ petitions also stand disposed of being not maintainable. However, the petitioner will not be under obligation to pay 50% amount computed while filing appeal under Rule 48 of the Rajasthan Minor Mineral Concession Rules, 1986

[AJAY RASTOGI], J.

Raghu/p. 2/ 2769-CW-2010-final.doc