HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.16680/2013

Smt Murti Devi W/o Shri Dilip Singh Yadav, Aged about 58 years, R/o Kharkhara, District – Rewari, Haryana. ----Petitioner

Versus

1. The State of Rajasthan Through its Secretary, Department of Mines and Geology, Secretrate, Jaipur
2. Director, Mines and Geology, Udaipur
3. Mining Engineer, Mines and Geology Department, Sikar

----Respondents

Connected With

S.B. Civil Writ Petition No. 16914/2013

Smt. Meena Devi W/o Shri Dharampal Yadav, aged about 29 years, R/o Kharkhara, District Rewari Haryana.

----Petitioner

Versus

1. The State of Rajasthan through its Secretary, Department of Mines and Geology, Secretariat, Jaipur.
2. Director, Mines and Geology, Udaipur.
3. Mining Engineer, Mines and Geology Department, Sikar (Raj.)

----Respondents

S.B. Civil Writ Petition No. 16915/2013

Smt. Beena Devi W/o Shri Virendra Singh Yadav, aged about 47 years, R/o H. No.3471, Gali Bajrang Bali Street, Chawari Bazar, New Delhi.

----Petitioner

Versus

1. The State of Rajasthan through its Secretary, Department of Mines and Geology, Secretariat, Jaipur.
2. Director, Mines and Geology, Udaipur.
3. Mining Engineer, Mines and Geology Department, Sikar (Raj.)

----Respondents

For Petitioner(s)	:	Mr.Arvind Soni, Adv.
For Respondent(s)	:	Mr.Zakir Hussain, Additional Govt. Counsel.

HON'BLE MR. JUSTICE AVNEESH JHINGAN
Order

30/11/2023

1. The issue involved in all these petitions is similar and is being decided by a common order. The facts of *S.B. Civil Writ Petition No.16680/2013* are taken as a lead case.

2. This petition is filed seeking quashing of the impugned order dated 23.07.2023, whereby the application filed by the petitioner for grant of mining lease of Masonry Stone was rejected.

3. There is a backdrop to litigation of this case. The petitioner filed application on 08.01.2004 for grant of mining lease of Masonry Stone in area of Kundala Ki Dhuni, Sikar. The application was rejected by the Mining Engineer, Sikar on 31.12.2003. The petitioner failed in First and Second appeal. The petitioner approached this Court by filing S.B. Civil Writ Petition No.5048 of 2007. The writ petition was allowed, the impugned order was set aside, the matter was remanded back with the directions to the respondent to allow an opportunity to the petitioner to remove the deficiencies in pursuance to the notice issued and thereafter to decide the application fresh on merits.

4. Thereafter, vide order dated 26.07.2012 the application was rejected stating that the matter needs no adjudication. The contempt petition filed by the petitioner was disposed of on 21.05.2013 with directions to the respondents to comply with the directions passed in the writ petition and to consider the matter fresh by passing a speaking order.

5. The prayer of the petitioner was rejected on 23.07.2013, the reason mentioned for rejection was that there were major minerals in the area concerned, hence the mining lease for Masonry Stone cannot be granted.

6. The *inter-alia* grievance raised by the counsel for the petitioner is that in the same area 39 leases have been granted for Masonry Stone.

7. Learned counsel for the respondents submits that the petitioner has statutory remedy of appeal against the impugned order.

8. There are disputed question of fact involved in the petition. The issue as to whether the other applicants, who were granted mining lease in some area, were similarly situated or not; would require adducing of evidence. No case is made out for interference in the writ court.

9. The petition is dismissed relegating the petitioners to the alternative remedy.

10. At this stage, counsel for the petitioner submits that the limitation for filing appeal be extended. In the eventuality of the petitioner filing an appeal along-with application for condonation of delay, there is no doubt that the same shall be considered in accordance with law by the Appellate Authority taking into account the time period for which the writ petitions were pending in this Court.

(AVNEESH JHINGAN),J

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