

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3108 of 2026**

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KANABHAI MERAMANBHAI ALIAS MERUBHAI JADAV
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MS KRUTI M SHAH WITH MR JAY N SHAH(10668) for the Petitioner(s) No. 1

MR ADITYA DAVDA, ASST. GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4,5

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CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 05/05/2026

ORDER

1. Heard learned counsel for the respective parties.
2. Learned counsel Ms. Shah, appearing on behalf of the petitioner, has submitted that the respondents authorities may be directed to consider the case of the petitioner in view of the provisions of Rule 90(A) of the Gujarat Minor Mineral Concession Rules, 2017, which reads as under :

“90A. Transfer to legal heir.-

In case of the death of holder of a mineral concession, the mineral concession may deemed to be transferred to the legal heir of the deceased subject to compliance of this rule 90A.

(1) The legal heir of the deceased shall intimate the Government of such death of the holder of the mineral concession within one hundred and eighty days, with adequate documentary evidence, and shall also furnish all particulars of the legal heir in whose name the mineral concession is to be transferred.

2) If the legal heir of the deceased fails without sufficient cause to furnish

the information referred to in sub-rule (1), a fine of Rs. Ten thousand shall be imposed for delay of every one hundred and eighty days of the District Collector.

Provided that, where such intimation is received in time, the Granting authority for such quarry Lease shall be the competent authority to take decision. In case, where such intimation is not received within two years the matter shall be referred to the State Government, whose decision shall be final;

Provided further that in case of continued contravention of the provisions of sub-rule (1), the Government may terminate the mineral concession:

Provided also that, no such termination order shall be made without giving the legal heirs reasonable opportunity of stating his case."

3. She has submitted that in view of the above provision, the name of the legal heir of the deceased petitioner is required to be incorporated and the lease is required to be transferred in the name of legal heir of the deceased petitioner. She has further submitted in similar situation, the District Collector, Kutch has considered and passed the order dated 24.08.2021 in case of Abubakar Ishak Aamad Juneja.

4. In light of above, pending the present petition, the petitioner shall approach the District Collector, Gir Somnath by way of an application within a period of two weeks from the date of receipt of writ of this order and the District Collector, Gir Somnath shall consider the case of the petitioner and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of application of the petitioner.

Stand over to **16.07.2026**.

Direct service is permitted.

(HEMANT M. PRACHCHHAK,J)

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