

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:

MR JAY N SHAH(10668) for the Petitioner(s) No. 1

HENIL SHAH AGP for the Respondent(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 16/07/2026

ORDER

1. Heard learned Advocate Mr. J.N. Shah for the petitioner and learned AGP Mr. Henil Shah for the respondents.
2. By way of the present petition, the petitioner has prayed for the following reliefs;

(A) Admit and allow this petition;

(B) THIS HON'BLE COURT MAY BE PLEASED TO issue writ, direction or order to Respondent authority more particularly Respondent No. 4 to substitute/join name of Petitioner in place of his deceased father in Letter of Intent dtd. 10/03/2022 consequently thereby, direct respondent issue order of grant of lease and execute the lease deed in favor of the petitioner for the Lease block being Sindhaj Building lime stone Block A located in Gir

Somnath for building limestone mineral admeasuring 1.04.35 Hec. in Survey no. 343/2/P1 and 343/2/P2.

(C) THIS HON'BLE COURT MAY BE PLEASED TO direct the Respondent No. 4 to allow the application dtd. 31/01/2024 filed by the petitioner pending before Respondent No. 4 (Annexure L) within reasonable time as deem fit by this Hon'ble Court, in the interest of justice.

(D) THIS HONORABLE COURT MAY BE PLEASED TO grant such other and further relief/s as may be deemed fit, just and proper in the facts and circumstances of the case, in the interest of justice and equity.

3. It is the case of the petitioner that his father, Merubhai Oghahdbhai Jadav, was the owner of the land bearing Survey Nos. 343/2/P1 and 343/2/P2, situated at Village Sindhaj, Taluka Kodinar, District Gir Somnath. It is further the case of the petitioner that a Letter of Intent (LOI) in respect of the aforesaid land was granted in favour of his father vide order dated 10.03.2022.

4. Thereafter, the petitioner's father passed away on 28.11.2023. Consequently, in view of the provisions of the Gujarat Minor Mineral Concession Rules, 2017, the Letter of Intent (LOI) could not be transferred in favour of the

petitioner, as Rule 90A, as it then stood, permitted transfer only of a mineral concession and not of a Letter of Intent. The erstwhile Rule 90A of the Gujarat Minor Mineral Concession Rules, 2017, 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.”

5. Subsequently, the Government of Gujarat, Industries and Mines Department, issued a Notification dated 11.06.2026, notifying the Gujarat Minor Mineral Concession (Second Amendment) Rules, 2026, whereby Rule 90A of the Gujarat Minor Mineral Concession Rules, 2017 came to be substituted. The substituted Rule 90A reads as under;

“90A Transfer to legal heir.

In the event of the death of a holder of a mineral concession or preferred bidder or holder of a letter of intent or holder of an order of grant of a lease, including cases where in the lease deed has been executed but not registered, or a prior approval has been granted under Chapter-IIA of the said rules, as the case may be, the mineral concession or letter of intent or order of grant, including cases wherein the lease deed has been executed but not registered, or the prior approval given under Chapter-IIA of the said rules, as the case may be, may be deemed to have been transferred to the legal heir of the

deceased, subject to compliance of the provision of rule 90A.

(1) The legal heir of the deceased shall intimate the Government of such death of the holder of the mineral concession or preferred bidder or holder of letter of intent or holder of the order of grant of a lease, including cases where the lease deed has been executed but not registered, or prior approval has been granted under Chapter-IIA of the said rules, as the case may be, within a period of one hundred and eighty days from the date of death with adequate documentary evidence. The legal heir shall also furnish the particulars of the legal heir in whose favour such mineral concession or letter of intent or order of grant, including cases where the lease deed has been executed but not registered, or the prior approval given under Chapter-IIA of the said rules, as the case may be, is proposed 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 by the District Collector for delay of every one hundred and eighty days:

Provided that where such intimation is received in time, the Granting Authority for such quarry lease shall be the Competent Authority to take a decision. In case, where such intimation is not received within a period of 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 or letter of intent or order of grant, including cases where the lease deed has been executed but not registered, or the prior approval granted under Chapter-IIA of the said rules, as the case may be:

Provided also that no such termination order shall be passed unless the legal heir has been given a reasonable opportunity of being heard.

6. In view of the amended Rule 90A, learned advocate Mr. Jayesh Shah submitted that a holder of a Letter of Intent (LOI) is now also entitled to seek transfer of the LOI in favour of the legal heir of the person in whose favour the LOI was originally issued. He, therefore, submitted that Respondent No. 4 – Collector, Gir Somnath, be directed to transfer the Letter of Intent and to take consequential steps for grant of the lease in favour of the present petitioner.

7. Learned AGP Mr. Henil Shah could not dispute the aforesaid fact that the petitioner's father was the holder of the Letter of Intent (LOI) and had passed away on 28.11.2023. He also could not dispute that, in view of the amendment to Rule 90A brought into force by Notification dated 11.06.2026, the

petitioner, being the legal heir, is entitled to seek substitution of his name in place of his deceased father in respect of the Letter of Intent.

8. Accordingly, in view of the above, Respondent No. 4 is directed to consider and decide the petitioner's pending application in accordance with the Notification dated 11.06.2026 and the amended provisions of Rule 90A of the Gujarat Minor Mineral Concession Rules, 2017. If the petitioner is found eligible, Respondent No. 4 shall pass appropriate orders substituting the name of the petitioner in place of his deceased father, Merubhai Oghahdbhai Jadav, in the Letter of Intent and thereafter take consequential steps in accordance with law. The petitioner shall file a fresh application, along with a copy of this order, before Respondent No. 4 within a period of one week from today. Upon receipt of such application, Respondent No. 4 shall decide the same and pass appropriate orders within a period of one month thereafter.

9. With the aforesaid observations and directions, the petition stands disposed of.

BHAVIN MEHTA

(NIRZAR S. DESAI,J)