

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 4753 of 2024****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

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| =====                  |     |    |
| Approved for Reporting | Yes | No |
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| =====                  |     |    |

VAGHERA DEVJIBHAI NATHABHAI

Versus

STATE OF GUJARAT &amp; ORS.

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Appearance:

ANAND R PATEL(7352) for the Petitioner(s) No. 1

MS DIXA PANDYA AGP for the Respondent(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2,3

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.  
PRACHCHHAK****Date : 01/05/2026****JUDGMENT**

1. RULE returnable forthwith. Ms. Dixa Pandya, learned AGP waives service of Rule on behalf of the respondent no.1.

2. With the consent of both the parties, the matter is taken up for final hearing today.

3. Present petition is filed by the petitioner under Article 226 of the Constitution of India read with the provisions of Mines and Minerals (Development and Regulation) Act, 1957 and Gujarat Minor Mineral Concession Rules, 2010/2017 seeking following reliefs:

*“(A) to quash and set aside the impugned communication dated 25.01.2024 (Annexure-1) issued by the Respondent No.3-Geologist and consequently direct the Respondent authorities on unlock the ATR/e-royalty account of the Petitioner with respect to quarry lease (QL 0108041914) admeasuring 4-90-00 Hectare, situated at Und River, Village Majoth, Taluka Dhrol, District Jamnagar;*

*(B) to stay, pending the hearing and final disposal of the present Special Civil Application, the impugned communication dated 25.01.2024 (Annexure-1) issued by the Respondent No.3-Geologist;*

*(C) to direct the Respondents, pending the hearing and final disposal of the present Special Civil Application, to unlock the ATR / e-royalty account of the Petitioner with respect to quarry lease (QL 0108041914) admeasuring 4-90-00 Hectare, situated at Und River, Village Majoth, Taluka Dhrol, District Jamnagar,*

*(D) to provide for the costs of the present Special Civil Application;*

*(E) to pass such other and further orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the present case.”*

4. Brief facts giving rise to the present petition are that, a Mining order dated 04.05.2017 was issued to the Petitioner granting quarry lease (QL 0108041914) for mining ordinary sand (a minor mineral) in respect of an area admeasuring 4-90-00 Hectare, situated at Und River, Village Majoth, Taluka Dhrol, District Jamnagar for a period of 3 years. That, Mining lease dated 09.06.2017 came to be executed in favour of the Petitioner. That, in view of notification dated 09.03.2018 issued by the Industries and Mines Department, Government of Gujarat, Respondent No.3-Geologist issued a Circular requesting the

leaseholders to apply online for extension of their respective quarry lease. That, petitioner made an online application for extension of the quarry lease. That, the Industries and Mines Department, Government of Gujarat issued another notification dated 30.03.2022 further amending the Rule 12 of 2017 Concession Rules, and accordingly, the quarry lease of the Petitioner stood extended upto 31.03.2025. That, the petitioner received a Show cause notice issued by the Respondent No.3-Geologist to show cause for the delay in getting the lease deed dated 09.06.2017 registered. That, the ATR/e-royalty account of the Petitioner was closed without any intimation and/or hearing. That, Respondent No.3-Geologist issued impugned communication dated 25.01.2024 informing the petitioner that the lease of the Petitioner has already expired on 08.06.2022 and directed the Petitioner to return the special security papers / royalty pass to the Respondent No.3-Geologist. Being aggrieved by the same, the petitioner has preferred the petition.

5. Heard Mr. Anand Patel, learned counsel for the petitioner and Ms. Dixa Pandya, learned AGP for the respondent no.1.

6. Mr. Patel, learned counsel for the petitioner has submitted the same facts which are narrated in the memo of petition and has further submitted that the action of the respondent authorities to close the online ATR/e-royalty account of the petitioner is in violation of the procedure required to be followed under Rule 5(4) of the Gujarat Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2017 and hence, the impugned communication is required to be quashed and set aside and the petition is required to be allowed.

7. Ms. Pandya, learned AGP has opposed the present petition and submitted that there is no any infirmity or any illegality in the impugned communication issued by respondent no.3 and therefore, no interference is required to be called for in the present petition and that the present petition is required to be dismissed.

8. I have heard the learned counsel for the respective parties and perused the materials available on record. I have also considered the impugned communication issued by respondent no. 3-Geologist. It appears that during the pendency of the present petition, the Co-ordinate Bench of this Court has decided an identical issue in Special Civil Application No. 10012 of 2024 dated 08.08.2024 and the relevant findings have been recorded in paragraphs 5 and 6 of the said judgment more particularly, paragraph 25 of paragraph 5 while quoting the Rules of 2017.

8.1 Considering the facts and circumstances of the case and in view of the aforesaid decision of this Court in Special Civil Application No. 10012 of 2024, no ground is available to the petitioner to challenge the impugned action of the respondent. In view of the aforesaid facts, this Court is of the opinion that no case is made out to be entertained in the present petition and hence, the petition deserves to be dismissed.

9. In the result, the petition is hereby dismissed. Rule is discharged. No order as to costs.

**(HEMANT M. PRACHCHHAK,J)**

ANUSRI