

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 7715/2025

Pacific Industries Limited, Registered Office At Village Bedla
Udaipur, Rajasthan, Through Its Authorized Signatory Mahendra
Kumar Rathore, Aged About 39 Years.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Additional Chief Secretary, Department Of Mines And Geology, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director, Mines And Geology, Government Of Rajasthan, Directorate Of Mines, Khanij Bhawan, Shastri Circle, Udaipur-313001 (Raj.).
3. The Assistant Mining Engineer, Department Of Mines And Geology, Tehsil Neem Ka Thana, District Sikar.

-----Respondents

For Petitioner(s)	:	Mr. Akhilesh Rajpurohit
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG assisted by Mr. Gaurav Bishnoi, AAAG

JUSTICE DINESH MEHTA

Order

17/07/2025

1. Mr. Akhilesh Rajpurohit, learned counsel for the petitioner submits that the stipulation given in the order dated 09.05.2024 as subsequently modified by the order dated 27.05.2025 passed by Hon'ble the Supreme Court only puts an embargo on excavation or winning the minerals. However, as far as grant of composite license, prospecting license and execution of mining lease is concerned, there is no such restriction.
2. He submitted that the petitioner had been found to be a preferred bidder and a Letter of Intent dated 09.10.2023 had been

issued and therefore, a mandamus be issued to the State Government to at least grant the petitioner, a composite license so that it can commence prospecting activities and assess the availability of the minerals, including its approximate percentage/quantity, which will ultimately benefit the State Government.

3. Mr. Mahaveer Bishnoi, learned Additional Advocate General appearing for the State submitted that the writ petition is premature as no final order in terms of Hon'ble the Supreme Court's orders has yet been passed by the State Government.

4. He submitted that unless a final order refusing him to issue composite license is passed, the petitioner has no cause of action to approach this Court.

5. The action of the State has evidently been prompted essentially in light of the order dated 09.05.2024 passed by Hon'ble the Supreme Court in *Writ Petition(s) (Civil) No.4677/1985: M.C. Mehta Vs. Union of India & Ors.*

6. Heard learned counsel for the parties and perused the record, including the order dated 09.05.2024 so also the subsequent order dated 27.05.2025 passed by Hon'ble the Supreme Court.

7. Para Nos. 13 and 14 of the order dated 09.05.2024, passed by Hon'ble the Supreme Court are reproduced hereunder:-

"13. In that view of the matter, to balance the competing interest, we find that the following direction would subserve the purpose:-

Until further orders, though all the States in which Aravalli Ranges and Hills are situated would be at

liberty to consider and process the applications for grant of mining leases and also for renewal thereof including obtaining statutory clearances from the various authorities, no final permission shall be granted for mining in the Aravalli Hills/Ranges, as defined in the FSI Report dated 25.08.2010, without permission from this Court.

14. Needless to state that this order in no way shall be construed as prohibiting the legal mining activities which are being carried out in accordance with the valid permits/licences.”

8. If the order dated 09.05.2024, more particularly para Nos. 13 and 14 reproduced hereinabove are read conjointly, it is apparent that Hon’ble the Supreme Court has restrained the State Governments where the Aravali Ranges and Hills are spread, from granting fresh mining lease and the renewal thereof.

9. According to this Court, if the State grants the petitioner and other similarly situated preferred bidders the necessary/requisite license, it would save considerable time that would otherwise be required for prospecting and exploring the availability of the mineral resources. Such activities, including prospecting if carried out by scientific methods without disturbing the environment, would not be defiance of the directions of Hon’ble the Supreme Court.

10. Keeping the rights of the petitioner in suspended animation is not to anybody’s advantage.

11. Having heard learned counsel for the parties, this Court is of the prima-facie opinion that so far as the above referred orders of Hon’ble the Supreme Court are concerned, they restrain the State

Government from allowing mining activities and issuing a final order permitting mining lease holder to carry out excavation of the minerals, however, there is no impediment in issuing composite license, prospecting license and undertaking the process which are pre-cursor for grant of mining lease such as environment clearance, deposition of the bid security money etc., subject of course to the final order of Hon'ble the Supreme Court.

12. The writ petition is therefore, allowed and while directing the respondent – State to issue composite license to the petitioner within a period of two months in accordance with law, subject ofcourse to fulfillment of all requisite conditions.

13. The petition stands allowed as indicated above.

(DINESH MEHTA),J