

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

S.B. Civil Writ Petition No. 16018/2025

Chhoturam S/o Shri Mangla Ram, Aged About 47 Years, R/o Rar
Ki Dhani, Post- Suliyawas, Via- Danta, Tehsil- Dnataramgargh,
District Sikar (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Mines
Department, Government Of Rajasthan, Secretariat,
Jaipur.
2. Chief Secretary, State Government Of Rajasthan,
Secretariat, Jaipur (Raj.).
3. The Joint Secretary (Mines), Mines Department,
Government Of Rajasthan, Secretariat, Jaipur.
4. The Director, Mines And Geology Department, Directorate,
Khanij Bhawan, Udaipur.
5. The Mining Engineer, Mines And Geology Department,
Jodhpur Zone, Jodhpur.
6. The Additional Director, Mines And Geology Department,
Jodhpur Zone, Jodhpur.
7. The Assistant Mining Engineer, Mines And Geology
Department, Jaisalmer.

-----Respondents

For Petitioner(s)	:	Mr. Om Prakash Kumawat
For Respondent(s)	:	Mr. Gaurav Bishnoi for Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

24/02/2026

1. Learned counsel for petitioner submits that the issue
involved in present writ petition is squarely covered by the
judgment passed by Coordinate Bench of this Court in the case of

***Dalpat Singh Vs. Union of India & Ors. (S.B. Civil Writ
Petition No. 5211/2021) decided on 18.07.2023.***

2. Learned counsel for respondent raised preliminary objection regarding maintainability of writ petition on the ground of non-impleadment of necessary party as well as on the ground of delay and laches. Learned counsel for the respondent stated that mineral involved in the present writ petition is major mineral, thus writ petition cannot be maintained without impleading Union of India as party respondent. Further, it is contended that order impugned was passed in year 2021, whereas the same has been challenged in year 2025, without giving any explanation for delay.

3. Learned counsel for the petitioner submits that as a matter of fact, order dated 10.02.2021, impugned in present writ petition has been passed by the Mining (Group 2) Department, State of Rajasthan, therefore, Union of India is not necessary party.

4. This Court is of the opinion that since the challenge has been laid against order passed by the Mining department, State of Rajasthan and the issues involved can be decided in presence of existing parties, therefore, objection raised by learned counsel for respondent regarding non-impleadment of necessary party is not sustainable.

5. Regarding objection of delay, learned counsel for petitioner submits that as a matter of fact, the order impugned dated 10.02.2021 has been passed by a Committee constituted by the Mining Department, State of Rajasthan, however, the same had not been served upon petitioner.

6. Learned counsel for respondent failed to dispute said fact and has not provided any specific details with regard to service of

the said order upon petitioner. In view of the same, said objection regarding delay is also rejected as being misconceived.

7. Learned counsel for the respondent has failed to establish that the controversy involved in the present case is not covered by the judgment passed in the case of Dalpat Singh (Supra).

8. The relevant part of the judgment passed in the case of Dalpat Singh (Supra) is quoted below:

"36. Thus, this Court finds that the impugned action and the decision of the State Government is ad-verbetum the same and the reason for canceling the LoIs/Pls of the present petitioners is the same as was for the petitioner in the case of M/s. Kamlesh Meta cast Pvt. Ltd.

37. The action of the State Government is such that it has failed to exercise degree of fairness and rather the action of the State Government is highly discriminatory as on one hand, when the impugned action of the State has been held to be invalid and the impugned orders have also been quashed and set aside by this Court in the case of M/s. Kamlesh Meta cast Pvt. Ltd. (supra) and on the other hand, the plea of the State Government that the present writ petitions may be dismissed on the ground of alternative remedy being available, is found to be ex-facie discriminatory. Thus, in such facts and circumstances of the case, writ jurisdiction can be exercise and mere existence of alternative remedy cannot preclude the petitioners from invoking the writ jurisdiction and it would be highly arbitrary and unjust to relegate the parties to avail statutory remedy of revision after such a long battle before this Court and particularly this one being the second round of litigation.

38. This Court, vide its judgment rendered in the case of *M/s.Kamlesh Meta cast Pvt. Ltd. (supra)* has already adjudicated upon the controversy involved in the present writ petitions and thus the point of distinguishing the case on the ground that the present petitioners have not availed the statutory alternative remedy of revision petition does not sustain. This Court, while keeping in view that a set of persons on the same pedestal had been granted relief whereas the present petitioners, while deviating in a process of seeking separate remedy, have been deprived of their valuable rights. Both the set of persons, who were granted LoIs/PLs ought to have been treated in law on an equal footing. The relief sought is similar to the relief sought in the case of *M/s. Kamlesh Meta cast Pvt. Ltd. (supra)* and the same thus ought to be granted on the same pedestal. It is another thing that on determination of merits also, the petitioners succeed because the statute saves their applications for LoIs/PLs and the respondents have not been able to point out any illegality in continuing with the process of rights that had already accrued to the petitioners and crystalized.

39. Resultantly, the writ petitions are allowed in terms of the judgment rendered in the case of *M/s. Kamlesh Meta cast Pvt. Ltd. (supra)*. The impugned orders canceling LoIs/PLs of the petitioners are hereby quashed and set aside and the respondents are directed to proceed in the matter as per the directions given in the case of *M/s. Kamlesh Meta cast Pvt. Ltd.(supra)* in accordance with law.

40. The stay application and all other pending applications, if any, stand disposed of."

9. In view of the discussions made above, present writ petition is decided on similar terms of the judgment delivered in Dalpat Singh (Supra) and the directions contained in the said judgment shall apply mutatis mutandis in case of the petitioner.

(SANJEET PUROHIT),J

16-yagya/-