

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

D.B. Spl. Appl. Writ No. 1193/2024

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

----Appellants

Versus

1. Sarvshree Himgauri Enterprises, Office At 263, Vaishnav Bhawan, Village Post Jewana, Tehsil Mavli, District Udaipur Through Authorized Signatory M.d. Vaishnav S/o Shri Madhav Das Vaishnav.
2. Union Of India, Through The Secretary, Ministry Of Mines, Mines Department, New Delhi.

----Respondents

For Appellant(s)	:	Mr. Mahaveer Bishnoi, AAG
For Respondent(s)	:	Mr. Vishal Sharma Mr. Uttam Singh Rajpurohit

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI**

Order

05/03/2025

1. In the present appeal, a Coordinate Bench of this Court vide order dated 15.01.2025, stayed the effect and operation of the order 10.07.2024, passed in S.B. Civil Writ Petition No.10280/2024.

2. Learned counsel for the respondents submits that in an identical matter i.e. **D.B. Special Appeal Writ No.769/2023 (State of Rajasthan & Ors. Vs. Dalpat Singh Chundawat)**, decided on 30.01.2025, this Court has already vacated the stay granted to the appellant, consequently the stay petition was dismissed.

3. The order dated 30.01.2025, passed in D.B. Special Appeal Writ No.769/2023 reads as follows:-

"1. Heard on the applications for vacation of stay.

2. In this batch of appeals, interim order was granted by this Court, taking into consideration the interim order dated 17.10.2023, passed by a Bench of this Court at Jaipur in D.B. Special Appeal Writ No.688/2023 (State of Rajasthan & Ors. Vs Ashok Kumar Jain) and other connected appeals.

3. Learned counsel appearing for the respondents would submit that the interim order passed in the aforesaid case has now been vacated by this Court at Jaipur Bench vide order dated 20.12.2024. Therefore, the interim orders passed in these cases may also be vacated.

4. Learned counsel for the appellant-State would submit that against the order passed by the Bench of this Court at Jaipur in D.B. Special Appeal Writ No.688/2023, the State has already preferred a Special Leave Petition before the Hon'ble Supreme Court which is pending consideration.

5. Upon being asked as to whether the order vacating the stay has been stayed by the Hon'ble Supreme Court or not, the learned counsel for the State informs that the matter is still pending before the Hon'ble Supreme Court.

6. In view of the above, the interim orders passed in these cases are vacated for the reasons mentioned in the order dated 20.12.2024 passed in D.B. Special Appeal Writ No.688/2023 by the Jaipur Bench."

4. Learned counsel for the respondents prays that the interim order passed in this case be also vacated.

5. In view of the above submission, the interim order passed in this case is also vacated for the reasons mentioned in the order dated 20.12.2024, passed in D.B. Special Appeal Writ No.688/2023 by the Jaipur Bench.

6. List the matter alongwith D.B. Special Appeal Writ No.769/2023.

(CHANDRA PRAKASH SHRIMALI),J (DR.PUSHPENDRA SINGH BHATI),J