



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

S.B. Civil Writ Petition No. 34/2024

Indu Jain W/o S.k. Jain, Aged About 59 Years, R/o Ratitlayi, Banswara, Tehsil And District Banswara Through Power Of Attorney Holder Man Singh Meena S/o Ramkaran Meena, Aged About 57 Years, R/o Behind Reliance Petrol Pump, Udaipur Road, Banswara, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Mines And Geology, Govt. Of Rajasthan, Hiran Magri, Udaipur (Raj.).
2. The Additional Chief Secretary, Department Of Mines And Geology, Govt. Of Rajasthan, Jaipur (Raj.).
3. The Additional Director (Mines), Department Of Mines And Geology, Udaipur (Raj.).
4. The Mining Engineer, Mines And Geology Department, Banswara (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari.
For Respondent(s)	:	Mr. Mahavir Bishnoi, AAG assisted by Mr. Devendra Prajapat, AGC Mr. Hemant Kumar Ballani.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

25/03/2025

Heard learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

"1. The Impugned Notice/Order dated 10.11.2023 (Anx.10) passed by the Respondent Authority and all further proceedings pursuant to such Impugned Notice/Order dated 10.11.2023 (Anx.10) may kindly be declared illegal and set aside;

2. The respondents be precluded from causing any obstacles in the day to day running of petitioner's mining activities over the premises-in-question;".

Learned counsel for the respondent-applicant submits that an application has been filed by the applicant before the Mining Authorities that the petitioner has shifted FRP and he is encroaching upon the mining area of the applicant. On such application being filed by the respondent-applicant, the matter was referred to the Additional Director (Mines), Department of Mines and Geology, Udaipur and the Additional Director (Mines), Udaipur has passed an order dated 10.11.2023 whereby a report has been sought from the Mining Engineer on the aspect of operation of excavation of minerals done by the petitioner as well as respondent-applicant after getting the area inspected in the presence of both the parties.

Learned counsel for the parties are in agreement dated let the area be inspected by the concerned Mining Engineer with a direction that the area in operation of both the parties is being excavated in pursuance of their mining leases only. A factual report to that aspect may be prepared in the presence of both the parties and the same may be sent to the Additional Director (Mines), Department of Mines & Geology, Udaipur in compliance of the order dated 10.11.2023. The Additional Director (Mines), Department of Mines & Geology, Udaipur on the basis of that report shall give an opportunity of hearing to both the parties and decide the issue with regard to boundary of the mining leases of the petitioner and applicant-respondent.

Let the said exercise be done within a period of four weeks from the date of receipt of certified copy of this order in supersession to all earlier orders.

The writ petition stands disposed of in the above terms.

All pending application (s) also stand disposed of.

(VINIT KUMAR MATHUR),J

31-Anil Singh/-