

**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. Mahaveer Bishnoi, AAG with Mr. Gaurav Bishnoi

JUSTICE DINESH MEHTA

Order

10/07/2024

1. Mr. Muktesh Maheshwari, learned counsel for the petitioner argued that once demarcation has been made and mining lease alongwith approved plan is executed, the respondents cannot tinker with the location pillar, as has been held by this Court in the case of **M/s. Khetan Business Corporation (P) Ltd., Bombay vs. State of Rajasthan & Ors.** reported in **RLW 2002 (3) Raj. 1556.**

2. Mr. Mahaveer Bishnoi, learned Additional Advocate General prays for and is granted two weeks' time to file reply.
3. It will be required of the respondent – State to file copy of the alleged survey and measurement, which is said to have been done by the respondents in furtherance of representation/complaint submitted by M/s. New Age Marble and Minerals. It will also be required of the respondents to apprise the Court as to whether the measurement/survey was done in the presence of the petitioner.
4. List this case on 12.08.2024, as prayed.
5. Meanwhile, the respondent – Mining Engineer shall not create any legal document in favour of either of the parties in relation to the area which is alleged to be overlapping.

(DINESH MEHTA),J