

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

D.B. Civil Writ Petition No. 23325/2025

Aam Janta Gram Aamla, Tehsil Lohawat, District Phalodi Through Its Representatives - (1) Mula Ram S/o Shri Mota Ram, Aged 45 Years, (2) Heera Ram S/o Dungar Ram, Aged 40 Years, (3) Raimal Singh S/o Shri Ram Singh, Aged 40 Years, All Residents Of Village Aamla, Tehsil Lohawat, District Phalodi.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Revenue, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Department Of Mines Petroleum, Govt. Of Rajasthan, Secretariat, Jaipur.
3. The Director, Mines And Geology (Head Quarter), Department Of Mines, Udaipur.
4. The District Collector, Phalodi.
5. The Superintending Mining Engineer, Department Of Mines, Jodhpur Circle, Jodhpur.
6. The Assistant Mining Engineer, Department Of Mines, Balesar, District Jodhpur.
7. M/s. Mangilal Maga Ram, Through Its Proprietor Shri Mangilal, Resident Of Chatal Nagar, Dayakor, Tehsil Lohawat, District Phalodi.
8. Vikramaditya Singh S/o Sh. Keshar Singh, Resident Of Village Aamla, Tehsil Lohawat, District Phalodi.

----Respondents

For Petitioner(s)	:	Mr. G.R. Punia Sr. Adv. Assisted by Mr. Rajesh Punia
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG Mr. Vikas Balia Sr. Adv. Assisted by Mr. Saurabh Maheshwari, Ms. Priyamwada Sinha Mr. Rajesh Joshi, Sr. Adv. Assisted by Ms. Kamini Joshi

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANJEET PUROHIT**

Order

16/12/2025

1. The present petition (PIL) has been preferred by the petitioner claiming the following reliefs :-

*I) be pleased to restrain the respondent
Superintending Mining Engineer, Jodhpur Circle,*

Jodhpur and Assistant Mining Engineer, Department of Mines and Geology, Balesar to issue any permit or short term permit for mining purposes in Khasra No.303/261 gair mumkin bhakar (Hilly area) of village Aamla, Tehsil Lohawat, District Phalodi.

ii) be pleased to direct the respondent District collector, Phalodi and mining department may kindly be directed to take administrative action against the illegal and initiate criminal proceedings against respondent no.7 and 8 for illegal mining in the prohibited area i.e. gair mumkin pahar (Bhakar)."

2. The matter comes up on an application (Inward No. 01/2025) under Order 1 Rule 10 CPC for impleading the applicant as a respondent.

3. For the reasons mentioned in the application, the same is allowed and the applicant, as mentioned in the application, is impleaded as a party respondent. The amended cause-title already filed is taken on record.

4. Other applications also come up before this Court for consideration (Inward Nos. 02/2025 and 04/2025) for vacation of the interim order dated 01.12.2025.

5. This Court was anxious when it was informed that short-term permits had been granted by the State for mining leases to various companies and that these companies continued mining activity even after the expiry of the term, and there was no effective control by the mining department over such activity. This prompted a Division Bench of this Court to believe that illegal

mining was being rampantly caused due to the inaction on the part of the respondents.

6. Today, the learned Additional Advocate General appearing for the respondent-State has drawn the attention of this Court to Rule 51 of the Rajasthan Minor Mineral Concession Rules, 2017, and submits that critical government projects, including the Bharat Mala project and National or Mega Highways, are stalled at a very delicate and critical juncture due to the interim order in operation. He, therefore, prays that the order dated 01.12.2025 may be modified to protect public utility and larger public interest by permitting short-term permits for government projects, insofar as they are lawful.

6.1 The relevant portion of Rule 51 of the Rules of 2017 reads as under :-

"51. Short term permit.- (1) Short term permit may be granted for excavation and use of mineral masonry stone, murram, [ordinary earth] to a contractor for executing works of Government, Semi-Government, Local Body, Panchayati Raj Institution or Organizations aided or funded by the government:

[Provided that for excavation of ordinary earth from khatedari land and used for filling or levelling purposes in construction of National or Mega Highways, Four or Six lane roads, laying of Railway Tracks, no permit shall be required and royalty and other payments shall be levied on the basis of G-schedule or consumption certificate. In such cases, consent of khatedar for excavation of ordinary earth shall be submitted to the concerned works Department.]"

7. Mr. Vikas Balia, learned Senior Counsel assisted by Mr. Saurabh Maheshwari appearing for the newly impleaded party respondent, submits that the Bharat Mala project has come to a standstill due to the interim order operating against short-term permits, whereas the short-term permits for the Bharat Mala project have been approved by the Hon'ble Supreme Court vide order dated 26.03.2025 in Interim Applications bearing I.A. Nos. 44500 & 44502 of 2025, I.A. Nos. 44507 & 44504 of 2025, and I.A. No. 75349 of 2025.

8. Due to constraint of time, this Court is unable to hear the matter at length, but in the larger public interest and looking at the delicate and important State projects that may be held up, which include Bharat Mala, this Court is inclined to modify the interim order dated 01.12.2025 to the extent that the State shall strictly ensure that all short-term permits granted to private persons for private projects shall cease to operate, and the concerned police authorities shall immediately stop such mines and the mining department shall take charge of them so that no illegal mining is continued by private respondents. The concerned mining engineer shall be personally responsible if such activities by private persons under short-term permits are allowed to continue. The concerned mining engineer shall also inform the Court about the short-term permits granted by him in the last year and whether mining activities are still continuing after the expiry of those permits.

9. It is made clear that this interim order shall not operate in respect of STPs that are being operated for the purpose of government projects. However, for every commercial or private project, including residential projects, the interim order shall continue to operate. It is further made clear that any STP operating beyond the stipulations contained therein or where the permit has expired, shall also remain stayed.

10. Accordingly, the applications (inward no.02/2025 and 04/2025) for vacation of interim order dated 01.12.2025 stand disposed of.

11. List the matter on 07.01.2026.

(SANJEET PUROHIT),J

(DR. PUSHPENDRA SINGH BHATI),J

173-Sudheer/-