

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6447/2024

Uma Shankar Sharma, Son Of Shri Govind Prasad Sharma, Aged
About 83 Years, Resident Of Patal Mandir Devi Ke Pass, Kumhar
Pada, Badi, Tehsil Badi, District Dholpur (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Mines And Geology, Secretariat, Jaipur.
2. Joint Secretary, Govt Of Rajasthan, Department Of Mines,
Secretariat, Jaipur.
3. Additional Director, Mines Department Of Mines And
Geology, Kota Zone, Kota
4. Mining Engineer, Department Of Mines And Geology,
Dholpur

-----Respondents

For Petitioner(s)	:	Mr. Ashwani Kumar Chobisa with Ms. Priyansha Gupta
For Respondent(s)	:	Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

18/03/2026

1. The present writ petition has been filed challenging the order dated 21.02.2024 passed by the Joint Secretary (Mines), Mines and Geology Department, Jaipur, Rajasthan vide which the appeal preferred by the petitioner under Rule 63 of the Rajasthan Minor Mineral Concession Rules, 2017 (hereinafter referred to as "**the Rules of 2017**") has been dismissed.
2. Mr. Ashwani Kumar Chobisa, Advocate, at this stage, has made limited submission that there has been an amendment in the Rules 25(5) of the Rules of 2017 on 03.01.2025 and submits that the said rule would govern the case of the petitioner as well. Thus, the limited prayer made is that the matter be remanded back to the learned Appellate Authority to consider the

applicability of the said amended rule to the petitioner in accordance with the law and to assess the demand accordingly.

3. The aforesaid submission so made by the learned counsel for the petitioner is not opposed by Mr. Rahul Lodha, learned AGC for the respondent, however, he submits that the question as to whether the said amended rule would apply to the petitioner or not would be independently considered by the learned Appellate Authority.

4. Heard learned counsel for the parties and perused the material available on record.

5. Taking note of the limited prayer so made by the learned counsel for the petitioner, the order dated 21.02.2024 is set aside and the matter is remanded back to the learned Joint Secretary Mines, to consider and adjudicate the applicability of the amendment in Rule 25(5) of the Rules of 2017, as made on 03.01.2025, strictly in accordance with law and to assess the demand thereafter.

6. It is also directed that the said determination shall be done without being prejudiced by the earlier order dated 21.02.2024 and the present order passed by this Court.

7. The said appeal be considered strictly in accordance with law within a period of four weeks from the date of submission of a certified copy of this order.

8. With the above directions, the writ petition is disposed of.

9. Pending application(s), if any, stand disposed of.

(ANUROOP SINGHI),J