

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7886/2026

Bachan Singh S/o Shri Makhan Lal, R/o Anchol, Post Naveli, Tehsil
Bayana District Bharatpur

-----Petitioner

Versus

1. The State of Rajasthan, Through its Secretary, Department Of
Mines, Secretariat, Jaipur
2. Mining Engineer, Government of Rajasthan, Department Of
Mines And Geology, Government of Rajasthan, Bharatpur.
3. Assistant Mining Engineer, Department of Mines And Geology,
Government Of Rajasthan, Tehsil Roopvas, District Bharatpur

-----Respondents

For Petitioner(s)	:	Mr. Yogesh Kumar Tailor, Advocate Mr. Amit Kumar Soni, Advocate & Ms. Vinita Sharma, Advocate
For Respondent(s)	:	None present

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

18/05/2026 :

Instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking implementation of the judgment dt.13.11.2007 passed by the Id. Division Bench of this Court in D.B. Civil Special Appeal (Writ) No.297/1996. By the said judgment, the appeal filed by the petitioner was allowed, the orders dt. 24.11.1995 & 14.06.1991 passed by the Id. Single Judge & the State Government respectively were set aside, and the matter was remanded back to the State Government for reconsideration.

Facts of the present case, in brief, are that the petitioner had obtained a mining lease for silica-sand over 90 acres (36.81 hectors) in Village Ancholi Tehsil Bayana District Bharatpur from 03.11.1979 for 20-years. While, the petitioner was carrying out mining

operations, the State Government declared the mining lease lapsed vide order dt.14.06.1991 without providing notice or an opportunity of hearing under Rule 28(1) of the Mineral Concession Rules, 1960. The petitioner challenged the said order before the Revisional Authority, Ministry of Mines, New Delhi, but the same was dismissed vide order dt.27.08.1993. Thereafter, a writ petition filed before the High Court was also dismissed on 24.11.1995. Against this, the petitioner filed a special appeal before the Division Bench, which was allowed vide order dt.13.11.2007, whereby the earlier orders were set aside, and the matter was remanded back to the State Government with directions to provide an opportunity of hearing to the petitioner & pass a reasoned order on the application of petitioner within two months. The petitioner, later-on served a notice dt.24.12.2025 seeking compliance with the judgment.

The only submission of learned counsel appearing for the petitioner is that despite the judgment dt.13.11.2007 having attained finality, the same has not been complied with by the respondent-authorities. Therefore, an appropriate directions may be issued.

Heard. Perused the judgment as well as the material made available on record.

Perusal of the record reveals that although, the petitioner had succeeded before the Id. Division Bench vide judgment dt. 13.11.2007, no steps were taken for almost 19 years by the petitioner against the non-compliance of the said judgment by the State Government. The petitioner remained silent throughout this period and approached this Court after an excessively long and unexplained delay.

It is well settled that the jurisdiction exercised by this Court under Article 226 of the Constitution of India is discretionary &

equitable in nature. A person, who fails to pursue his rights for a prolonged period cannot claim compliance of an old order as a matter of right. The delay & laches are important considerations while exercising writ jurisdiction.

This Court observed that the present writ petition is not being dismissed on merits contrary to the earlier judgment of the Id. Division Bench, but on account of the petitioner having approached this Court after almost two decades seeking compliance of that judgment. No satisfactory explanation was provided for such extraordinary delay.

In these circumstances, this Court is not inclined to exercise its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed on the ground of delay & laches.

Pending application, if any, also stands disposed of.

(VINOD KUMAR BHARWANI),J.