

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10780/2024

Lakshman Singh Shekhawat S/o (Late) Shri Dan Singh Shekhawat, Aged About 67 Years, Resident Of Opposite R.T.M. Hotel, National Highway No. 8, Kotputli, District Jaipur (Presently District Kotputli-Behror)(Raj.).

----Petitioner

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Department Of Mines And Petroleum, Government Of Rajasthan, Government Secretariat, Jaipur (Raj.)
2. The Deputy Secretary, Department Of Mines, Rajasthan, Jaipur (Raj.)
3. The Additional Director (Mines), Department Of Mines And Geology, Jaipur Region, Jaipur (Raj.), 4Th Floor, Khanij Bhawan, Udyog Bhawan Campus, Tilak Marg, C Scheme, Jaipur 302005
4. The Assistant Mining Engineer, Department Of Mines And Geology, Kotputli (Presently District Kotputli-Behror) (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Anurag Sharma, Mr. Harsh Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

05/07/2024

1. It has been contended by learned counsel for the petitioner that petitioner is recorded Khatedar of the land in question, wherein a mining lease was sanctioned by the Mining Department in the year 1969 for limestone and marble in favour of one Kailash Chand which continue upto to 1999. Thereafter, mining lease was

surrendered by legal representatives of lease holder Kailash Chand (Ann.12) which was accepted by the Mining Department vide order dated 20.01.2020 (Ann.13).

2. It has been contended that petitioner applied for issuance of mining lease in his favour. It was observed that mining mineral of limestone is available in the land and Mining Engineer has made recommendation to issue mining lease in favour of petitioner vide letter dated 24.11.2020 (Ann.23), however on the basis of subsequent report dated 05.02.2021, wherein the nature of minerals in the land in question has been observed to be cement grade (high grade limestone), the application of petitioner has been rejected vide order dated 04.08.2022 and the appellate authority without considering all such factual aspect has dismissed the appeal vide order dated 17.04.2023.

3. Learned counsel for the petitioner contends that the petitioner has right for issuance of the mining lease in his favour being fulfilling the eligibility and considering the nature of minerals laying in his Khatedari land and till date no third party rights have been created.

4. Let notice be issued to respondents.

5. In the meanwhile, status quo of the land in question be maintained, as it exists today.

(SUDESH BANSAL),J