

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6058/2024

Laxman Singh Son Of Mana @ Maan Singh,

----Petitioner

Versus

State Of Rajastahn

----Respondent

Connected with

- S.B. Criminal Miscellaneous (Petition) No. 860/2022
- S.B. Criminal Miscellaneous (Petition) No. 7760/2022
- S.B. Criminal Miscellaneous (Petition) No. 6314/2023
- S.B. Criminal Miscellaneous (Petition) No. 242/2024
- S.B. Criminal Miscellaneous (Petition) No. 2712/2024
- S.B. Criminal Miscellaneous (Petition) No. 3443/2024
- S.B. Criminal Miscellaneous (Petition) No. 4582/2024
- S.B. Criminal Miscellaneous (Petition) No. 4605/2024
- S.B. Criminal Miscellaneous (Petition) No. 5677/2024
- S.B. Criminal Miscellaneous (Petition) No. 6627/2024
- S.B. Criminal Miscellaneous (Petition) No. 5245/2024

For Petitioner(s)	:	Mr. Sneh Deep Khaliya, Amicus Curaie Mr. Tarun Agarwal, Amicus Curaie Mr. Harshit Mittal, Mr. Brijesh Bhardwaj, Mr. Aditya Mishra, Jitendra Bajaj, Mr. Jiya Ur Rahman, Mr. Gopendra Singh Shekhawat, Mr. Nikhlesh Katara, Mr. Atul Kumar Jain, Mr. Vimal Choudhary, , Mr. Syed Adeel Naqvi
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat with Mr. Rishi Raj Singh Rathore, PP Mr. Rahul Lodha

HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/10/2024

Present bunch of matters pertains to Rajasthan Mines and Mineral Concession Act and Rules, 2017. Learned counsel for the petitioners have submitted that once any quasi judicial order is

passed, it is expected that the principle of natural justice and *audi alteram partem*, are to be followed.

Learned counsel for the petitioners has further placed reliance upon the provisions of Rule 54, 63 and 64 of the Rajasthan Minor Mineral Concession Rules, 2017 and submitted that there is specified compounding fee, on payment of which qua the particular category of vehicle/equipment within the specified time, vehicle ought to be released.

Furthermore, it is submitted that no show cause notice was given and no *panchnama*, *supurdagi* and documents which were relied while imposing the fee and collection sheets, is provided and has arbitrarily determined the fee. Lastly, it is submitted that the petitioners are suffering from a long period of time.

Per contra, learned counsel for the respondent has submitted that the remedy of appeal lies as per Rule 63 of the Rajasthan Minor Mineral Concession Rules, 2017 wherein, the significance of word "any" qua the person and qua any order, has given liberty to the aggrieved parties to challenge the same before the appropriate authority.

Heard and considered.

In light of the judgment passed by Hon'ble Apex Court reported in **1998 (8) SCC 1** titled as **Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Ors.** more particularly para 9 and 15, it is a settled law that alternative remedy is not a bar in the following cases:-

1. When there is a violation of principle of natural justice.
2. Where the order or proceedings are entirely without jurisdiction.

3. When fundamental rights enshrined under the Constitution of India are violated.

In the instant batch of petitions it *prima facie* appear that the principle of natural justice are not followed by the department while exercising their powers.

The concerned Mining Engineers be impleaded as a party (as per the requisites in individual petition) and thereafter remain present in the Court, along with the relevant records.

List the matters on 06.11.2024 in supplementary cause list.

The instant matters will be de-tagged from the main bunch.

(SAMEER JAIN),J