

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13036/2022
CNR: RJHC020708912022 | URN: CW / 25814U / 2022

M/s Encasa Mines and Minerals Private Limited

-----Petitioner

Versus

State of Rajasthan & Anr.

-----Respondents

For Petitioner(s)	:	Mr. Jag Mohan Saxena
For Respondent(s)	:	Mr. Shiv Charan Gupta with Ms. Pratibha Singh Ranawat Mr. Deepak Mittal with Ms. Tanvisha Pant for Mr. Vigyan Shah, AAG

HON'BLE MR. JUSTICE ANAND SHARMA

Order

29/07/2026

Heard on application (IA No.1/2024) filed by one Shri Sanjay Thakran for seeking impleadment in the instant writ petition as party respondent.

It is stated in the application that mining lease No.138/1990 was earlier issued in favour of one Shri Sumen Khan, who later on entered into contract to run the said lease in partnership with the applicant. It is submitted that the petitioner, in the instant case, was transferee of the lease and such transfer has been made by the erstwhile lessee Sumen Khan, in collusion with the petitioner to defeat the rights of the applicant. It is submitted that the order of transfer of lease in favour of the petitioner was earlier challenged by the applicant by way of filing appeal before the Appellate Authority, however, the applicant's appeal was dismissed on account of having become infructuous. Thereafter, petitioner

has filed S.B. Civil Writ Petition No.1163/2024, which is pending before this Court in which petitioner in the present case is also a party respondent.

In view of the above facts, it was submitted by learned counsel for the applicant that the applicant is a necessary and proper party in this writ petition for enabling this Court to arrive at right conclusion.

Application has been opposed by learned counsel for the petitioner and submitted that the prayer made in this writ petition is against the Mining Department and no relief whatsoever has been sought in the instant writ petition against the applicant-Sanjay Thakran.

Having heard learned counsel for the parties and having perused the material available on record, this Court finds that a prayer has been made by the petitioner for allotting the mining lease to the petitioner of the size equal to the mining lease earlier alleged vide mining lease No.138/1990.

As per the documents placed along with the application, it is clear that erstwhile lessee was an individual Sumen Khan, who communicated his consent for transferring the lease in favour of the present petitioner, and on approval of such transfer by the Department, petitioner was the lease holder, however, on account of pre-mature termination of lease, this writ petition has been filed.

Admittedly, in the instant writ petition, the dispute with regard to transfer of lease in favour of petitioner by erstwhile lessee Sumen Khan, is not at all in question and the dispute which has been raised by the petitioner by way of filing S.B. Civil Writ

Petition No.1163/2024, is altogether different and shall be decided on the basis of merits of that case separately.

In view of above, where no relief whatsoever has been prayed against the applicant, this Court finds that the application is totally misconceived, and same is hereby dismissed.

Let this matter be listed for admission.

(ANAND SHARMA),J