

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 604/2022

Jaan Mohammad Son Of Shri Hamida, Aged About 44 Years,
Resident Of Near Eidgah, Patan Khurdh, Tehsil Tizara, Now
Tapukda, District Alwar, Rajasthan.

----Appellant

Versus

1. Prashant Karnawat Son Of Shri Santosh Chand Karnawat,
Resident Of 19-Ka-04, Jyoti Nagar, Jaipur, Through Power
Of Attorney Holder Shri Sheeshram Son Of Shri Surajmal,
Resident Of Village Milakpur, Post Office Khijooriwas,
Tehsil Tizara, Now Tapukda, District Alwar, Rajasthan.
2. State Of Rajasthan, Through Principal Secretary,
Department Of Mines And Minerals, Secretariat, Jaipur.
3. The Joint Secretary, Mines And Minerals Department,
Secretariat, Jaipur.
4. The Minerals Engineer, Minerals Department, State of
Rajasthan, Alwar.

----Respondents

For Appellant(s)	:	Mr. Rahul Tiwari
For Respondent(s)	:	Mr. Rahul Lodha

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

16/03/2026

1. The present civil first appeal has been filed by the appellant -
Jaan Mohammad, assailing the impugned judgment and decree
dated 12.03.2020 passed by the learned Additional District Judge
No. 2, Tijara, District Alwar (Rajasthan), in Civil Suit No.
34/27/2019, titled as "*Prashant Karnawat Vs. State of Rajasthan*

& Ors.", whereby the suit instituted by the plaintiff/respondent for declaration and permanent injunction, has been decreed.

2. Vide order dated 28.03.2024 passed by a Co-ordinate Bench of this Court, the appellant's application seeking leave to file the present appeal was allowed. The appellant was permitted to challenge the judgment and decree dated 22.03.2023, and the delay in filing the present appeal was condoned.

3. During the pendency of the present appeal, learned counsel for respondent No.2 sought time to ascertain the current status of the subject matter.

4. Today, the learned counsel for the respondent has submitted a factual report dated 14.03.2026 along with the *Map Mauka* Report, wherein *Para Nos. 3 and 4* read as under:

“ 3. खण्डित खनन पट्टा क्षेत्र से नियमानुसार 45 मीटर से बाहर, 50 मीटर की न्यूनतम दूरी पर पाटनखुर्द गाँव की अबादी अवस्थित है।

4. माननीय सर्वोच्च न्यायालय में दायर सिविल याचिका संख्या 202/1995 टी.एन. गोदावर्मन बनाम यूनियन संघ के अन्तर्गत दायर सिविल याचिका संख्या 4677/1985 एम.सी. मेहता बनाम संघ में पारित आदेश दिनांक 09.05.2024 में दिए गये निर्देशानुसार उक्त क्षेत्र एफ.एस.आई. रिपोर्ट दिनांक 25.08.2010 में परिभाषित अरावली हिल/रेंज के अन्तर्गत आता है, जिसमें माननीय सर्वोच्च न्यायालय से खनन कार्य की अनुमति ली जाने की बाध्यता की गई है। माननीय सर्वोच्च न्यायालय के सुओ मोटो रिट पिटीशन 10/2025 में पारित आदेश दिनांक 29.12.2025 से परिभाषित अरावली हिल/रेंज के संबंध में पारित आदेश दिनांक 20.11.2025 को स्थगित किया गया है। प्रकरण में गत सुनवाई दिनांक 12.03.2026 नियत थी, प्रकरण माननीय सर्वोच्च न्यायालय में विचाराधीन है। ”

5. Learned counsel for respondent No. 2 submits that, in view of the above factual report dated 14.03.2026, the relief sought by the appellant has rendered infructuous.

6. Learned counsel for the appellant could not refute the aforesaid submission of learned counsel for the respondent No.2.

7. In view of the above, the present civil first appeal is dismissed as having been rendered infructuous.

8. The stay application, and other pending applications, if any, also stand disposed of.

9. However, the plaintiff/respondent shall be at liberty to assail the averments and veracity of the said factual report dated 14.03.2026 in accordance with law.

(MANEESH SHARMA),J

Seema/7