

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 15733/2025

Mahipal Singh S/o Sh. Rajendra Singh Shekhawat, Aged About 31 Years, R/o 10-11, Chand Bihari Nagar Khatipura Lal Mandir Road, Jaipur Rajasthan.

-----Petitioner

Versus

1.

State Of Rajasthan, Through The Principal Secretary, Department Of Mines And Geology, Government Of Rajasthan, Government Secretariat, Jaipur.
2.

The Director, Depatment Of Mines And Geology, Khanij Bhawan, Udaipur.
3.

Assistant Mining Engineer, Department Of Mines And Geology, Dausa, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Sandeep Singh Shekhawat with Mr. Chandra Vikram Singh and Mr. Akshay Dutt Sharma
For Respondent(s)	:	Mr. Vigyan Shah, AAG with Mr. Priyam Agrawal and Ms. Monisha Agrawal

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

28/04/2026

1.

This is a writ petition challenging the Vires of Rule 44 (16) of the Minor Mineral Concession Rules, 2017.
2.

Learned counsel for the petitioner prays for disposal of the writ petition in view of the order passed by this Court in the case State of Rajasthan & Ors. Vs. M/s. Galaxy Mining Private Limited (D.B. Review Petition (Writ) No.29/2026, dated 17.04.2026), which reads as under:

"1. A Civil Misc. Application No.140/2026 has been filed under Section 5 of the Limitation Act for condoning the delay in filing the present review petition.

2. For the reasons mentioned in the application, the same is allowed and the delay of 77 days in filing the present review petition is condoned.

3. The review petition has been filed by the State seeking review of the order passed on 04.09.2025 whereby this Court, while noting that the vires of Rule 44(16) of the Minor Mineral Concession Rules, 2017 is under challenge and the same is also pending before the Hon'ble Supreme Court in relation to mining of Bajri, passed an order restraining the respondents from taking any coercive steps against the writ petitioner till the disposal of the Civil Appeal No.3604-3605/2018.

4. The State has filed this review petition stating that although the Rule 44(16) of the Minor Mineral Concession Rules, 2017 is under challenge but it is not in relation, to mining of Bajri and, therefore, the order dated 04.09.2025 deserves to be reviewed/recalled.

5. Learned counsel submits that the amount which is being claimed is as per the enhancement of the rates calculated as per the formula laid down under Rule 36(4) of the Minor Mineral Concession Rules, 2017 and, therefore, this Court ought to have looked into this aspect before disposing of the writ petition and restraining the State from taking any coercive steps.

6. Learned counsel further submits that although the mining operations were halted on account of strike during the said relevant period but there were three e-Rawannas also for that intervening period during which the strike had taken place and the offer of the writ petitioner to submit a bank guarantee for the amount claimed for the said intervening period, cannot be accepted.

7. Per contra, learned counsel appearing for the respondent submits that he has instructions to state that the bank guarantee would be submitted for the amount claimed by the authorities and the documents which are withheld by the State may be released.

8. We have considered the submissions and found that the order dated 04.09.2025 was passed after hearing the learned counsels for both the parties and it was neither brought to the knowledge about the nature of mining nor we have given any notice to the said aspect. The only aspect we have noticed is that the Rule 44(16) of the Minor Mineral Concession Rules, 2017 is under challenge and is a subject matter of the examination by the Supreme Court in an SLP. However, the new facts which are being sought to be urged by the State have been noted. Even then, we find that the State too admits that there was strike during the period for which the

demands were raised, the other demands have already been satisfied.

9. We direct that a bank guarantee may be accepted for the intervening period of the demand raised from 02.08.2025 to 19.08.2025 and if such a bank guarantee is given, the same shall be accepted and shall be utilized only as per the orders passed by the Hon'ble Supreme Court.

10. With the said additional observations, the present review petition stands disposed off."

3. In view of the above, we direct that a bank guarantee may be accepted for the intervening period of the demand raised from 01.08.2025 to 19.08.2025 and if such a bank guarantee is given, the same shall be accepted and shall be utilized only as per the orders passed by the Hon'ble Supreme Court.

4. Accordingly, the writ petition is disposed of. Pending application(s), if any, stands disposed of.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ