


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20021/2025

Ent Bhatta Sangh Bharatpur

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondents

For Petitioner(s) : Ms. Priyansha Gupta
For Respondent(s) : Ms. Vartika Mehra with
Mr. Shubham Gupta for
Mr. Rahul Lodha, AGC

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

13/02/2026

Ms. Vartika Mehra, learned counsel for the respondents, at the very outset, has raised preliminary objections, viz.

(i) Prayers sought in the writ petition would lead to an amendment in Rule 53 (2) of the Rajasthan Minor Mineral Concession Rules, 2017 (hereinafter referred to as '**the Rules of 2017**') as petitioner is primarily aggrieved with the calculation of number of days of 150. Learned counsel submits that under no circumstances any such alteration or amendment in the said figure mentioned in Rule 53(2) of the Rules of 2017 can be done without any challenge being made to the said Rule, which undisputedly has not been done in the present writ petition.

(ii) The petition has been filed on behalf of an Association being 'ENT Bhatta Sangh Bharatpur', which has as many as 59 members, out of which, 58 members have paid the demand as raised by the respondents and that too without any protest and

thus, they have no reason whatsoever to maintain the said petition. In furtherance to it, learned counsel further submits that the Association has no authority to seek prayer on behalf of its members who have already complied with the demand notices served by the respondent more so, in absence of proper authorisation in favour of the association.

Per Contra, Ms. Priyansha Gupta, learned counsel for the petitioner submits that once the Hon'ble Supreme Court in the case of ***NCR Brick Kiln Association Vs. Central Pollution Control Board & Ors.*** in ***Civil Appeal Diary No(s). 18213/2021***, vide its order dated 19.04.2024 has mandated that the Brick Kiln Association can function only for the period from 01.03.2023 to 30.06.2023, which allows them to work for approximately 120 days, by no stretch of imagination, royalty for 150 days, as stipulated in Rule 53(2) of the Rules of 2017, can be demanded by the respondents.

Learned counsel submits that the said Rule has to be read in consonance with the order passed by the Hon'ble Supreme Court and accordingly, the said figure of 150 days has to be proportionally reduced.

In counter to the said submission, learned counsel for the respondent – department submits that as per Rule 53(7) read with Rule 53(8)(viii) of the Rules of 2017, the petitioner can continue the mining operation in accordance with Rule 53(7) of the Rules of 2017 which would mean that they can still work from 1st of January to 30th of September of each year and accordingly, the royalty demanded for 150 days is very much in accordance with law.

Taking note of the above facts, let an affidavit be filed by the respondent – department as to for what period mining can be carried out by the petitioners, more in so in light of the order dated 19.04.2024 passed by the Hon'ble Supreme Court in the case of ***NCR Brick Kiln Association (supra)***.

Let the said affidavit be filed by on or before 19.02.2026.

List the matter on 19.02.2026.

(ANUROOP SINGHI),J