

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 4704 OF 2017
WITH
CIVIL APPLICATION NO. 1113 OF 2017
WITH
CIVIL APPLICATION NO. 1611 OF 2017
IN
WRIT PETITION NO. 4704 OF 2017

Jay Ambe Stone Quarry	.. Petitioner
Vs.	
Union of India & Ors.	.. Respondents

WITH
CIVIL APPLICATION NO. 1340 OF 2017
IN
WRIT PETITION NO. 4704 OF 2017

The Administrator, Daman & Diu & Anr.	.. Applicant
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In the matter between

Jay Ambe Stone Quarry	.. Petitioner
Vs.	
Union of India & Ors.	.. Respondents

WITH
WRIT PETITION NO. 4705 OF 2017
WITH
CIVIL APPLICATION NO. 1114 OF 2017
WITH
CIVIL APPLICATION NO. 1612 OF 2017
IN
WRIT PETITION NO. 4705 OF 2017

Patil Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4706 OF 2017
WITH
CIVIL APPLICATION NO. 1115 OF 2017
WITH
CIVIL APPLICATION NO. 1613 OF 2017
IN
WRIT PETITION NO. 4706 OF 2017

M/s. Khodiyar Stone Wroks

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4707 OF 2017
WITH
CIVIL APPLICATION NO. 1116 OF 2017
WITH
CIVIL APPLICATION NO. 1614 OF 2017
IN
WRIT PETITION NO. 4707 OF 2017

Laxmi Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4708 OF 2017
WITH
CIVIL APPLICATION NO. 1117 OF 2017
WITH
CIVIL APPLICATION NO. 1615 OF 2017
IN
WRIT PETITION NO. 4708 OF 2017

Shivkrupa Stone Works

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4709 OF 2017
WITH
CIVIL APPLICATION NO. 1118 OF 2017
WITH
CIVIL APPLICATION NO. 1616 OF 2017
IN
WRIT PETITION NO. 4709 OF 2017

Vishal Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4711 OF 2017
WITH
CIVIL APPLICATION NO. 1119 OF 2017
WITH
CIVIL APPLICATION NO. 1617 OF 2017
IN
WRIT PETITION NO. 4711 OF 2017

M/s. Asha Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4713 OF 2017
WITH
CIVIL APPLICATION NO. 1120 OF 2017
WITH
CIVIL APPLICATION NO. 1618 OF 2017
IN
WRIT PETITION NO. 4713 OF 2017

Varsha Stone Works

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4714 OF 2017
WITH
CIVIL APPLICATION NO. 1121 OF 2017
WITH
CIVIL APPLICATION NO. 2073 OF 2017
IN
WRIT PETITION NO. 4714 OF 2017

M/s. Krishna Stone Works

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4716 OF 2017
WITH
CIVIL APPLICATION NO. 1122 OF 2017
WITH
CIVIL APPLICATION NO. 1619 OF 2017
IN
WRIT PETITION NO. 4716 OF 2017

Vaishali Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4718 OF 2017
WITH
CIVIL APPLICATION NO. 1123 OF 2017
WITH
CIVIL APPLICATION NO. 1620 OF 2017
IN
WRIT PETITION NO. 4718 OF 2017

Shree Ashapura Stone Works

.. Petitioner

Vs.

Union of India & ors.

.. Respondents

WITH
WRIT PETITION NO. 4720 OF 2017
WITH
CIVIL APPLICATION NO. 1124 OF 2017
WITH
CIVIL APPLICATION NO. 1621 OF 2017
IN
WRIT PETITION NO. 4720 OF 2017

Kyrie Infra Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4721 OF 2017
WITH
CIVIL APPLICATION NO. 1126 OF 2017
WITH
CIVIL APPLICATION NO. 1622 OF 2017
IN
WRIT PETITION NO. 4721 OF 2017

Saraswati Stone Works

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

WITH
WRIT PETITION NO. 4723 OF 2017
WITH
CIVIL APPLICATION NO. 1127 OF 2017
WITH
CIVIL APPLICATION NO. 1623 OF 2017
IN
WRIT PETITION NO. 4723 OF 2017

Mahalaxmi Stone Crush .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4724 OF 2017
WITH
CIVIL APPLICATION NO. 1128 OF 2017
WITH
CIVIL APPLICATION NO. 1624 OF 2017
IN
WRIT PETITION NO. 4724 OF 2017

Yatish Stone Quarry .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4725 OF 2017
WITH
CIVIL APPLICATION NO. 1129 OF 2017
WITH
CIVIL APPLICATION NO. 1625 OF 2017
IN
WRIT PETITION NO. 4725 OF 2017

Raj Stone Quarry .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4727 OF 2017
WITH
CIVIL APPLICATION NO. 1130 OF 2017
WITH
CIVIL APPLICATION NO. 1626 OF 2017
IN
WRIT PETITION NO. 4727 OF 2017

Shakti Stone Quarry .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4728 OF 2017
WITH
CIVIL APPLICATION NO. 1131 OF 2017
WITH
CIVIL APPLICATION NO. 1627 OF 2017
IN
WRIT PETITION NO. 4728 OF 2017

Jay Jalaram Stone Quarry .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4729 OF 2017
WITH
CIVIL APPLICATION NO. 1132 OF 2017
WITH
CIVIL APPLICATION NO. 1628 OF 2017
IN
WRIT PETITION NO. 4729 OF 2017

Parvati Stone Works .. Petitioner
Vs.
Union of India & Ors. .. Respondents

WITH
WRIT PETITION NO. 4730 OF 2017
WITH
CIVIL APPLICATION NO. 1133 OF 2017
WITH
CIVIL APPLICATION NO. 1629 OF 2017
IN
WRIT PETITION NO. 4730 OF 2017

M/s. Vikram Stone Quarry

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Ms. Prachi Khandge I/by M. P. Vashi & Associates for the Petitioners in all the WPs and for the Applicants in all the CAWs, except CAW 1340/17.

Mr. Shrishailya Deshmukh for the Applicant in CAW 1340/17 and for Respondent Nos.2 and 3 in all the WPs.

Mr. Y. R. Mishra a/w Dhandesh Shah for UOI in all the WPs.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 29th JULY, 2019.

P.C. :

1. The Writ Petitioners were constrained to approach this Court when Daman and Diu Minor Mineral Concession Rules, 2013 were promulgated. As per Rule 11 a quarry lease for minor minerals was to be granted for a period of not more than three years and as per the third proviso to Sub-Rule 1 of Rule 11, existing leases for minor minerals stood terminated on expiry of three years from the publication of the Rules.

2. The Writ Petitioner had mining lease granted to them prior to the promulgation of the Rule of 2013. The period of lease was 10 years. Challenge to the proviso was on the ground that vested rights could not be taken away by the proviso.

3. Concededly, the term of original lease in favour of the Writ Petitioners is today over and thus, it would be an academic exercise to

decide the legal issue raised in the Writ Petitions.

4. Learned Counsel for the Petitioners states that she doe not press the Writ Petitions but wants it recorded that the Petitioners who have applied for renewal of the license or extension of the period of the license would be at liberty to challenge the decision if against them. If the Petitioners are denied license on any other ground, the Petitioners pray to be granted leave to re-visit the Court raising the said issues as well.

5. Granting liberty as prayed, the Writ Petitions are disposed of as not pressed.

6. All the Civil Applications are disposed of as infructuous.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]