

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.1052 of 2020

Shri Sameer Madhukar Barai and others ...Petitioners

Versus

State of Maharashtra, through the Secretary, Revenue
Department, Mantralaya, Mumbai and others ...Respondents

Smt. S.P. Giratkar(Giripunje), Advocate for the Petitioners

Shri Amit Madiwale, AGP for the Respondent - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 17 FEBRUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioners who are in the business of mining / excavation of minor minerals and having their mines at Mouza Fattapur, Taluka Warora, District Chandrapur have challenged the Government Resolution dated 23 January 2019 pursuant to the *Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013* to grant right to mine through a Public Auction.

3. It is the case of the Petitioners that they had number of leases since the year 1995. They made investments setting up micro level

crushers. Their activities generated employment in the local area. They paid Royalty, Tax and contributed to the District Minerals Funds. The Petitioners contend that pursuant to the Government Resolution, the right to excavate the minor minerals will be granted by conducting an auction. The contention of the Petitioners is that such an auction would take away the right of the Petitioners for granting renewal of their lease. It is prayed that the resolution/ policy be declared as bad in law and set aside.

4. Admittedly, the Petitioners' leases have expired and therefore, the Petitioners have sought renewal of their leases. The leases had expired some time in the year 2013 to 2017. It is not the case of the Petitioners that the Petitioners' leases have continued and while leases are in force, an auction is directed to be held.

5. The State Government through the impugned decision adopted a policy of grant of right on mines and minerals through an auction process and if that is the policy adopted to bring in transparency, it cannot be set aside on the ground that the resolution / policy has been bad in law or violative of right of the Petitioners. Once an uniform policy of auction has been adopted and the lease of the Petitioners has already expired, it can not be said that the Petitioners have a legal right to insist upon renewal of the lease.

6. As regards the contention of the Petitioners of generation of employment is concerned, employment can be generated when leases are granted. As regards financial loss to the Petitioners, the Petitioners can make a representation to the State Government. It is not possible for us to

exercise writ jurisdiction sans any legal right of the Petitioners to set aside the resolution / policy of the State Government.

7. The Writ Petition is accordingly rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]