**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

S.B. Civil Writ Petition No. 751/2022

Hansraj S/o Chhitar Lal, Aged About 41 Years, R/o Village Riya Badi, Tehsil Riya Badi, District Nagaur (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Mines And Geology, Government Of Rajasthan, Jaipur.
2. The Director, Mines And Geology Department, Khanij Bhawan, Udaipur.
3. The Superintending Engineer, Mines And Geology Department, Ajmer Circle, Ajmer.
4. The Assistant Mining Engineer, Mines And Geology Department, Gotan, District Nagaur.

----Respondents

**Connected With**

S.B. Civil Writ Petition No. 883/2022

Munna Ram S/o Narayan Ram, Aged About 50 Years, R/o Indawar, Tehsil Merta City District Nagaur (Raj.).

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Mines And Geology, Government Of Rajasthan, Jaipur.
2. The Director, Mines And Geology Department, Khanij Bhawan, Udaipur.
3. The Superintending Engineer, Mines And Geology Department, Ajmer Circle, Ajmer.
4. The Assistant Mining Engineer, Mines And Geology Department, Gotan, District Nagaur.

----Respondents

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For Petitioner(s) : Mr. D.S. Sodha

For Respondent(s) : ---

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**06/01/2025**

1. Learned counsel for the respondents fairly submits that the controversy involved in the present writ petitions is squarely covered by the order dated 17.01.2023 passed by this Court in the case of ***Sita Ram Vs. Sate of Rajasthan & Ors. (S.B. Civil Writ Petition No.14466/2021)*** and other connected matters. The order dated 17.01.2023 reads as under:

> *"1. The controversy in the batch of connected petitions is similar and for the purpose of adjudication of the said matters, the first petition, being S.B. Civil Writ Petition No. 14466/2021, is taken as the lead case. 2. Brief facts as placed before this Court are that in the year 2014, the petitioner submitted an application under the Rajasthan Minor Mineral Concession Rules, 1986 for the allotment of a mining lease, on his Khatedari land situated near Village Rohisa, Tehsil Riyanbadi, District Nagaur, for the excavation of mineral bajri. And that, after the compliance of the necessary formalities, the mining lease was granted in favour of the petitioner-Sita Ram. 3. The first petition assails the impugned demand order, dated 02.09.2021, at Annex-14, issued by the respondent no.3-Asst. Mining Engineer, Gotan, District Nagaur, and prays that the respondent-authorities be directed to not take any coercive action against the*

*petitioners and in case any recovery/order is made pursuant to the said demand order, then the same may be accordingly quashed and set aside. 4. Mr Hemant Ballani, learned counsel appearing for the petitioners submits that the impugned demand orders are not sustainable, as the factual foundation for the same, being that the density of the mineral bajri was erroneously calculated by the respondent-authorities, and that therefore, it was incorrectly found that the petitioner was allegedly carried out illegal excavation and mining activities. 5. Mr. Digvijay Singh Jasol, learned counsel appearing for the respondent-authorities fairly submits that the density of the mineral bajri was considered at 2.25 while calculating the penalty for illegal excavation and notices were issued to the mining lease holders accordingly by the respondent no.3-Asst. mining Engineer, Gotan, District Nagaur. However, the Bajri Lease Association, Riyan Bari submitted a representation for examination of density as per report of NABL certified laboratory, according to which, density of mineral bajri was shown at an average of 1.6. 6. After arguing the matter for some time, learned counsel for both the parties have jointly made a request for quashing of the impugned demand orders, so that the respondent-authorities can reassess and re-examine the amount of penalty to be levied, if any, against the petitioners, after examining the complete facts and laws applicable to the instant*

*petitions. 7. In light of such joint submission made on behalf of the parties, this Court deems it just and proper to quash the impugned demand orders, dated 02.09.2021, 11.11.2019 and 30.09.2020 respectively, and all the proceedings emanating thereof. The concerned respondent-authorities are at liberty to re-examine and reassess the complete facts and the laws applicable to the instant cases and pass appropriate orders, if required, in accordance with law. 8. Therefore, the batch of connected petitions stand disposed of in the aforesaid terms. No order as to cost."*

2. The present writ petitions are also disposed of in terms of the order dated 17.01.2023 passed in the case of Sita Ram (supra). Accordingly, the demand orders dated 28.08.2021 and 15.11.2021 and all the proceedings emanating thereof are quashed and set aside. However, the concerned respondent authorities are at liberty to re-examine and reassess the complete facts and the law applicable to the instant case and pass appropriate order, if required, strictly in accordance with law.

3. All pending applications also stand disposed of.

**(VINIT KUMAR MATHUR),J**

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