
(1995) 05 RAJ CK 0059
In the Rajasthan High Court
Case No : C.W.P. No. 693 of 1995

Bhanwarlal

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 04-05-1995

Acts Referred:

Citation : (1996) 1 RLW 223 : (1995) 3 WLC 706 : (1995) 1 WLN 700

Hon'ble Judges : A.P. Ravani, C.J.; P.K. Palli, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

A.P. Ravani, C.J.—The contention that Rule 65-A of the Rajasthan Minor Mineral Concession Rules, 1986 (in short "the Rules") does not empower the Government to make policy provision in respect of quarry licence has no force. The words used in Rule 65-A of the Rules are as follows:

adopt any method or procedure different from that provided in the rules for leasing out mineral deposit in the interest of mineral development.

2. This expression and particularly the expression "for leasing out mineral deposit." would in the context cover the quarry licence also.

3. The reliance placed on the decision of the supreme Court in P.K. Unni Vs. Nirmala Industries and others [OVERRULED], is of no help to the petitioner. It is true that the court is required to interpret laws as per the words used by the legislature. But, that does not mean that the Court cannot and would not look at the context in which the particular phrase or words are used.

4. The learned Counsel for the petitioner submitted that the policy notified vide Notification dated 6.10.1994 makes reservation in favour of certain classes of persons Clause 8 (2) provides for reservation in favour of persons belonging to Scheduled Castes and Scheduled Tribes and other Backward classes. This reservation is in conformity with the Constitutional provisions., which enable the

State Government to make certain reservation in favour of persons of such classes.

5. The directive principles of the State Policy contained in part IV of the Constitution mandates the Government to make such, provisions. We see on infirmity in the Rules.

6. No other contention is raised.

7. Hence, there is no substance in this writ petition and the same is dismissed.