

(2022) 04 RAJ CK 0096

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 9760 Of 2016

M/s Matrika Infra Projects

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-04-2022

Acts Referred:

Citation : (2022) 04 RAJ CK 0096

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Vikas Balia, V.D. Vaishnav, Digvijay Singh Jasol

Final Decision : Disposed Of

Judgement

Vinit Kumar Mathur, J

Learned counsel for the respondents has referred to the judgment rendered by a Division Bench of this Hon'ble Court in Federation of Mining Associations of Rajasthan & Ors. Vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.7646/2016) decided on 08.11.2017. The judgment reads as under:

"These petitions for writ are before us to question constitutional validity of the provisions of Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015, more specifically Rule 1 (2) and Rule 1 (3) of the Rules aforesaid. A challenge is also given to the order dated 08.06.2016 passed by the Director, Directorate of Mines and Geology, Udaipur directing to Additional Director (Mines), Superintending Mining Engineers of different Mining Zones Mining Engineers at different stations and the Assistant Mining Engineers in the entire State for not issuing ravanas to the mining lease holders without ensuring compliance of the provisions of the Rules of 2015. This Court while issuing notices to the respondents restrained the State of Rajasthan and its functionaries from taking any coercive action against the petitioners for the liability arising under the Rules of 2016. The cause sought to be agitated in these petitions for writ was also pending consideration before Hon'ble the Supreme Court in the Writ

Petition (Civil) No.12027/2015 (Federation of Indian Mineral Industries & Ors. Vs. Union of India & Anr.). In light of the pendency of the same cause before the Apex Court, the proceedings in the instant matter and the other matters alike were stayed.

It is brought to our notice by learned Additional Advocate General that the Supreme Court has already decided the writ petition along with several other transferred cases including the Transferred Case (Civil) No.43/2016 (Federation of Indian Mineral Industries & Ors. Vs. Union of India & Anr.) on 13.10.2017. A photostat copy of the judgment passed by the Apex Court in the case aforesaid too is placed on record.

Learned counsel appearing on behalf of the petitioners do not dispute the fact brought to our notice by learned Additional Advocate General.

On examination of record, we are also satisfied that the cause under adjudication in these petitions for writ is no more res integra in light of the judgment rendered by Hon'ble Supreme Court in the case of Federation of Indian Mineral Industries & Ors. Vs. Union of India & Anr. (supra). Accordingly, these petitions for writ are disposed of in terms of the judgment given by the Apex Court in the case aforesaid."

Learned counsel for the petitioner is not in a position to refute the applicability of the aforesaid judgment.

In view of the above, the present petition is disposed of in terms of the judgment rendered by the Hon'ble Apex Court in the case of Federation of Indian Mineral Industries & Ors. Vs. Union of India & Ors.; Writ Petition (Civil) No.12027/2015. All pending applications also stand disposed of.