
(2020) 01 RAJ CK 0177

In the Rajasthan High Court

Case No : Civil Writ Petition No. 18580 Of 2019

Purshotam Lal Kandhari

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 24-01-2020

Acts Referred:

Rajasthan Minor Mineral Concession Rules, 2017 — Rule 9

Citation : (2020) 01 RAJ CK 0177

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Arvind Vyas

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against the order dated 5.3.2014 (Annex.10), whereby, the application filed by the petitioner for renewal of the mining lease has been rejected.

It is inter alia indicated in the writ petition that the petitioner was granted mining lease in relation to minerals Asbestos and Soapstone. Subsequent thereto, the consent to operate for mineral Soapstone only was granted by the Rajasthan State Pollution Control Board i.e. the same was confined to excavation of Soapstone.

After initial lease period expired, the petitioner applied for renewal of the lease, however, by order dated 5.3.2014 inter alia indicating that as excavation of Asbestos has been banned and Soapstone cannot be excavated independent of Asbestos, the renewal was declined.

Learned counsel for the petitioner made submissions that now the Soapstone has been notified as a minor mineral and the area in question may be placed for auction for the mineral Soapstone and, therefore, now the petitioner has filed the present writ petition after passage of over 5 years seeking to question the validity of order dated 5.3.2014.

Submissions have also been made that in Rule 9 of Rajasthan Minor Mineral Concession Rules, 2017 ('MMCR'), the provision for renewal is that the existing leases would stand renewed for 50 years and, therefore, the petitioner is entitled to get the lease deed renewed.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

The order impugned was passed on 5.3.2014, whereby, renewal was denied to the petitioner. The petitioner apparently was not aggrieved by the said order and has accepted the same, inasmuch as, the said order was not challenged by the petitioner at the relevant time.

Filing of the present writ petition by indicating a cause that as the mineral Soapstone has been notified as a mineral mineral and the area in question may be placed for auction at some future date and, therefore, the petitioner now has a grievance qua the order dated 5.3.2014, which could be challenged any time, cannot be countenanced.

Cause of action, if any, to the petitioner was in the year 2014. Having not questioned the validity of the order at the relevant time, the challenge now sought to be laid based on the mineral policy, cannot be accepted.

The plea raised based on provisions of Rule 9 of MMCR also has no substance as the MMCR came into force in the year 2017, while the lease had already expired and renewal denied in 2014 and the said Rule has no application to the expired leases.

In view of the above discussion, no case for interference is made out in the writ petition. The same is, therefore, dismissed.