
(2008) 05 RAJ CK 0119
In the Rajasthan High Court

Rajesh Kumar Rai and Others

APPELLANT

Vs

The State of Rajasthan and Another

RESPONDENT

Date of Decision : 08-05-2008

Acts Referred:

Citation : (2008) 05 RAJ CK 0119

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Narendra Kumar Jain, J.—Heard learned Counsel for the parties. The petitioners were granted mining leases on both the sides of "brij chorasi parikrma". The State Government, vide its order dated 27th January, 2005 (Annexure-2) took a decision to cancel the said mining leases after notice to concerned persons. In pursuance of that order the Mining Engineer, Bharatpur, vide its order dated 4th February, 2005, directed the petitioners to stop the mining activities within 500 meters on both sides of "brij chorasi parikrma". Being aggrieved with the same, the petitioners gave a representation to the Minister of Mines Department, Rajasthan, Jaipur (Annexure-4) and when nothing was done on the said representation then the present writ petition was preferred by the petitioners with a prayer to quash the orders dated 27th January, 2005 and 4th February, 2005 and, in alternative, to direct the respondents to immediately allow alternative mining area/lease.

2. A notice to show-cause was given to the respondents of the writ petition and, in pursuance thereto, the respondents have filed their reply to the writ petition. In para 5 of the reply it is stated that the letter dated 4th February, 2005 was issued in pursuance of the Government order dated 27th January, 2005, which was also issued as per the decision taken by the State Government on the recommendation of the Committee, which inspected the site and submitted its report. The Committee appointed by the State Government, made its recommendations that the mining operations should be stopped within the

parameters of 500 meters of both the sides of the "parikrama way" In para 7 of the reply, it is further contended that the petitioners have submitted their representations and, after considering the same, the State Government has constituted the Committee to consider the cases of rehabilitation of the existing mining lease holders vide its order dated 17th March, 2006 (Annexure-R/1) and the said Committee has already submitted its report to the State Government for its consideration.

3. The learned Counsel for the petitioners contended that in pursuance of the order of the State Government dated 17th March, 2006 (Annexure-R/1), the respondents have not taken any action and have not allowed any other alternative mining leases in lieu of their earlier mining leases, which have been restrained to be operated vide impugned orders. Therefore, a suitable direction may be given to the respondents to take necessary steps in respect of recommendation of the Committee appointed by the State Government itself vide order dated 17th March, 2006.

4. The learned Additional Government Counsel, appearing on behalf of the respondents, contended that the order dated 17th March, 2006 was passed about two years ago, therefore, he is not aware about the present position of the case but he assures that in case the needful has not been done so far for rehabilitation of the petitioners then the steps will be taken within a reasonable time and for that purpose he prays for three months time.

5. I have considered the submissions of learned Counsel for both the parties. The petitioners also made a representation for their rehabilitation in lieu of mining leases which were granted to them. The respondents have already appointed a Committee to consider the representations of the petitioners and as per Para 7 of the Reply the committee has already submitted its report to the State Government for its consideration.

6. After considering the submissions of learned Counsel for both the parties, it is directed that in case the State Government has not taken any action on the recommendation of the Committee in pursuance of the order dated 17th March, 2006 as contended in Para 7 of the Reply then the same will now be taken within a period of three months from today. The petitioners may also approach the respondents in this regard and submit a copy of this order to them for its compliance.

7. With the aforesaid observations and directions, the writ petition is allowed with no order as to costs.