



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

D.B. Civil Writ Petition No. 4928/2022

1. Kamalkant
2. Mangilal

3. Arjun Ram

----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary, Department Of Mines (Government Of Rajasthan), Government Secretariat, Jaipur (Rajasthan).
2. Dy. Secretary, Department Of Mines And Petroleum, (Government Of Rajasthan), Government Secretariat, Jaipur (Rajasthan).
3. Director, Department Of Mines And Geology, Khanij Bhawan, Shastri Circle, Udaipur-313001 (Rajasthan).

----Respondents

For Petitioner(s) : Mr. Rajak Khan
Mr. N.L. Joshi

For Respondent(s) : --

**HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE FARJAND ALI**

Order

08/04/2022

The instant writ petition in the nature of public interest litigation has been preferred by the petitioners herein with the following prayers:-

**"10. Relief (s) as Prayed:**

It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed:-

- A. By an appropriate Writ, order or directions, that the letter dated 16.03.2022 (annexure-1) be quashed and set aside, also, the respondents may be directed to initiate the permission for mining of gypsum in the districts Shri Ganga Nagar and Haumangarh along with the other districts of Rajasthan.
- B. By an appropriate Writ, order or directions, the respondent is directed to initiate the process of filing application form and allotment of permit for the mining of gypsum in District Shri Ganga Nagar and Hanumangarh of Rajasthan.
- C. Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner."

The petitioners claim to be prejudiced by the exclusion of Sriganganagar and Hanumangarh districts from being declared as notified mining areas for extraction of gypsum.

The Department of Mines and Petroleum, Government of Rajasthan issued an order dated 16.03.2022 wherein it was mentioned that grave complaints had been received regarding illegal mining of gypsum on the strength of the old permits from government lands, forest lands and private lands and as a consequence, it was decided to withhold grant of mining permits in these two districts till an inquiry could be conducted at the appropriate level regarding the complaints of illegal mining. The petitioners claim that the exclusion of these two districts from the



ambit of gypsum mining is illegal, arbitrary and amounts to hostile discrimination with the two districts of which the petitioners are residents.

Shri Rajak Khan and Shri N.L. Joshi, counsel representing the petitioners vehemently and fervently urged that on account of exclusion of Sriganganagar and Hanumangarh districts from grant of mining permits, a financial setback has been caused to the districts. Residents of the districts will be deprived from earning livelihood and as such, the impugned order deserves to be quashed and a direction be issued to the respondents to grant mining permits to the entitled persons in these two districts as well.

We have given our thoughtful consideration to the submissions advanced at bar and have gone through the material available on record.

At the outset, we may note that the right to carry on mining operations is not a vested right of any citizen. The State Government has absolute dominion to decide as to the areas and manner in which the mining permits will be granted. The order dated 16.03.2022 came to be issued excluding Sriganganagar and Hanumangarh districts from the permissible areas for grant of gypsum mining permits because complaints have been received regarding rampant illegal mining operations on government lands, forest lands and private lands particularly in these two districts. Without any doubt, the respondents were under a lawful obligation



to defer any such activity which amounted to illegal mining. For curbing the illegal mining activities, the respondents decided to hold an inquiry and till the conclusion thereof, it was resolved not to grant mining permits in the two districts. The decision so taken is not in the nature of permanent exclusion and is contingent to the conclusion of the inquiry.

Furthermore, we are of the firm view that the writ petition does not involve any public interest whatsoever. This Court put a pertinent query to the petitioners' counsel as to whether his clients are desirous of undertaking gypsum mining operations in Hanumangarh and Sriganganagar districts, to which he gave a pertinent reply that none of the petitioners is desirous of undertaking mining operations. In that situation, the petitioners cannot raise a grievance against the impugned action. The respondents acted well within their rights and jurisdiction while provisionally withholding gypsum mining license in these two districts. It can be expected that as and when the situation improves and the illegal mining operations are detected and dealt with, the respondents would review the decision to not to issue mining licenses in these two districts.

Furthermore, since it has been a specific assertion of the petitioners' counsel that none of the petitioners is desirous of undertaking mining operations in the two districts, we make it clear that as and when the gypsum mining operations are opened in Sriganganagar and Hanumangarh districts, the petitioners shall



not be entitled to apply for mining licenses for this purpose in either of these two districts.

Copy of this order shall be transmitted to Director, Department of Mines & Geology, Khanij Bhawan, Shastri Circle, Udaipur. With the above observations, the writ petition is dismissed as being devoid of merit.



(FARJAND ALI),J

46-Sudhir Asopa/-

(SANDEEP MEHTA),J



सत्यमेव जयते