

Kunal Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2013

Appellant : Kunal

Respondent : State and ors

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
:ORDER:

1. D.B. CIVIL WRIT PETITION NO.10642/2013 Kunal vs. State of Rajasthan & Ors.
2. D.B. CIVIL WRIT PETITION NO.10707/2013 Jawana Ram vs. State of Rajasthan & Ors.
3. D.B. CIVIL WRIT PETITION NO.10708/2013 Mahendra Kumar vs. State of Rajasthan & Ors.
4. D.B. CIVIL WRIT PETITION NO.10709/2013 Laxmi Devi Rajpurohit vs. State of Rajasthan & Ors.
5. D.B. CIVIL WRIT PETITION NO.10711/2013 Mahendra Pareek vs. State of Rajasthan & Ors.

6. D.B. CIVIL WRIT PETITION NO.10712/2013 Manu Devi vs. State of Rajasthan & Ors.

7. D.B. CIVIL WRIT PETITION NO.10722/2013 Mool Singh vs. State of Rajasthan & Ors.

8. D.B. CIVIL WRIT PETITION NO.10723/2013 Jogendra Singh vs. State of Rajasthan & Ors.

9. D.B. CIVIL WRIT PETITION NO.10733/2013 Geeta Pareek vs. State of Rajasthan & Ors.

10. D.B. CIVIL WRIT PETITION NO.10734/2013 Pradeep Singh Rajpurohit vs. State of Rajasthan & Ors.

11. D.B. CIVIL WRIT PETITION NO.10735/2013 Geeta Pareek vs. State of Rajasthan & Ors. Date of Order ::

29. h August, 2013 PRESENT HONBLE THE CHIEF JUSTICE MR.AMITAVA ROY HON'BLE MR. JUSTICE ARUN BHANSALI Mr. Kuldeep Vaishnav, for the petitioners. Mr. G.R. Punia, AAG, Senior Advocate assisted by Mr. Mahendra Choudhary, for the respondent-State. ---- 2 BY THE COURT: Learned counsel for both the parties submitted that similar matters have already been disposed of on the basis of judgment delivered in Federation of Sand Stone Mining Industries Association & Ors. vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.4241/2013) decided on 31.07.2013 and the Appellate Authority has been directed to restore the appeal and hear the same on merits, therefore, the same order may also be passed in these cases. The order passed in connected matter i.e. Lalit Sankhla vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.7381/2013) decided on 05.08.2013 is reproduced as under:- The controversy involved in this writ petition is no more res integra in view of the judgment dated July 31st 2013 rendered in a batch of writ petitions led by Federation of Sand Stone Mining Industries Association & Ors. vs. State of Rajasthan & Ors. (D.B. Civil Writ Petition No.4241/2013). In view of above, this petition of writ is allowed. The order dated 07.05.2013 passed by the Additional Director (Mines), Jodhpur

Zone, Jodhpur, Department of Mines and Geology in Appeal No.166/2009 is declared illegal and quashed. The appeal referred above is restored to its original number and the appellate authority is directed to adjudicate the same at its own merits. In view of joint submissions of the learned counsel for the parties, these writ petitions are disposed of, for the same reasons assigned in Federation of Sand Stone Mining Industries Association & Ors. vs. State of Rajasthan & Ors. (supra). The orders dismissing the appeal passed by the Additional Director 3 (Mines)/Dy. Secretary, Department of Mines, are set aside. The appeals of the petitioners before the Appellate Authority are restored to their original numbers. The Appellate Authority is directed to decide the appeals on merit, after hearing both the parties. Stay applications stand disposed of accordingly. Registry is directed to place a copy of this order in each connected file. (ARUN BHANSALI),J.

(AMITAVA ROY), CJ.

A.K. Chouhan

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