

Surya Prakas Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Aug-22-2013

Appellant : Surya Prakas

Respondent : State and ors

Judgement :

D.B. CWP No. 9554/2013 1 IN THE HIGH COURT OF JUDICATURE FOR
RAJATHAN AT JODHPUR

ORDER

1. D.B. Civil Writ Petition No. 9554/2013 Gautam Gangwal versus State of Raj. & Ors.
2. D.B. Civil Writ Petition No. 8900/2013 Bhanwar Singh versus State of Raj. & Ors.
3. D.B. Civil Writ Petition No. 7743/2013 Jeevraj versus State of Raj. & Ors.
4. D.B. Civil Writ Petition No. 9947/2013 Chetana Gehlot versus State of Raj. & Ors.
5. D.B. Civil Writ Petition No. 9948/2013 Shanti Devi versus State of Raj. & Ors.
6. D.B. Civil Writ Petition No. 9949/2013 Surya Prakash versus State of Raj. & Ors. Date of Order :

22. d August, 2013 HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN HON'BLE MR. JUSTICE ARUN BHANSALI Mr. D.L.R. Vyas on behalf of Mr. B.M. Bohra, for the petitioners. Mr. G.R. Punia Senior Counsel & AAG assisted by Mahendra Choudhary, for the respondents. 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. versus State of Rajasthan & Ors. [D.B. Civil Writ Petition No. 4241/2013] decided on 31st July, 2013 and the Appellate Authority has been directed to restore the appeal and hear the same on merits, therefore, same order may also be passed in these cases.

2. The order passed in connected matter i.e. Lalit Sankhla versus State of Rajasthan & Others [D.B. Civil Writ Petition No. 7381/2013] decided on 5th August, 2013 is D.B. CWP No. 9554/2013 2 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.

3. 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 (Mines)/Dy. Secretary, Department of Mines, are set aside. The appeal of the petitioners before the Appellate Authority is restored to its original number. The Appellate Authority is directed to decide the appeal on merits, after hearing both the parties.

4. Stay application nos. 8106/2013, 7555/2013, 6440/2013, 8465/2013, 8466/2013 and 8467/2013 stand disposed of, accordingly.

5. Registry is directed to place a copy of this order in each connected files. (Arun Bhansali),J.

(Narendra Kumar Jain),J.

Mak/- 33 All the corrections in the order emailed have been incorporated in the order.

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