

Ajay Singh Vs. State and anr

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Court : Rajasthan Jodhpur

Decided On : Feb-14-2014

Appellant : Ajay Singh

Respondent : State and anr

Judgement :

D.B.Civil Writ Petition No.10207/2013 Ajay Singh vs State of Rajasthan & Anr.

1 2 D.B.Civil Writ Petition No.10207/2013 Ajay Singh vs State of Rajasthan & Anr.

DATE OF

ORDER

: 14th February 2014 HONBLE Mr.JUSTICE DINESH MAHESHWARI HONBLE Mr.JUSTICE BANWARI LAL SHARMA Mr.Sanjay Mathur for the petitioner.

Dr.P.S.Bhati AAG for the respondents.

<><><> The learned counsel for the petitioner submits that steps have been taken for removing of the defect No.3.

Other defects are taken note of and are ignored.

Issue notice.

The learned AAG Dr.

P.S.Bhati appears for the respondents.

Having regard to the circumstances, the matter has been heard and considered finally at this stage itself.

In this writ petition, essentially the petitioner has put to question the Notification dated 03.04.2013 as issued by the State Government bringing out amendment in the Rajasthan Minor Mineral Concession Rules, 1986 ('the Rules of 1986') particularly to the extent it was sought to be applied on the pending applications for grant of mining lease/licence.

It is noticed that the very same Notification dated 03.04.2013 was under challenge in a batch of petitions led by DB CWP No.4241/2013: Federation of Sand Stone Mining Industries Association & ORS.versus State of Rajasthan & ORS.wherein, a Co.D.B.Civil Writ Petition No.10207/2013 Ajay Singh vs State of Rajasthan & Anr.

2 ordinate Bench in its order dated 31.07.2013 has held the amendment made in sub-rule (10) of Rule 4 and sub-rule (3) of Rule 7 of the Rules of 1986 to be illegal to the extent it provided for rejection of pending applications.

The co-ordinate Bench has, inter alia, held as under: Therefore, impugned amendment dated 03.04.2013 made in sub-rule (10) of Rule 4 and Rule 7(3) of the Rules of 1986 are hereby declared illegal to the extent of rejection of the pending applications and it is directed that all the pending applications filed upto 27.01.2011 shall be decided in accordance with law prevailing prior to issuance of impugned notification dated 03.04.2013.....

The position aforesaid and the relevant observations as made in the aforesaid order dated 31.07.2013 directly apply to the present case too.

The matter being concluded so far this Court is concerned by the aforesaid order dated 31.07.2013, it appears appropriate and in the interest of justice that this matter be also disposed of in the same terms.Accordingly, this petition stands disposed of in terms of the aforesaid order dated 31.07.2013 as passed in the

batch of petitions led by DB CWP No.4241/2013.

(BANWARI LAL SHARMA),J.

(DINESH MAHESHWARI),J.

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