

Prem Lal Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Feb-15-1984

Reported in : 1984WLN(UC)106

Judge : P.K. Banerjee, C.J.

Appeal No. : S.B. Civil Writ Petition No. 595/76

Appellant : Prem Lal

Respondent : State of Rajasthan and ors.

Judgement :

P.K. Banerjee, C.J.

1. In this rule, the petitioner has challenged the order passed by the respondent No. 1 in second appeal at the instance of bansilal channelling the grant of lease of a quarry in favour of the petitioner. The only ground on which the second Appeal succeeded is that the petitioner. Applied for quarry lease on 17-7-1967 when there was an order of stay between that date between the prohibited date but the question remains, these applications for allotment on July 17,1967 were considered by the competent authority only in 1972 and allotment order was effected soon thereafter. In my opinion, under the rule, applications can be made by any person who is otherwise entitled for the lease of mines. Under the Mineral Concession Rules, application for mining lease is considered if other conditions are satisfied about the propriety of the application if other conditions are equal. In the present case, admittedly, the application was made on 17-7-1967 and it was allowed in 1973 when, there was admittedly no stay order restraining the grant of mining lease to any of the parties and it was so granted to the petitioner, lease deed executed in accordance with law and possession to the petitioner and renewals were granted delivered pending hearing of the rule. In that view of the matter, in cancellation of the deed of lease granted in 1973 on the ground that he applied between the prohibited period on 17-7-67 cannot be sustained and must be set aside, which there by do. The rule is made absolute and the order of application of lease of the petitioner dated March 20, 1976 is set aside. There will be no order as to costs.

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