

Rajasthan Barytes Ltd. and anr. Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Mar-03-1999

Reported in : 1999(3)WLC245; 1999(1)WLN438

Judge : B.S. Chauhan, J.

Appeal No. : S.B. Civil Writ Petition No. 465 of 1993

Appellant : Rajasthan Barytes Ltd. and anr.

Respondent : State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

B.S. Chauhan, J.

1. The facts of the case are not in dispute. A pure question of law whether a person who has not agitated the matter after his application has been rejected, can have any grievance and ask the Competent Authority to consider his case alongwith a party whose case has been remanded by the Revisional Authority?

2. The grievance raised in the petition by the petitioner is that his application ought to have been considered by the Competent Authority, i.e., the State of Rajasthan, for lease under the provisions of the Rajasthan Mines and Minerals (Regulation and Development) Act, 1957, along with the application of respondent No. 5,

Beechamores Private Limitedi whose case has been remanded by the Central Government to the State Government.

3. The case is fully covered by a Constitution Bench judgment of the Hon'ble Supreme Court in Cumbum Roadways Pvt. Ltd., Madurai v. Somu Transport Ltd. AIR 1966 SC 1966, wherein the Hon'ble Apex Court observed as under:

On principle, therefore, it does not appear right that the High Court should set-aside orders in appeal passed by the Appellate Turibunal when the parties to those appeals do not bring-up the matter before the High Court, simply because as the matter of convenience the Appellate Tribunal deals with all the appeals relating to one route by the consolidated order. Therefore, we are of the opinion that the remand should only be confined to those parties which came to the High Court and not extend to others, as the High Court would have no jurisdiction to interfere with the orders of the Appellate Tribunal either in favour or against the parties which have not come to it.

4. Similar view had been taken by the Hon'ble Supreme Court in Hanuman Transport Corporation v. Meenakshi G. Ramabhai Civil Appeal No. 794/1963, decided on 20-2-1963. A similar view has been reiterated in Anamaliais Bus Transports Pvt. Ltd. Pollachi v. Shri Tiruppar-karur Transport Pvt Ltd. AIR 1966 Mad. 470.

5. Thus, in view of the above, the submission made by Mr. N.P. Gupta is not tenable and the petition is accordingly dismissed. There shall be no order as to costs.