

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Special Appeal Writ No. 452/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.
5. Mining Engineer, Department Of Mines Geology, Ajmer.

----Appellants

Versus

Shree Vinayak Corporation Through Proprietor Smt. Rekha Bhargava, W/o Shri Atul Bhargava, Aged About 42 Years, Resident Of 242/9, D H Building Hathibhata, Ajmer (Rajasthan)

----Respondent

D.B. Special Appeal Writ No. 453/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Department Of Mines Geology, Karauli

----Appellants

Versus

M/s Anantraj Mines Minerals, Village Post Paota, Tehsil - Kotputli, Distt. - Jaipur Through Anandi Lal Jangid S/o Sh. Banwari Lal Jangid, Aged About 52 Years, R/o Village Post Paota, Tehsil - Kotputli, Distt. - Jaipur, Rajasthan Pin-302001

D.B. Special Appeal Writ No. 454/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines And Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

-----Appellants

Versus

Akhil Sharma S/o Shri Rajendra Sharma, Aged About 30 Years, Resident Of C-53, Riico Housing Colony, Beawar, Distt. Ajmer, (Rajasthan)

-----Respondent

D.B. Special Appeal Writ No. 455/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Department Of Mines Geology, Karauli

-----Appellants

Versus

M/s Anantraj Mines Minerals, Village Post Paota, Tehsil - Kotputli, Distt. - Jaipur Through Anandi Lal Jangid S/o Sh. Banwari Lal Jangid, Aged About 52 Years, R/o Village Post Paota, Tehsil - Kotputli, Distt. - Jaipur, Rajasthan Pin-302001

-----Respondent

D.B. Special Appeal Writ No. 456/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines

Geology, Secretariat, Jaipur.

3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur

----Appellants

Versus

Bhanwar Lal Bula, S/o Shri Jeevan Ram Bula, Aged About 45 Years, R/o Delwada, Thesil Beawar, District Ajmer, Rajasthan

----Respondent

D.B. Special Appeal Writ No. 457/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

----Appellants

Versus

Nitin Kabra, Son Of Shri Shiv Prasad Kabra, Aged About 36 Years, Resident Of Mukaam Post Rajgarh Via Saradhana, Tehsil Nasirabad, Ajmer (Rajasthan) Pin-305001.

----Respondent

D.B. Special Appeal Writ No. 458/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Department Of Mines Geology, Karauli

----Appellants

Versus

Smt. Sunita Sharma W/o Sh. Ashok Kumar Sharma, Aged About 38 Years, R/o Of Paota, Tehsil Kotputli, District Jaipur, Rajasthan, Pin-302001

----Respondent

D.B. Special Appeal Writ No. 459/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Department Of Mines Geology, Karauli

----Appellants

Versus

Rohitash Singh Tanwar S/o Shri Chaju Singh Tanwar, Aged About 44 Years, Resident Of Plot No. 34, Vishal Nagar, Road No. 17, Vki Area, Jaipur (Rajasthan) - Pin 332013

----Respondent

D.B. Special Appeal Writ No. 460/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur
5. Mining Engineer, Department Of Mines Geology, Alwar

----Appellants

Versus

Smt. Kiran, S/o Shri Satpal, Aged About 40 Years, Resident Of

Village Post Tarwala, Tehsil Kishangarh, District Alwar
(Rajasthan)

-----Respondent

D.B. Special Appeal Writ No. 461/2018

1. State Of Rajasthan Through Principal Secretary, Department Of Mines Petroleum, Secretariat, Jaipur.
2. Additional Director (Mines), Jaipur Region, Fourth Floor, Khanij Bhawan, Udhog Bhawan Campus, Tilak Marg, C-Scheme, Jaipur.
3. Directorate Of Mines Geology, Government Of Rajasthan Through Its Director, Khanij Bhawan, Shastri Circle, Udaipur-313001.

-----Appellants

Versus

Mamta Chaturvedi W/o Shri R.n. Chaturvedi, Aged About 47 Years, R/o B-387, Near Jain Mandir, Panchsheel Nagar, Ajmer-305004.

-----Respondent

D.B. Special Appeal Writ No. 462/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Department Of Mines Geology, Karauli

-----Appellants

Versus

Sunita Sharma W/o Sh. Ashok Kumar Sharma, Aged About 38 Years, R/o Of Paota, Tehsil Kotputli, District Jaipur, Rajasthan, Pin-302001

-----Respondent

D.B. Special Appeal Writ No. 463/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

----Appellants

Versus

Rahul Sharma S/o Shri Rajendra Sharma, Aged About 32 Years, Resident Of C-53, Riico Housing Colony, Beawar, Distt. Ajmer (Rajasthan)

----Respondent

D.B. Special Appeal Writ No. 464/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Kota Zone, Kota
5. Mining Engineer, Bharatpur.

----Appellants

Versus

Ashok Kumar Jain S/o Shri Tara Chand Jain, Aged About 59 Years, Resident Of Ward No. 6, Firozpur Jhirka, District Noob, Mewat (Haryana)

----Respondent

D.B. Special Appeal Writ No. 465/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.

2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.
5. Mining Engineer, Beawar.

----Appellants

Versus

M/s Charbhuja Minerals, Propreitorship Firm Through Proprietor Rekha Solanki, W/o Shri Kanhaiya Lal, Aged About 28 Years, Resident Of 701, Ballia Marg, Vinod Nagar, Beawar, District Ajmer (Rajasthan).

----Respondent

D.B. Special Appeal Writ No. 466/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.
5. Mining Engineer, Beawar.

----Appellants

Versus

Ramesh Jain, S/o Shri Bhanwar Lal Jain, Aged About 43 Years, Resident Of Opposite Jain Deevakar Library, Mewari Gate, Beawar, District Ajmer (Rajasthan).

----Respondent

D.B. Special Appeal Writ No. 467/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.

3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

----Appellants

Versus

Akhil Sharma S/o Shri Rajendra Sharma, Aged About 30 Years, Resident Of C-53, Riico Housing Colony, Beawar, Distt. Ajmer (Rajasthan)

----Respondent

D.B. Special Appeal Writ No. 468/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Region, Jaipur.
5. Mining Engineer, Beawar.

----Appellants

Versus

M/s Dhanraj Minchem, Proprietorship Firm Through Proprietor Kanhaiya Lal S/o Shri Laxman Lal, Aged About 32 Years, Resident Of 701, Ballia Marg, Vinod Nagar, Beawar, Ajmer (Rajasthan).

----Respondent

D.B. Special Appeal Writ No. 469/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines And Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology,

Jaipur Zone, Jaipur.

----Appellants

Versus

Nitin Kabra, Son Of Shri Shiv Prasad Kabra, Aged About 36 Years, Resident Of Mukaam Post Rajgarh Via Saradhana, Tehsil Nasirabad, Ajmer (Rajasthan) Pin-305001.

----Respondent

D.B. Special Appeal Writ No. 470/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.
5. Mining Engineer, Department Of Mines And Geology, Alwar.

----Appellants

Versus

Smt. Bala Devi, W/o Shri Puran Mal Patel, Aged About 42 Years, Resident Of Village Post Tarwala, Tehsil Kishangarh, District Alwar (Rajasthan).

----Respondent

D.B. Special Appeal Writ No. 471/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

----Appellants

Versus

Vijender Singh S/o Shri Sagar Singh, Aged About 38 Years,
Resident Of Post Kirap, Tehsil Masuda, District Ajmer
(Rajasthan)

-----Respondent

D.B. Special Appeal Writ No. 472/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Udaipur Zone, Udaipur.

-----Appellants

Versus

Smt. Rina Blaggan W/o Sh. Pradeep Blaggan, Aged About 60 Years, R/o Of 79, Lawrence Road, Amritsar-1, Amritsar, Punjab-143001 Through Power Of Attorney Holder Narendra Kumar Ojha S/o Sh. Ghanshyam Lal Ojha, Aged About 50 Years R/o B-367, R K Colony, Distt- Bhilwara, Rajasthan.

-----Respondent

D.B. Special Appeal Writ No. 473/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

-----Appellants

Versus

Nitin Kabra, Son Of Shri Shiv Prasad Kabra, Aged About 36 Years, Resident Of Mukaam Post Rajgarh Via Saradhana, Tehsil Nasirabad, Ajmer (Rajasthan) Pin- 305001.

-----Respondent

D.B. Special Appeal Writ No. 474/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Region, Jaipur
5. Mining Engineer, Beawar

-----Appellants

Versus

M/s Dhanraj Minchem, Proprietorship Firm Through Proprietor Kanhaiya Lal S/o Shri Laxman Lal, Aged About 32 Years, Resident Of 701, Ballia Marg, Vinod Nagar, Beawar, Ajmer (Rajasthan)

-----Respondent

D.B. Special Appeal Writ No. 475/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Additional Director, Department Of Mines Geology, Jaipur Zone, Jaipur.

-----Appellants

Versus

Nitin Kabra, Son Of Shri Shiv Prasad Kabra, Aged About 36 Years, Resident Of Mukaam Post Rajgarh Via Saradhana, Tehsil Nasirabad, Ajmer (Rajasthan) Pin- 305001.

-----Respondent

D.B. Special Appeal Writ No. 476/2018

1. State Of Rajasthan Through Secretary, Department Of Mines Geology, Secretariat, Jaipur.
2. Joint Secretary To The Govt., Department Of Mines Geology, Secretariat, Jaipur.
3. Director, Department Of Mines Geology, Udaipur, Rajasthan.
4. Mining Engineer, Jaipur
5. Assistant Mining Engineer, Sawai Madhopur

----Appellants

Versus

M/s Shri Balaji Minerals, Thandi Pyao, Tripoliya Bazar Jaipur Through Its Partner Satya Narayan Agarawal S/o Shri C M Agarwal, Aged About 67 Years, Resident Of B-119 Janta Colony, Distt Jaipur, (Rajasthan)

----Respondent

For Appellant(s)	:	Mr. Anurag Sharma AAG
For Respondent(s)	:	

HON'BLE MR. JUSTICE K.S.JHAVERI
HON'BLE MR. JUSTICE VIJAY KUMAR VYAS

Judgment

10/05/2018

Delay in filing the appeals is condoned. The applications u/s 5 of the Limitation Act are allowed.

The controversy involved in the appeals is identical therefore, the appeals are decided by this common order.

Counsel for the appellants states that the controversy is squarely covered by the decision of this Court in group of matters namely DBSAW No. 652/2018 (State of Rajasthan vs. M/s Karni

Minies & Minerals) decided on 3rd May, 2018 and the order in the said case reads as under:-

"2. Challenge in the writ appeals is to an order dated 30th August, 2017 disposing of 143 writ petitions filed by the writ petitioners. The writ petitioners were aggrieved by a general order dated 17th October, 2015 and consequential orders of different dates cancelling the letter of intent issued by the Department of Mines, Government of Rajasthan.

3. The case of the petitioners was that they had submitted applications seeking permission to undertake mining activities on the lands referred to in the applications and after appraising their applications letters of intent were issued to the writ petitioners on various dates between 1st November, 2014 to 12th January, 2015. The grievance was to an enquiry being conducted by the State Government in which the writ petitioners were not involved i.e. were not associated in the enquiry and based on the enquiry report, holding that there were gross irregularity in issuing the letter of intent the general order dated 17th January, 2015 was issued directing all LOI's to be cancelled followed by the individual orders issued to the writ petitioners on various dates.

4. The learned Single Judge has simply held that if in the grant of letter of intent there was any violation and it was desired to cancel the letter of intent, principles of natural justice had to be followed. With reference to the material gathered show cause notice ought to have been issued to the letter of intent holder calling upon the letter of intent holder to file a reply and thereafter decision to be taken.

5. While allowing the writ petitions the appellants have been permitted to take action afresh by complying with the principles of natural justice.

6. It is settled law that violation of a principle of natural justice is by itself a wrong justifying quashing of an order which has been passed in violation of the principles of natural justice and no other injury needs to be shown. The only exception to this is the principle of idle formality i.e. where the requirement to follow the principles of natural justice would be an idle formality.

7. In the instant case the principle of idle formality would not be applicable because facts of each case would be different. The persons to whom letter of intent was issued had submitted applications which

were processed and only thereafter the letter of intent was issued. If this is cancelled, hearing ought to have been granted.”

In view of the above, the appeals stand dismissed.

(VIJAY KUMAR VYAS),J

(K.S.JHAVERI),J

A.Sharma/95-119

RAJASTHAN HIGH COURT



सत्यमेव जयते