RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 17895/2021
CNR: RJHC010776232021 | URN: CW / 33128U / 2021

Rajasthan High Court
सत्यमेव जयते
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1. Dungar Singh Chundawat S/o Bharat Singh Chundawat, Aged About 45 Years, Rajput Mohalla Village Dhordiya, Nagri, Nagri, Chittorgarh (Raj)
2. Shambhu Singh Rajput S/o Man Singh, Aged About 42 Years, 271, Village Jai, District Chittorgarh (Raj).
3. Ratan Lal Bhil S/o Kalu Lal Bhil, Aged About 22 Years, Bhil Mohalla, Surjana Samalpura, Chittorgarh (Raj)

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Revenue Department (Group-III), Rajasthan, Jaipur.
2. The District Collector, Chittorgarh
3. Tehsildar, Chittorgarh.
4. Birla Corporation Limited, Birla Cement Works, Madhav Nagar, Chanderia, Chittorgarh.

----Respondents

For Petitioner(s)	:	Mr. Manoj Bohra, through VC Mr. Mahesh Joshi
For Respondent(s)	:	Mr. Sajjan Singh Rathore, AAG asstd. by Ms. Mehali Mehta Mr. Akhilesh Rajpurohit

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

26/11/2026

1. Heard learned counsel for the parties.

2. The present writ petition has been filed while labeling the same to be in a public interest challenging the order dated 05.07.1984 passed by the District Collector, Chittorgarh whereby

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the surface right for execution of the mining lease has been granted in favour of respondent No.4.

3. The learned counsel for the petitioners submits that although the order impugned was passed in the year 1984, however, he has assailed the same before this Court in 2021 and that he could not approach this Court for all these years as no excavation of mine was being undertaken in pursuance of the impugned order dated 05.07.1984. He submits that as soon as he noticed the mining operations ongoing in the area, he has approached this Court by way of filing the present public interest litigation. He candidly submitted before this Court that no representation or application was filed before authorities concerned against the ongoing excavation of mine undertaken by the respondent No.4.

4. On a pointed query being raised by the Court, the learned counsel for respondent No.4 submitted before us that immediately after passing of the order on 05.07.1984, the excavation of the mining activities was started in the area in year 1987 and since then, the mining operations are being undertaken absolutely in accordance with law, therefore, no interference is warranted by this Court at this stage. He submitted that there is no public interest involved in the present case, and the writ petition itself has been filed after 37 years. Learned counsel submitted that after passing of the impugned order, the State Government has approved mining plan for excavation of the mines allotted in favour of respondent No.4 and the respondent No.4 is undertaking all mining operations strictly in accordance with the approved mining plan without any deviation. He further submitted that the order dated 05.07.1984 issued by the District Collector,

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RAJASTHAN HIGH COURT

Chittorgarh was challenged by the concerned Gram Panchayat before the learned Revenue Appellate Authority (hereinafter referred to as "RAA") and learned RAA vide order dated 31.05.1986 has dismissed the appeal preferred by the concerned Gram Panchayat. Against the order dated 31.05.1986 passed by learned RAA, a second appeal was preferred by the concerned Gram Panchayat before the Board of Revenue and the same was also dismissed vide order dated 20.02.1989. Learned counsel, in these circumstances, submits that the validity of the order impugned herein has also been affirmed by the two authorities concurrently, i.e. learned RAA and Board of Revenue. He, therefore, submits that this present public interest litigation is nothing but a device to settle the score with the respondent No.4 by taking recourse of public interest litigation and therefore, prays that the present writ petition may be dismissed.

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5. Learned Additional Advocate General has also submitted that the official respondents have not received any representation against the excavation of the mine by respondent No.4 in pursuance of the order dated 05.07.1984 and the respondent authorities are satisfied that the mining operations by respondent No.4 are taking place in consonance with the approved mining plan and in accordance with law.

6. We have considered the submissions made at the Bar and gone through the relevant record.

7. It is true that the order dated 05.07.1984 has been challenged by way of filing the present public interest litigation. The present writ petition was filed in the year 2021. On a pointed query with respect to the delay in filing the writ petition being

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raised by the Court, the learned counsel for the petitioners submitted that immediately on noticing the act of excavation of the mine in the area, the petitioners have approached this Court, meaning thereby the petitioners became aware of the mining operations some months prior to the year 2021, and therefore, the learned counsel tried to satisfy this Court that there is no delay in filing the present writ petition. To be more precise, the averment made in the writ petition in para No.7 explaining the delay reads as under ;-

> *"7. That after passing of the impugned order dated 05.07.1984, the private respondent has not done any mining activity upon the said land, recently, now in the year 2021 itself, the private respondent is going to start mining activity upon the land, which was awarded vide order dated 05.07.1984. Therefore, the petitioners have no knowledge about passing of the impugned order."*

8. When the learned counsel for the respondents was directed by this Court to point out the fact of inception of the mining activities having taken place in which, it was specifically pointed out that the mining operations actually started in the year 1987 and same is reflected in reply filed by the respondent No.4. More precisely, in para No.9 of the reply the respondent No.4 has stated as under:-

> *"9. That the petitioners have no locus to challenge the assignment of mining rights passed by a competent authority under the Act of 1956 in the garb of a PIL. The matter already attained finality way back in the year 1984 and was litigated up to the Division Bench of this Hon'ble Court. By way of present writ petition, the petitioners with malafide intention are trying to re-agitate the settled dispute after a delay of more than 39 years and cleverly styled the present petition as PIL only to blackmail the answering respondent No.4. Therefore, the instant writ petition deserves to be dismissed at the threshold with the exemplary*

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costs. The inordinate delay defeats the equity. Petitioners may not be allowed to unsettle the settled matter after a lapse of 34 years."

9. Not only this, the order impugned herein was the subject matter of challenge before the two appellate authorities and it is also to be noted that the same was challenged by the concerned Gram Panchayat, therefore, no individual person can be more interested in prosecuting an issue over and above the Gram Panchayat and since, the Gram Panchayat has assailed the validity of the order dated 05.07.1984 and the same has attained finality up to the Board of Revenue, therefore, it can safely be presumed that the challenge laid to the said order by way of filing public interest litigation is not bona fide.

10. The explanation of delay submitted by the counsel for the petitioners for not challenging the order dated 05.07.1984 at its inception on the ground that the mining activities were noticed in the year 2021 is also false and baseless. The entire chronology of the case clearly shows that the filing of the present writ petition in the garb of public interest, does not appear to be genuine and bona fide act and therefore, we are of the view that the delay in challenging the order of 1984 in the year 2021, i.e. after 37 years, is clearly for the reasons other than public interest and therefore, we are not inclined to entertain the present writ petition filed in public interest. The same is therefore, dismissed.

11. Pending applications, if any, also stand dismissed.

(SANDEEP SHAH),J **(VINIT KUMAR MATHUR),J**

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