RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 7707/2023
CNR: RJHC010362452023 | URN: CW / 16113U / 2023

Suo, Moto

----Petitioner

Rajasthan High Court
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Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. Principal Secretary, Home Department, Government Of Rajasthan, Jaipur.
3. Principal Secretary, Mining Department, Government Of Rajasthan, Jaipur.
4. Director General Of Police, Rajasthan, Jaipur.

----Respondents

For Petitioner(s) : Mr. Pramod Viraish for Mr. Pranjul Mehta

For Respondent(s) : Mr. Mahaveer Bishnoi, AAG assisted by Mr. Harshvardhan Singh Chundawat
Mr. Udit Mathur for Mr. Ankur Mathur

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

25/11/2026

1. The genesis of the instant writ proceedings is in fact a Suo Moto notice which was taken by the Co-ordinate Bench of this Court vide an order dated 25.05.2023.

2. The said order is self-speaking and for ready reference, the order dated 25.05.2023 is reproduced hereinbelow:-

> *"Today, a news item is published in prominent newspapers of Jodhpur City i.e. Dainik Bhaskar, Rajasthan Partrika and Dainik Navjyoti which reported that in the dawn of Wednesday i.e. 24.05.2023 at 5 AM when the Additional Commissioner of Police, Police Commissionerate, Jodhpur was chasing the dumper vehicle carrying mineral "Bajri" illegally on Salawas road, abruptly a Swift car escorting the dumper approached near the vehicle of the ACP*

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and threatened him to face vulnerable and deathly consequences if they continued to run after the dumper.

While ACP continued to chase the dumper, the dumper driver intentionally took a reverse gear and bumped into the car of ACP making it mangled beyond recognition, due to the air bags in the car, the life of ACP and others was saved. Thereafter the hooligan dumper driver ran away from the spot.

It is noticed that similar type of news reporting such incidents are published in the news papers oftenly in whole of the State of Rajasthan. News regarding gang wars between the mining mafias resulting in heinous crime as murder are also published regularly in the news papers in the State of Rajasthan.

Many a times, it is also reported whenever the villagers resisted illegal mining carried out by the mining mafias they have been attacked and some innocent villagers were even murdered.

It is also noticed that the dumpers transporting mineral "Bajri" illegally, run rashly and negligently at a very high speed on the highways, major roads of the cities and even in narrow lanes which poses serious threat to the life of public at large.

The number plates of the said dumper are either totally missing or the number plates or registration numbers of the said number plates are indeciphered due to trashing of mud or grease or the said number plates have many scratches so as to make it invisible to be identified.

The general perception is being created that neither the police or administration of the State of Rajasthan has any control over these mining Mafias nor the State has strong will to tame these mafias as they are so influential that no one takes any action against them on account of their influence in the administration.

The General public is in fear of these mafias and is helpless as police as well as administration is not taking any effective steps to carve this menace.

In the interest of justice, taking cognizance of the matter, while exercising Suo Moto powers we deem it appropriate to register a Suo Moto petition on the basis of the news published in the above newspapers. The Registry is directed to register the same and place on record the cutting of the above-referred news along with record of this writ petition.

Let notice of this Suo Moto petition be issued to the Chief Secretary, Government of Rajasthan, Principal Secretary, Home Department, the Principle Secretary, Mining Department and Director General of Police, Rajasthan to submit their response.

Mr. Sandeep Shah, learned AAG is directed to accept notice on behalf of the above-referred respondents.

This Court deems it appropriate to request Mr. Rajesh Joshi, Sr. Advocate and Mr. Sandeep Bishnoi and Mr. Pranjul Mehta, Advocates to assist this Court as Amicus Curiae in the matter.

Amicus Curiae may furnish relevant material by the next date of hearing and State shall also file response by the next date of hearing detailing out that what action has been taken by it against mining mafias till date in the State of Rajasthan and what action plan is proposed to control the said menace.

List this matter on 1st June, 2023."

3. Apropos, the matter has remained pending before this Court and various affidavits were also filed from time to time. The most relevant is reproduced hereinbelow:-

"2. That by way of order dated 25.05.2023, the Hon'ble Court was pleased to take suo moto cognizance of a newspaper article reporting an unfortunate incident that occurred on 24.05.2023 wherein a dumper

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carrying illegally mined Bajri, that was being chased by the Assistant Commissioner of Police, Police Commissionerate, Jodhpur, intentionally rammed into the car of the Assistant Commissioner. It was further reported that the dumper driver was being escorted by a Swift car and the dumper driver and the car fled the site of accident. The Hon'ble Court while taking cognizance of the incident was pleased to direct the answering respondents to file a response as to what action has been taken by the State against such activities regarding illegal mining and transportation of Bajri and what action plan is proposed to control the menace.

3. That regarding the unfortunate incident that occurred on 24.05.2023, it is submitted that an F.I.R. was registered under Section 353, 332, 307, 506, 379/34 of the Indian Penal Code, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 3 of the Mines and Mineral (Development and Regulation) Act, 1957 and police investigation has commenced. The main accused and dumper driver were arrested and taken into judicial custody. The dumper and car involved in the incident have been seized.

4. That to curb the menace of illegal mining of Bajri in State of Rajasthan, the various Departments of the State including the Department of Mines and Geology, Department of Home, Department of Forest and Transport Department, have been tirelessly working in coordination with each other. Various State level and District Level meetings are held periodically to deliberate upon the issues arising in this regard. Not only this time and again interdepartmental Teams or Task Forces are constituted to work in specific areas where the illegal activities are heightened. Various Guidelines and circulars are also being issued. By way of the present affidavit, details of some of the actions taken by the answering respondents to deal with the issue of illegal mining of Bajri are detailed below.

5. That on 27.05.2023, the respondents have conducted a one day drive against the illegal mining/transportation/stocking of Bajri in the entire State. A chart showing the details of the cases of illegal mining/transportation/stocking registered, F.I.R.s registered, persons arrested, vehicles seized etc. in the drive conducted on 27.05.2023 is annexed herewith and marked as Annexure-A/1.

6. That as far as Jodhpur Commissionerate is concerned, the respondents deem it appropriate to place on record a chart showing details of-

-vehicles seized for illegal mining /transportation of Bajri from 2021 to present under Section 207 of the Motor Vehicles Act, 1988,

-vehicles seized for illegal mining/transportation of Bajri from 2021 to present under Section 38 of Police Act, 1861

-vehicles seized in registered cases of illegal mining /transportation of Bajri from 2021 to present.

-details of cases mining/transportation registered regarding Illegal

-cases registered wherein the Government officials have been attacked or restrained from performing their duties while pursuing cases of illegal mining/transportation of Bajri.

The chart is annexed herewith and marked as Annexure-A/2.

A consolidated chart showing abovementioned details for the entire State is annexed for the year 2021, 2022 and for year 2023 till 25.05.2023 is annexed herewith and marked as 7.

Annexure-A/3. A detailed chart showing district wise details for year 2021, 2022 and for year 2023 till 25.05.2023 is annexed herewith and marked as Annexure-A/4.

That to support the Department of Mining in cases regarding illegal mining or transportation of bajri, as and when requested for by the Department, a platoon of the 14th Battalion RAC is also made available by order. A copy of chart showing deployment of platoons of 14th RAC Battalion from January 2022 to May 2023 for curbing menace of illegal mining is annexed herewith and marked as Annexure-A/5. Further, a platoon of 14th Battalion RAC is also deployed upon specific requirement qua illegal mining/ transporatation of Bajri. IA copy of recent order dated 31.01.2023 for deployment of platoon

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at Dholpur fòr said purpose is annexed herewith and marked as Annexure-A/6. It is further submitted that a police force is also made available to help the efforts of the Department of Mines and Geology as and when requested.

8. That to curb the menace of illegal mining/transportation/stocking, on previous occasion Special Investigation Team (SIT) comprising of officials of various departments including Mining Department and Police, have been constituted to look into the issue. A copy of order dated 12.07.2018 issued for constituting the SIT in Jodhpur is annexed herewith and marked as Annexure-A/7. Further orders, have been issued for constitution of special teams. A copy of order dated 18.06.2019 in this regard is annexed herewith and marked as Annexure-A/8. A copy of order dated 27.06.2019 further constituting teams in this regard is annexed herewith and marked as Annexure-A/9.

9. That as has been submitted supra to curb the menace of illegal mining/transportation/stocking and to ensure coordination between the Mining Department and Home Department, and other relevant departments, time and again meetings are conducted. A copy of minutes of the meeting dated 21.09.2022 of one such meeting held on 05.08.2022 and consequent directions issued vide letter dated 29.09.2022, 04.10.2022 and 12.10.2022 for compliance of same are annexed herewith and marked as Annexure-A/10 collectively. Thus, it is clear from submissions made above that the respondent Home Department is continuously issuing various orders/circulars and taking various measures to prevent illegal mining/transportation/ stocking of Bajri. The answering Department is taking effective measures and has ensured its full cooperation to the Department of Mines and Geology in handling the issue of illegal mining of Bajri. It is further submitted that as and when requested by the Mining. Department police force shall be made available to support the Mining Department to support them in curbing cases of illegal mining/transportation of Bajri."

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4. In view of aforesaid stand taken by the respondents, we are of the view that no further proceedings are warranted before us. However, in the parting, we make it clear that the proceedings are being dropped with the expectation that the respondents shall make earnest endevours to protect the public property as well as illegal activities which were the concern of this Court at the time of initiating Suo Moto proceedings.

5. Since appropriate administrative steps as narrated in the affidavit have been taken subsequent to the Suo Moto proceedings, we direct that the SIT so constituted as well as other competent State Official shall continue to discharge their duties diligently so that such like illegal activities do not recur in future.

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6. With these observations/direction, the Suo Moto proceedings are dropped and the respondents are made bound by the contents of the affidavit as above.

7. Any pending application also stands disposed of.

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(YOGENDRA KUMAR PUROHIT),J **(ARUN MONGA),J**

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