RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 6973/2024

CNR: RJHC010311132024 | URN: CW / 13308U / 2024

Rajasthan High Court
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1. Manful S/o Shri Hanuman Prasad, Aged About 44 Years, R/o Ward No. 8, Guda, Tehsil Kolayat District Bikaner.
2. Kalu Singh S/o Hanut Singh, Aged About 37 Years, R/o Ward No. 7, Village Guda, Tehsil Kolayat District Bikaner.
3. Manohar Singh S/o Lal Singh, Aged About 27 Years, R/o Ward No. 10, Village Chak Banda No. 1, Tehsil Kolayat District Bikaner.
4. Madhu Singh S/o Shri Khuman Singh, Aged About 28 Years, R/o Ward No. 8, Guda, Tehsil Kolayat, District Bikaner.
5. Omprakash S/o Shri Mangi Lal, Aged About 35 Years, R/o Village Guda, Tehsil Kolayat District Bikaner.

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur.
2. Commissioner, Colonization Department, Bikaner.
3. District Collector, Bikaner.
4. Tehsil Kolayatdar, Kolayat, District Bikaner.
5. Mining Engineer, Bikaner.
6. M/s Marudhar Power Private Limited (V.s. Lignite Pvt. Ltd), Mining Lease No. 84/2005, Village Guda, Tehsil Kolayat-Kolayat District Bikaner.
7. Divisional Forest Officer, Bikaner.

----Respondents

For Petitioner(s)	:	Mr. Moti Singh
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG Mr. Sharad Kothari Mr. Yuvraj Singh for Mr. S.S. Rathore, AAG

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/10/2026

1. Heard learned counsel for the parties.

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2. The present public interest litigation has been filed with the following prayers:-

"a) That by an appropriate writ or direction, order may kindly be issued and the order dated 19.01.2024 (Annexure-23) may kindly be quashed and set aside qua the land of Khasra No. 258 of Village Guda Tehsil Kolayat District Bikaner.

b) That by an appropriate writ, direction or order may kindly be issued and the act of Respondent while Pate 12.02.2024 entered the lease area in the Jamabandi date 12.02.2024 (Annexure- 24) may kindly be directed to delete the such entry and the land of the Khasra No. 1241/258, 1242/258, 1243/258, 1244/258 may kindly be restored as pasture and Respondent company may restrict to use the such land for excavation of the lignite minerals and the company may direct to use all the protections for water body and pasturage.

c) That by an appropriate writ direction or order that the impugned order dated 07.11.2007 (Annexure-11) & Mutation No. 1852 (Annexure-16) may kindly be quashed and set aside extent to allotment of the land of Khasra No. 258 rakba 106 bigha 10 biswa of Village Guda, Tehsil Kolayat, District Bikaner.

d) That by an appropriate writ, direction or order may kindly be issued and the mining lease agreement dated 25.08.2008 (Annexure-22) as well as the order dated 22.05.2008 (Annexure-17) may kindly be quashed and set aside.

e) That by an appropriate writ, direction or order that the impugned order dated 05.12.2022 passed by Joint Secretary Department of Industry and Commerce may kindly be quashed and set aside.

f) That by an appropriate writ direction or order that the respondents may kindly be directed that land in question situated village Guda, Sonu and Lila Guda of the District Bikaner shall not be takeover for the mining project or

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also not change any status as exists before passing of the order."

3. Learned counsel for the petitioners submits that the respondent No.6 was allotted a mining lease in the year 2007 being M.L. No.48/2005 *ad measuring* 14.40 hectares which is situated in Khasra No.258 of Village Guda, Tehsil Kolayat, District Bikaner. He further submits that in pursuance of the approval of mining lease by the State Government, lease deed was signed and prepared on 25.08.2008 and in pursuance thereof, the respondent No.6 is using this particular piece of land. While the respondent No.6 was using the land in question by the order dated 04.01.2023 passed by the Tehsildar, a land ad measuring 675.01 bighas of Khasra No.1242/258 and 50 bighas of Khasra Nos.1244/258 came to be registered as a part of land of mining lease No.3/95, 7/85, 21/2012, 48/2005 and 3/95 by a pencil note made by Patwari, Village Guda, Tehsil Kolayat.

4. Aggrieved by this entry having been made, the present petition has been filed by the petitioner stating therein that the land of Khasra Nos.1242/258 and 1244/258 is recognized as "*Gair Mumkin, Pahad, Parvat, Charagah"* and forest and, therefore, the same cannot be allotted to respondents for mining lease.

5. This Court after hearing the learned counsel for the parties in detail on 25.05.2026 passed an order that the State shall file an affidavit of respondent No.3 – District Collector, Bikaner explaining the pencil notes indicated in Annex.24 and clarifying the status and nature of the aforesaid khasra numbers on the next date of hearing.

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6. In pursuance of the directions issued by this Court, an affidavit of District Collector, Bikaner has been filed. The District Collector in his affidavit has mentioned as under:-

"3. That explanation in respect of the pencil note, it is most respectfully submitted that the concerned Patwari was ordered to mark the mining lease in the record. That in compliance of the said order(s), the then Patwari who was working on probation then inadvertently made the marking with pencil instead of red pen/ink. That the said error is an inadvertent one and was made by the probationer Patwari.

4. That the original Khasra No. 258 (total area 831-11 bigha) now stands sub-divided into Khasra Nos. 1241/258, 1242/258. 1243/258 and 1244/258, the combined area of which is 831-11 bigha. The khasra-wise position as per the revenue record and the Patwari's reports is as under:

Khasra No. (Village Guda)	Area	Recorded as in the name of	Lease note in revenue record	Status of mining at site
1241/258	56-10 bigha	Marudhar Power Pvt. Ltd., Hyderabad (now V.S. Lignite Power Pvt. Ltd.)	Lease note of ML/48/05 entered pursuant to order dated 19.01.2024	Mining is being carried out
1243/258	50 bigha	Marudhar Power Pvt. Ltd., Hyderabad (now V.S. Lignite Power Pvt. Ltd.)	Lease notes of ML/48/05 and ML/3/95 (4.90 hectare) entered pursuant to order dated 19.01.2024	Mining is being carried out
1242/258	675-01 bigha	Gair Mumkin Pahad and Parvat – Charagah	Lease notes of ML/3/95 and ML/7/85 (14.60 ha) and ML/21/2012 and ML/48/05 (14.40 ha) entered pursuant to order dated 04.01.2023	No mining is being carried out
1244/258	50 bigha	Forest Department	Lease notes of ML/48/05 and ML/	No mining

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			3/95 entered pursuant to order dated 19.01.2024	is being carried out
257	46.03 bigha	Johad Paytan (Gram Panchayat Guda)	No lease; not part of any lease area	No mining is being carried out

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5. That it is submitted herein that as per the record and the position at site, mining is presently being carried out by the Company on Khasra No. 1241/258 (56-10 bigha) and Khasra No. 1243/258 (50 bigha). At site, mining is taking place on approximately 30 bigha of land in these two khasras. Burthermore, no mining of any kind is being carried out by the Company on Khasra No. 1242/258 (675-01 bigha) or Khasra No. 1244/258 (50 bigha).”

7. Learned counsel for the private respondent No.6 very fairly submitted before this Court that they are operating only in the mining area which has been leased out to them by the State Government as per their lease deed dated 25.08.2008 and the respondent No.6 is not operating the mining activities beyond the area mentioned in the lease deed.

8. Learned Additional Advocate General submits that no mining is being carried out in the Khasra Nos.1242/258 and 1244/258 and just because of the inadvertent mistake of the concerned Patwari, this mistake has occurred. He further submits that presently, the land in question mentioned above is a *Gair Mumkin, Pahad, Parvat* and forest land and, therefore, neither any mining lease has been executed in favour of any person nor the respondent No.6 is carrying out any mining activity on the land of khasras mentioned above.

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9. Accordingly, the revenue entries made in the Jamabandi dated 12.02.2024 (Annex.24) for the land of Khasra Nos.1242/258 and 1244/258 are quashed and set aside and it is made clear that in future, if the State Government is desirous of allotment of these lands, the same shall be done in accordance with law.

10. The writ petition is disposed of in the above terms.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

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