

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Civil Writ Petition No. 4160 / 2016

Ganpat Singh & Ors

----Petitioner

Versus

State & Ors

----Respondent



For Petitioner(s) : Mr. Dilip Singh Rathore

For Respondent(s) : Mr. K.L. Thakur, AAG assisted by  
Mr. Rishabh Tayal

**HON'BLE MR. JUSTICE GOVIND MATHUR**

**HON'BLE MR. JUSTICE G.R. MOOLCHANDANI**

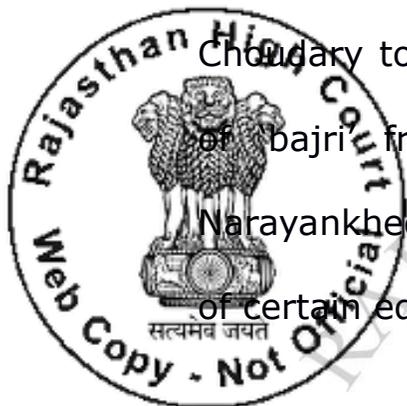
**Order**

**24/01/2017**

In pursuance to order dated 10.1.2017, Mining Engineer, Bhilwara and Sub-Divisional Magistrate, Raipur, District Bhilwara are personally present before the Court. Both the Officers have filed separate affidavits sworn-in by them. As per Shri Krishanpal Singh, Sub-Divisional Magistrate, Gangapur, District Bhilwara he has issued order dated 23.1.2017 directing Tehsildar, Raipur and Station House Officer, Police Station, Raipur to take all necessary steps to stop illegal excavation of 'bajri' in the area. Under the same communication, the Inspector (Revenue Records) and Patwari of the area have also been bound to keep vigil to ensure that no illegal mining takes place.

It is stated on behalf of learned Additional Advocate General that in the last few days certain equipments through which illegal mining activities took place were also seized.

Shri Kamaleshwer Baregama, Mining Engineer, Bhilwara under an order dated 19.1.2017 directed one Shri Abhishek Choudhary to ensure stoppage of illegal excavation/ transportation of bajri from check-posts Tolas, Nathdiyas, Suras, Panotiya, Narayankheda and Khakhla Potla. He has also pointed out seizure of certain equipments on 19.1.2017.



Learned counsel appearing on behalf of all the petitioner states that the steps taken by the respondents are not adequate as the excavation of 'bajri' from the area concerned is huge and that requires serious efforts.

From perusal of the facts available on record, we are also of the view that more effective steps are to be taken by the respondents to stop illegal excavation of 'bajri'. It appears that several groups are operating in the area to excavate 'bajri' and they are coming out of the reach of law just by getting subjected to little fine as per provisions of Rule 48 of the Rajasthan Minor Mineral Concession Rules, 1986.

Having considered all facts of the case, we deem it appropriate to direct Collector, Bhilwara to constitute a team on or before 30.1.2017 consisting of Administrative Officers not below

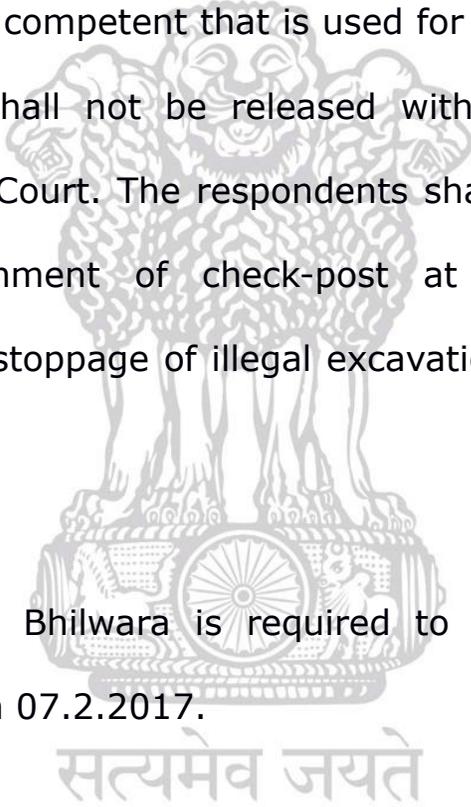
the rank of Sub-Divisional Officer, Engineers of Mining Department, District Transport Officer and Police Officers not below the rank of Dy. Sp to stop illegal excavation of 'bajri' from river Kotharia and also from other seasonal rivers flowing in the district. The Collector, Bhilwara shall personally monitor the working of Committee to ensure that no excavation/transportation of 'bajri' in violation of the Rules takes place. The Collector, Bhilwara is required to submit his report to this Court fortnightly after having details from the Committee, that is to be appointed in pursuance to this order. It is made clear that if any equipment/vehicles/ trolleys are seized by the Mining Department or by any authority competent that is used for illegal excavation of 'bajri', then that shall not be released without having specific permission by this Court. The respondents shall also examine the need for establishment of check-post at Bhetwar to keep necessary vigil for stoppage of illegal excavation/transportation of 'bajri'.

The Collector, Bhilwara is required to file his first report before this Court on 07.2.2017.

(G.R. MOOLCHANDANI)J.

(GOVIND MATHUR)J.

Sanjay





RAJASTHAN HIGH COURT



सत्यमेव जयते