

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

1. D.B. Civil Special Appeal (Writ) No. 59/2023

In

S.B. Civil Writ Petition No.14519/2022

Smt. Prem Devi D/o Late Radheshyam Sharma, Aged About 65
Years, R/o Ward No.34, Neem Ka Thana, District Sikar
(Rajasthan)

----Appellant

Versus

1. State Of Rajasthan, Through Its Chief Secretary,
Government Of Rajasthan, Jaipur
2. Secretary, Department Of Mines, Government Of India,
Shastri Bhawan, New Delhi
3. The Secretary, Department Of Mines And Geology,
Government Of Rajasthan, Government Secretariat,
Jaipur
4. The Additional Principal Chief Conservator Of Forests,
Central Region, Ministry Of Environment And Forests, B-
1/72, Sector-A, Aliganj, Lucknow-226020
5. The District Collector, Sikar (Rajasthan)
6. Sub Divisional Officer, Neem Ka Thana, District Sikar
7. The Tehsildar, Neem Ka Thana, District Sikar
8. Assistant Registrar, Cooperative Societies, Sikar
9. Assistant Mining Engineer, Neem Ka Thana, District Sikar
10. M/s Ojaswi Marbles And Granites Pvt. Ltd., 19-C, Old
Fatehpura, Udaipur-313001
11. Principal Chief Conservator Of Forests, Forest
Department, Government Of Rajasthan, Forest
Department Head Office Aranya Bhawan, MG Road,
Jhalana Institutional Area, Jaipur Rajasthan Pin Code -
302004

----Respondents

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

2. D.B. Civil Writ Petition No. 4195/2025

Geetanjali Steel Pvt. Ltd., Having Its Registered Office At 14, Polo Ground Colony, New Fatehpura, Udaipur, Rajasthan Through Its Authorized Signatory Praveen Bhati S/o Shri Ganga Shankar, Aged About 59 Years.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Mines And Geology, Government Of Rajasthan, Secretariat, Jaipur.
2. The State Of Rajasthan, Through The Principal Secretary, Department Of Industry (Group-I), Government Of Rajasthan, Secretariat, Jaipur.
3. The District Collector, Sikar, Rajasthan.

----Respondents

Connected With

3. D.B. Civil Writ Petition No. 15114/2016

Ojaswi Marbles And Granites Pvt. Ltd., Having Its Regd. Office At Village Bedla, Udaipur Raj., Through Its Authorized Signatory Shri Karunanidhi Joshi, S/o Late Shri Bharat Bhusan Joshi

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Mines And Geology, Jaipur
2. The Union Of India Through The Secretary, Ministry Of Mines, New Delhi
3. The Director, Department Of Mines And Geology, Udaipur
4. The Mining Engineer, Department Of Mines And Geology, Sikar
5. The Additional Director Mines Environment And Development Nodal Officer, Forest Matters, Udaipur

6. The Secretary, Ministry Of Environment, Forest And Climate Change, Government Of India, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi.
7. The Principal Secretary Forests, Department Of Environment And Forests, Government Of Rajasthan, Jaipur

----Respondents

For Appellant(s) appearing in Jaipur	Mr. Balram Sharma as power of attorney holder
For Petitioner(s) appearing in Jodhpur through VC	Mr. Akhilesh Rajpurohit
For Respondent(s) appearing in Jaipur	Mr. Bharat Vyas, ASG Assisted by Mr. Devesh Yadav and Ms. Niti Jain Bhandari Mr. Vigyan Shah AAG assisted by Ms. Tanvisha Pant Mr. B.S. Chhaba, AAG assisted by Mr. Hardik Singh, AAAG Ms. Mansi Sharma and Mr. Shubendu Pilonia Mr. Samee Khan AAAG Mr. Akhilesh Rajpurohit assisted by Mr. Naval Kishore Mali through VC
For Respondent(s) appearing in Jodhpur through VC	Mr. Vaibhav Bhansali Through VC Mr. Mahaveer Vishnoi, AAG through VC assisted by Mr. Anirudh Singh Shekhawat, AAAG

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SANGEETA SHARMA**

Judgment

Date of conclusion of arguments	:	<u>18/12/2025</u>
Date on which judgment was reserved	:	<u>18/12/2025</u>
Whether the full judgment or only the operative part is pronounced	:	<u>Full judgment</u>
Date of pronouncement	:	<u>13th/01/2026</u>

REPORTABLE

(Per Hon'ble the Acting Chief Justice)

1. It would be apposite to note the checkered history relating to the aforesaid three cases, two of them, D.B. Civil Writ Petition No. 4195/2025 and D.B. Civil Writ Petition No. 15114/2016 were filed at the Principal Seat at Jodhpur before the Single Bench, while one writ petition bearing S.B. Civil Writ Petition No.14519/2022: Smt. Prem Devi Vs. State of Rajasthan and Ors. came to be decided at the Bench at Jaipur against which D.B. Civil Special Appeal No.59/2023 was filed and was pending at Bench at Jaipur. At the time when D.B. Civil Writ Petition No.4195/2025 was filed at Jodhpur, D.B. Civil Writ Petition No. 15114/2016 was already pending before the Principal Seat at Jodhpur.

2. To understand the controversy, it would be, therefore, necessary to note the prayers made in the three writ petitions which are as under:

In the S.B. Civil Writ Petition No.14519/2022: Smt. Prem Devi Vs. State of Rajasthan and Ors. (now before D.B. in appeal):

"It is, therefore, most humbly and respectfully prayed that your Lordships may very graciously be pleased to accept and allow this writ petition and call for the entire record of the case from the authorities concerned and further be pleased to;

- a) By an appropriate writ order or direction in the nature thereof thereby, quash and set aside the impugned order dated 26.05.2015;*
- b) By an appropriate writ order or direction in the nature thereof thereby, quash and set aside the impugned order dated 02.02.2016;*
- c) By an appropriate writ order or direction in the nature thereof thereby, quash and aside the impugned order dated set 18.10.2021;*
- d) By an appropriate writ order or direction in the nature thereof thereby, quash and set aside the subsequent proceedings thereto with regard to lands in question situated in village Ramalyas, Tehsil Neem ka Thana, District Sikar;*
- e) By an appropriate writ order or direction in the nature thereof thereby, declare the Khatadari of the land admeasuring 7/1 admeasuring 2.72 hectare, khasra no.8/1 admeasuring 1.77 hectare, khasra no.304 admeasuring 3.65 hectare, 305/5 admeasuring 53.84 hectare, khasra no.306/1 admeasuring 22.57 hectare, khasra no.307 admeasuring*

18.39 hectare, khasra no.308 admeasuring 27.86 hectare, khasra no.309 admeasuring 12.05 hectare khasra no.360 admeasuring 23.59 hectare, total 166.14 hectare situated in village Ramalyas, Tehsil Neem Ka Thana, District Sikar in absolute ownership, rights, title & possession in the name of initially seven Allottees and their legal heirs including the petitioner and further the land be entered in revenue record in their names as registered before passing of the impugned order dated 18.10.2021;
f) Any other appropriate order which this Hon'ble Court deems just and proper may kindly be passed in favour of the petitioners."

In S.B. Civil Writ Petition No.4195/2025: Geetanjali Steel Pvt. Ltd. Vs. The State of Rajasthan and Ors. (now before the Division Bench.):

"It is, therefore, humbly prayed that this Hon'ble Court may kindly be pleased to allow the writ petition and:-
(i) By an appropriate writ, order or direction, the respondents may kindly be directed to modify the impugned condition iv of the sanction order dated 04.10.2023 (Annex-1) and the condition No.5 of the allotment order dated 31.07.2024 (Annex-2) to the extent that the petitioner will establish the Iron ore beneficiation and steel plant within a period of 2 years from the date of allotment order or the date of disposal of the writ petition being SBCWP No.15114/2016 (Ojaswi Marbles & Granites Pvt. Ltd. Vs. State of Rajasthan & Ors.), whichever is later with all consequential directions;
(ii) Any other appropriate order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of this case, may kindly be passed in favour of the petitioner;
(iii) Costs of the writ petition may kindly be awarded to the petitioner."

In S.B. Civil writ petition No.15114/2016: Ojaswi Marbles And Granites Pvt. Ltd. Vs. The State of Rajasthan and Ors. (now before the Division Bench.):

"It is therefore, humbly prayed, that this Hon'ble Court may kindly be pleased to call the record of the case, allow the writ petition and by an appropriate writ, order or direction: -
(i) The respondents may be directed to grant and execute mining lease to the petitioner in terms of the letter of intent dated 05.12.2014 with all consequential direction;
(ii) The respondent No.3 may be directed to take appropriate measures to get the lease deed executed pursuant to the letter of intent dated 05.12.2014;
(iii) In the alternative, the application for grant of mining lease may kindly be allowed conditionally and the respondents may kindly be directed to execute conditional lease agreement in accordance with law;
(iv) Any other appropriate order or direction, which this Hon'ble Court considers just and proper in the facts and circumstances of this case, may kindly be passed in favour of the petitioner.

(v) Costs of the writ petition may kindly be awarded to the petitioner."

3. It would also be necessary to mention that, so far as Prem Devi's writ petition is concerned, one Balram Sharma has appeared claiming himself to be the registered Power of Attorney holder of Prem Devi. However, the Annexure-1, claimed to be a Power of Attorney, is an agreement entered into between one Kiran Gupta, who states to be Special Power of Attorney holder for Prem Devi and entered into an agreement to get all the cases and disputes resolved within a period of seven months relating to 1/7th portion of 23.73 hectares land as against the State Government or any other person. Whereafter, in consideration of such rights, the Special Power of Attorney holder of Prem Devi and others would receive a sum of Rs.1,10,20,000/- from Balram Sharma and if within seven months, Balram Sharma is unsuccessful in getting the matter resolved relating to the land, the agreement would stand cancelled. The agreement would be extendable further if so required. On the basis of such agreement, a writ petition was filed on behalf of Prem Devi with the prayers as made above. The original agreements dated 03.03.2022 and 28.08.2024, entered into between Kiran Gupta and Balram Sharma, and General Power of Attorney dated 23.05.2012 in favour of Kiran Gupta, have been produced before this Court by Balram Sharma, who is present in person. The same are taken on record.

4. When the writ petition came up before the learned Single Judge, the learned Single Judge although having not noticed the contents of Annexure-1, proceeded to uphold the order passed by

the Sub Divisional Officer (SDO), Neem Ka Thana, Sikar, dated 02.02.2016 which was impugned in the writ petition, dismissed the application of the applicants before it and further directed to register the land in the name of Forest Department as per the Gazette notification. Thus, it held finally that the land was in the name of the Forest Department. Subsequently, after the land was recorded in the name of Forest Department, the State Government issued No Objection Certificate (NOC) in favour of one M/s. Ojaswi Marbles and Granites Pvt. Ltd. (hereinafter referred as M/s. Ojaswi) for mining purposes and as has come on record, subsequently, M/s. Ojaswi got the land from the Forest Department for the purpose of mining and setting up a steel plant through its sister company namely Geetanjali Steel Pvt. Ltd. The writ petition was of Prem Devi, who had given a Power of Attorney to one Kiran Gupta, who further authorized Balram Sharma to take up the case before the Court, who filed an appeal against the judgment passed by the learned Single Judge dismissing the writ petition on four counts. Firstly, on account of delay of six years in challenging the order dated 02.02.2016; secondly, for not challenging the NOC granted in favour of the respondent No.10 therein namely M/s. Ojaswi; thirdly, for not filing the appeal against the order dated 02.02.2016 before the Revenue Appellate Authority; and fourthly, on account of there being disputed questions of fact which could not have been possibly decided under Article 226 of the Constitution of India.

5. In appeal, when the matter came up before the Division Bench, it noticed on 11.12.2024, while hearing the stay application that no interim orders could be granted and ultimately

it found that the appellant would be entitled to return of the land or, in lieu thereof, appropriate compensation. The said order was challenged before the Hon'ble Supreme Court and the Supreme Court upheld the order with direction to hear the case expeditiously.

6. When the matter came up before the Division Bench to hear the appeal, Balram Sharma claimed himself to be the Power of Attorney holder and sought time to appoint another lawyer. However, we notice that there is no Power of Attorney in his favour, and further, the land had been handed over to the respondent No.10, M/s. Ojaswi, by the Forest Department. It was also informed that at the Principal Seat at Jodhpur, the aforesaid D.B. Civil Writ Petition No. 4195/2025 of Geetanjali Steel Pvt. Ltd. was pending. We, therefore, directed to list the writ petition No.4195/2025 before the Division Bench on 19.01.2026. Along with the writ petition No.4195/2025, the other writ petition No.15114/2016 was also tagged. So, we heard all the cases together finally and the judgment was reserved.

7. In writ petition No.4195/2025, an application was moved by Balram Sharma seeking impleadment, which was dismissed. However, it was clarified that in case the appeal filed before the Division Bench, or any other matter flowing from the writ petition which the applicant has taken up when decided, holds that the applicant is entitled for compensation or any other relief, his rights shall not be prejudiced simply because of the dismissal of present application.

8. Thus, firstly, we would examine whether there is any right available to Prem Devi or to Balram Sharma.

9. So far as Balram Sharma is concerned, he would be not authorized to plead the case on behalf of Prem Devi on the basis of agreement (Annexure-1) entered into between himself and the alleged Special Power of Attorney holder Kiran Gupta. It appears that Kiran Gupta is nowhere in picture nor does Prem Devi has any individual rights. In fact, from the document (Annexure-1) placed on record, it appears that one Radhey Shayam, son of Badrilal had seven legal heirs, of whom Prem Devi is one of the daughters of Radhey Shyam, while the other six heirs are neither before us nor any petition has been filed before us relating to their claim. Be that as it may, we further notice that a claim has been set up on the basis of share of Radhey Shyam, i.e., 1/7th of the land from total 166.14 hectares, which comes to around 23.73 hectares, and each of the LR's shares comes to 1/49th, which would come to 3.39 hectares. The documents do not, in any manner, reflect that the land has ever been entered in the name of concerned share holders or in the name of Radhey Shyam. Such a claim was also set up before the concerned SDO by Balram Sharma on behalf of Prem Devi, who, vide his order dated 02.02.2016, rejected the application for correction of the revenue entries. The entire process seems to be aimed at grabbing the land belonging to the Forest Department. The Sub Divisional Officer has, therefore, finally reached to the conclusion that the land was in the name of Forest Department and directed it to be registered in its name, relying upon the gazette notification issued by the Department. The gazette notification was recognized by the Director of Ministry of Mines, Government of India, whereby, mining plans submitted by respondent No.10, M/s. Ojaswi, were approved. It is thus, a

case where the Power of Attorney holder, Kiran Gupta, handed over further Power of Attorney to Balram Sharma by way of entering into an agreement which is legally not tenable as the principle of *delegatus non potest delegare* applies squarely to the present petition. Kiran Gupta is not before us and so far as authenticity of Prem Devi is concerned, the same is also doubtful. It is apparently a case where a project being set up by M/s. Ojaswi is sought to be hijacked/disrupted, and therefore, no question arises of any claim for ownership or compensation in favour of the applicant- Balram Sharma or the writ petitioner- Prem Devi. The writ petition therefore, in our opinion, was rightly dismissed. The appeal filed on behalf of Prem Devi and contested by Balram Sharma is clearly an abuse of process of law and the same deserves to be dismissed with cost.

10. It is also noticed that so far as Prem Devi is concerned, she, despite having knowledge of pending adjudication before the Sub Divisional Officer, Neem Ka Thana under Section 136 of the Land Revenue Act, 1956 remained completely abstained from participation. Further, the order dated 02.02.2016 was challenged before the Additional Divisional Commissioner, Jaipur, in Appeals No.14/2016 and 31/2016 and the same were decided on 11.02.2019. The order dated 11.02.2019 was further assailed by the parties in appeal before the Board of Revenue in Appeal L.R. No.1255/2019 which was pending adjudication. The appellant concealed these material information in the pending litigation before the High Court and filed the writ petition. The order dated 02.02.2016 passed by the Sub Divisional Officer resulted in Tehsildar opening mutation number 42 in the name of Forest

Department and the State Government in terms of Forest Protected Land Notification of 1973. Thus, it is apparent that the appellant- Prem Devi who was not a party before the Sub Divisional Officer, Neem Ka Thana has abused the process of law and had no locus to file the writ petition. The concerned Balram Sharma, has thus tried to misuse the writ jurisdiction. It is also noticed that the land had been notified vide gazette notification dated 21.04.1973 as Forest Land in terms of Section 29(1) of the Rajasthan Forest Act, 1953 and as per the Government records, out of the total 898.94 acres of land, 306 hectares was originally Government land known as *gair mumkin pahad* and 600 bighas was handed over to Forest Department after the 1973 Notification.

11. In M/s. Ojaswi Marbles and Granites Pvt. Ltd., the writ petition was filed in 2016, the writ petitioner had prayed for grant of mining lease in terms of Letter of Intent (LOI) dated 05.12.2014 and relying on Section 5(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short, "MMDR Act"), Central Government communicated its approval on 09.12.2013 for grant of mining lease. The State Government decided to grant mining lease on 05.12.2014 by issuing LoI, however, on account of failure to pass the necessary clearance order from the Department of Forest and Department of Environment, the mining lease could not be executed. The NOC by the Department of Forest was issued on 06.01.2017.

12. As per the notification dated 04.01.2017 issued clarifying Section 10A(2)(c) of the MMDR Act, mining lease had to be allotted on or before 11.01.2017, failing which all the NOCs would stand cancelled. Therefore, by an interim order, the learned Single

Judge directed the respondents to grant mining lease to the petitioner on or before 11.01.2017, pending issuance of environmental clearance by the Government of India. However, it further directed that on execution of mining lease in favour of the petitioner, the petitioner shall not be entitled to carry on mining activity pending disposal of the writ petition. The order was confirmed by a further order dated 18.03.2021 with a direction to the State to expeditiously comply and issue the mining lease within a period of three months. The order passed by the learned Single Bench was challenged in D.B. Special Appeal No. 301/2021 wherein following order was passed:

"We make it clear that the State shall execute the mining lease in favour of the private respondent (writ petitioner) within a period of 15 days from today. The mining lease shall reflect that it shall be given effect to on or before 11.01.2017 (the cut-off date). By way of mention, we may indicate here that grant of mining lease by itself will not enable the respondent (writ petitioner) to commence mining operations without complying with the conditions mentioned in the Letter of Intent as well as the conditions imposed by the Union of India in its approval and FC clearance granted to the private respondent (writ petitioner) under Section 2(iii) of the Forest (Conservation) Act, 1980.

We further make it clear that grant of mining lease in favour of the respondent (writ petitioner) shall be subject to the outcome of the pending writ petition and the parties are at liberty to proceed with the matter thereafter. The conditions imposed in the interim order dated 09.01.2017 shall remain in force. We also make it clear that if the private respondent (writ petitioner) moves for clearances under other provisions of the Forest (Conservation) Act, 1980 and other provisions of law for the purpose of commencing the mining operations, the same shall be entertained and dealt with expeditiously in accordance with law. It shall not in any manner be denied or withheld on account of pendency of writ petition. "

13. Learned counsel submits that, in terms thereto, the mining lease has been granted, but the petitioners have not been able to operate in terms of the interim order. Learned counsel submits that the issue with regard to the time frame, namely, the cut off

date 11.01.2017, as envisaged under Section 10A(2)(c) has been finally decided by this Court on 01.09.2021 by one of us (namely Justice Sanjeev Prakash Sharma) in **S.B. Civil Writ Petition No.360/2017: M/s NU Vista Limited Vs. Union of India and Ors.** The same was upheld by the Supreme Court on 07.10.2025 in SLP No.21276/2025. Similarly, in another **S.B. Civil Writ Petition No.2414/2016: Shree Cement Limited Vs. The Union of India and Ors.**, decided on 18.09.2017, another Single Judge held that if the State Government was expected to take a decision after issuance of the LoI for contract of lease on or before 11.01.2017, and if the same had not been done, the cut off date, known as the 'sunset clause', would not be applicable, and the State would not be allowed to raise objection in regard to the limitation in reference to Section 10A(2)(c) of the MMDR Act. The Said order was upheld by the Division Bench Bench and then by the Hon'ble Supreme Court in SLP No. 18661/2023 decided on 22.05.2023. In the earlier case **M/s NU Vista Limited** (supra), it was held as under:

"Based on the letter sent by the Director, Mines and Geology, the writ petition deserves to be allowed and it is held that action of the respondents in not issuing mining lease was unjustified and time period in taking over possession by the petitioner-company for the purpose of computation of commencement of production and dispatch as required under Section 4(A) of the Act of 2021 shall be treated as not to be counted i.e. shall be treated as dies non and the prayer in this respect made by learned Senior Counsel for the petitioner is accepted."

14. In the aforesaid facts, if we examine the present case, we find that although NOC was given by the Department of Forest on 06.01.2017 and the Government had relaxed the condition relating to obtaining environmental clearance before the cut off

date, before the impugned order was passed on 09.01.2017, the State Government did not comply with allotting the mining lease before 11.01.2017. It is thus, a case where the limitation period was allowed to expire. The said aspect was noticed by confirming the interim order and also in appeal.

15. On the other hand, the respondents have raised the argument that since the second stage of approval for diversion of forest land was given to the petitioner only on 25.09.2024, which is after the cut off date, the lease deed could not have been executed. However, we fail to understand that if approval was already given by the Forest Department and the letter of intent had been issued on 05.12.2014, the delay on the part of the Government cannot be a ground to deprive from execution of the mining lease. Moreover, in the present case, the High Court had passed the interim order before the cut off date came into operation, i.e., 09.01.2017, the same was also confirmed subsequently by the Single Bench as well as by the Division Bench.

16. In these circumstances, the lease deed issued to the petitioner would have to be treated as within the four corners of the Section 10A(2)(c) of the MMDR Act. It has been further submitted by the respondent that since the second stage approval was given subsequently, the lease deed executed would not create any right in favour of the petitioner, and reliance has been placed on the judgment passed by the Delhi High Court in the case of **Arcelormittal India Private Limited and Anr. Vs, Union of India: 2024 SCC Online Del 1401**. It is further stated that the

applicant had no statutory or fundamental right to obtain prospective license or the mining lease.

17. The learned Additional Solicitor General also relies on the judgment passed by the Bombay High Court in the case of **Ashapura Minechem Ltd. Vs. IBM: WP No.4160/2024**, to submit that the letter of intent does not create a vested right and also on the judgment of **Madhya Pradesh in Savita Rawat Vs. State of M.P.: 2016 SCC OnLine MP 542** which requires four conditions under Sub Section (1) of Section 11 of the MMDR Act to be fulfilled.

18. We have considered the submission.

19. We find that the judgment passed by this Court in the case of **M/s NU Vista Limited** (supra) or Shree Cement Limited would squarely cover the present case. The LoI and the conditions required in terms of Sub Section (1) of Section 11 of the MMDR Act, as amended, was already fulfilled before the cut off date, i.e., 11.01.2017 in terms of sunset clause under Section 10A(2)(c) of the MMDR Act. Section 10(A)(2)(c) provides as under:

"(c) where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act: Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this subsection except with the previous approval of the Central Government. "

20. Thus, had the State not intended to grant lease to the petitioner, none of the aforesaid approvals or LoI would have been

issued. However, merely because some officers working in the State Government chose not to comply with the Court's orders and did not issue the lease deed in spite of there being a direction issued prior to the cut off date, although, there being no deficiency apparently in issuing of the lease deed, it cannot be allowed to turn around and take the benefit of sunset clause to deprive a company, or a person from doing legitimate and legal business. Provision of Forest Conservation Act 1980, namely Section 2 of the Act reads as under:

"Restriction on the dereservation of forests or use of forest land for non-forest purpose –

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation,

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes. "

21. The second stage approval for diversion of the forest land given on 25.01.2024 has to be read with first stage approval already given to the company, which is prior to cut off date. Thus, the second stage approval would have to be treated as approval of the first stage which was given prior to 11.01.2017 and the project would therefore, be allowed to come into operation.

22. The facts in the case of **Arcelormittal India Private Limited (supra)** were completely different. In that case, there was no approval from the Forest Department in favour of the petitioner, therein, and no permission for mining had been granted in the area in question since 2011 and there had been no selection process followed. The facts as have been noticed by the Delhi High Court in **Arcelormittal India Private Limited (supra)**, thus, clearly distinguish it from the present case. The judgment passed by the Delhi High Court would, therefore, have no application to the present facts.

23. In view of above, we hold that the petitioner, M/s. Ojaswi, is entitled to operate the lease deed and finally allow D.B. Civil Writ Petition No. 15114/2016: Ojaswi Marbles & Granites Pvt. Ltd. Vs. The State of Rajasthan and Ors.

24. D.B. Civil Writ Petition No. 4195/2025: Geetanjali Steel Pvt. Ltd. Vs. The State of Rajasthan is a consequential writ petition. In the said petition, the company has invested and deposited a sum of Rs.18,95,54,000/-and stamp duty of Rs. 55,90,550/- has also been paid for establishing a steel plant. After the Environmental clearance has already been received, the condition mentioned in the order (Annexure-1) Clause 4 of the allotment under the

Rajasthan Industrial Allotment Rules 1959, for starting the project and establishing within a period of two years has to be considered in light of the interim order passed by this Court in D.B. Civil Writ Petition No. 15114/2016. Since we have allowed the writ petition today and held that the lease deed granted to the petitioner, M/s. Ojaswi Marbles and Granites Pvt. Ltd., is in accordance with law and would not be hit by Section 10A(2)(c) of MMDR Act, the present writ petition which has allotted the aforesaid land would now be allowed to operate and establish the project, and the period of two years as provided in the date of allotment would have to be treated from the date the present litigation in relation to the mining has been cleared. Since, this Court had restrained M/s. Ojaswi Marbles and Granites Pvt. Ltd. to conduct the mining activities of iron ore in the steel plant which is a subsidiary company of M/s. Ojaswi Marbles and Granites Pvt. Ltd. can only be allowed to operate within two years from the date on which mining activity is started.

25. Accordingly, we deem it appropriate to hold that the condition of two years would have to be read from the date we have allowed the mining activities to be started by M/s. Ojaswi Marbles and Granites Pvt. Ltd in the connected writ petition no.15114/2016.

26. We notice that the entire project has been stalled on account of the litigation initiated by the concerned person Balram Sharma, who apparently has abused the process of law for extraneous purpose and considerations. Such project, which would be in the interest of public ought not be stalled on account of such

unscrupulous litigants. We expect the steel plant to come into operation as soon as possible.

27. Consequently, the D.B. Civil Special Appeal (Writ) No. 59/2023: Smt. Prem Devi Vs. State of Rajasthan and Ors. is dismissed with cost of Rs.1,00,000/- to be paid by Balram Sharma, the Power of Attorney holder, recoverable as arrears of land revenue and both D.B. Civil Writ Petition No. 4195/2025: Geetanjali Steel Pvt. Ltd. Vs. The State of Rajasthan and ors. and D.B. Civil Writ Petition No. 15114/2016: Ojaswi Marbles And Granites Pvt. Ltd. Vs. The State of Rajasthan and Ors., are allowed in terms of our directions, as above.

28. All pending applications also stand disposed of.

(SANGEETA SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ