

CWP-27132-2017 (O&M)

2025:PHHC:090404-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-27132-2017 (O&M)
Date of Decision: July 22, 2025**

M/s Ram Singh Om Parkash Petitioner

Versus

State of Haryana and others Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. M.S. Randhawa, Advocate for the appellant.

Mr. Sukhdeep Parmar, Addl. AG, Haryana.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside order dated 10.05.2010 passed by Financial Commissioner and Secretary to Government of Haryana, Mines and Geology Department, Chandigarh and order dated 08.08.2016 passed by Revisional Authority, New Delhi respectively. Petitioner also seeks direction to respondents No. 1 and 2 to renew the mining lease in its favour.

2. Brief facts necessary for adjudication of the matter are that mining lease was initially granted to one Mr. Raghunath for a period of twenty (20) years w.e.f. 26.09.1961. Lease was granted for extraction of lime stone and

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dolomite which was classified as major minerals in terms of provisions of Mines and Minerals (Development and Regulation) Act, 1957 (for short – ‘1957 Act’). This lease was transferred in favour of petitioner - M/s Ram Singh Om Parkash by way of transfer deed dated 01.03.1979. Lease was then renewed in favour of writ petitioner for another period of twenty (20) years w.e.f. 26.09.1981 to 25.09.2001. Before expiry of said twenty (20) years on 25.09.2001, petitioner sought second renewal vide application dated 03.07.2000. This application was rejected vide order dated 19.02.2002 (Annexure P2). It was noted that some dispute inter se between partners had arisen; a new partner had been added without consent of State Government and in violation of Rule 37 of Mineral Concession Rules, 1960 and area had been with lessee for last 40 years with no substantial investments being made by way of deployment of mining machinery in the area.

3. Revision petition filed by petitioner was disposed of on 17.06.2008 by respondent No. 3 whereby order dated 19.02.2002 was set aside on the ground of violation of principles of natural justice. It was directed that a decision afresh be taken by the State for renewal of mining lease by way of speaking order within 90 days. Order dated 10.05.2010 was then passed by Financial Commissioner and Secretary to Govt. of Haryana, Mines and Geology Department, Chandigarh, whereby petitioner’s claim for renewal was rejected. Vide order dated 24.10.2011, order dated 10.05.2010 was set aside and matter remanded to the State Government to seek a report from Controller General, Indian Bureau of Mines and then take a view on the renewal application submitted by petitioner and pass orders accordingly.

4. Review application filed by respondents was rejected vide order dated 21.05.2012.

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5. CWP-9970-2013 was filed by respondents No. 1 and 2 i.e. State of Punjab and Director Mines and Geology Department challenging order dated 24.10.2011. Vide order dated 11.09.2013 passed in CWP-9970-2013, order dated 24.10.2011 was set aside and matter remanded to Revisional authority to decide the lis between parties afresh on merits. In compliance of order dated 11.09.2013, matter was considered afresh by respondent No. 3 and petitioner's claim for renewal of lease, dismissed vide order dated 08.08.2016. Aggrieved therefrom, present writ petition was filed by petitioner.

6. We take note of the fact that this writ petition was dismissed on 17.09.2018 on account of it being hopelessly barred by delay and laches with lease being originally executed in the year 1961 and last renewal expiry in 2001 with rejection for subsequent renewal coming in the year 2002. Order dated 17.09.2018 was, however, recalled and writ petition restored to its original number vide order dated 26.08.2022. Writ petition was dismissed in default on 26.04.2023 and thereafter restored on 07.11.2023 on an application filed by petitioner.

7. Learned counsel for petitioner vehemently argued that claim of petitioner is in fact protected in terms of Section 8A(3) of 1957 Act wherein it is provided that all mining leases granted before the commencement of Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall be deemed to have been granted for a period of 50 years. It is, thus, prayed that this petition be allowed.

8. Learned counsel for respondents while refuting the arguments as raised on behalf of petitioner submits that no ground whatsoever is made out for setting aside impugned orders. Period of 50 years as referred to by petitioner has admittedly come to an end and does not offer any protection to the petitioner.

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Furthermore, lease was originally granted for extraction of limestone and dolomite which were classified as major minerals but after the amendment, same are classified as minor minerals. Possession of the mine had been taken by the department but fresh auction was not conducted to avoid multiplicity of litigation. Dismissal of writ petition is sought.

9. Heard learned counsel for parties and have carefully perused the file with their able assistance.

10. Petitioner has relied upon Section 8A(3) of 1957 Act to buttress its case and has emphasised that its claim is protected. Relevant portion of Section 8A of 1957 Act reads as under:-

“8A.(1) The provisions of this section shall apply to minerals other than those specified in Part A and part B of the First Schedule.

(2) On and from the date of the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, all mining leases shall be granted for the period of fifty years.

(3) All mining leases granted before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall be deemed to have been granted for a period of fifty years.

xxx

xxx

xxx”

11. Learned counsel for petitioner is unable to deny that said protection of 50 years in terms of Section 8A(3) of 1957 Act has indeed come to an end and cannot be of any aid to petitioner. Authorities have steadfastly held that the mine was operated at an absolute sub optimal level without scientific mining. There is nothing on record to refute the same. It is to be noted, at this stage, that grant of mining lease or renewal thereof is not a vested right available to the

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petitioner. Same is necessarily subject to satisfaction of and compliance with applicable Rules and Regulations.

12. In the given facts and circumstances, we do not find any ground to cause interference in the matter for satisfaction of claim of petitioner which is based primarily on a lease deed which had been granted in the year 1961. It is specifically stated in reply dated 06.05.2024 filed on behalf of respondents No. 1 and 2 that possession of mine in question had been taken by the department but auction was not conducted to avoid multiplicity of litigation. Vide order dated 17.07.2024 passed in this writ petition, it was observed that it shall be open to the State to lease out the mine in accordance with law.

13. In the given factual matrix, learned counsel for petitioner is unable to point out any ground whatsoever which calls for interference by this Court.

14. Writ petition is, accordingly, dismissed being devoid of any merit.

15. Application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

July 22, 2025
Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No