
(2025) 02 JH CK 0011

Jharkhand High Court

Case No: Writ Petition (C) No. 6812 Of 2024

Gopal Kumar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Feb. 6, 2025

Acts Referred:

- Jharkhand Minor Mineral Concession Rules, 2004 - Rule 9, 23

Hon'ble Judges: M.S. Ramachandra Rao, CJ; Deepak Roshan, J

Bench: Division Bench

Advocate: Sumeet Gadodia, Shilpi Sandil Gadodia, Shruti Shekhar, Nilohit Choubey, K. Hari, Chaitanya Vijay, Sanket Khanna

Final Decision: Allowed

Judgement

M. S. Ramachandra Rao, CJ

1. In this writ petition, petitioners assail order dated 29.11.2024 passed by the District Mining Officer, Koderma refusing to grant renewal of the

mining lease granted to the petitioners from 11.02.2015 to 10.02.2025.

2. In the impugned order, it is mentioned that because the land is Gair Majarua land and there is no provision for grant of renewal of mining lease for

such a land, the application for renewal of mining lease is being rejected.

3. Learned counsel for the petitioners has placed before us Rule 23 of the Jharkhand Minor Mineral Concession Rules, 2004 which provides for

renewal of mining lease. The said rule nowhere prohibits grant of renewal in respect of a mining lease of Gair Majarua land. When there is no such

prohibition for renewal of a mining lease of such a category of land, the respondents cannot invent such a prohibition and seek to reject the renewal

application of the petitioners.

4. Reliance by the respondents on the notification issued on 22.02.2017 and 08.03.2019 amending the Rule 9 of the above rules is of no avail, since the said rule only provides for grant of mining lease for the first time through a public auction, and there has been no amendment to Rule 23 which deals with renewal of mining leases at all.

5. Accordingly, this writ petition is allowed. Order dated 29.11.2024 passed by the District Mining Officer, Koderma is set-aside and the respondents are directed to renew the mining lease granted to the petitioners forthwith subject to the petitioners complying with all other formalities.