



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

D.B. Civil Writ Petition No. 278/2021

Seemajan Kalyan Samiti, Rajasthan, Registered Office At Madhav Bhawan, 18/357, Chopasni Housing Board, Jodhpur, Through Its State President Shri Kanti Lal Thakur S/o Late Shri Govind Ram Ji Thakur, Aged About 67 Years, R/o 15/50 Chopasni Housing Board, Jodhpur.

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Home Affairs, Government Of India, New Delhi.
2. Secretary, Ministry Of Defense, Government Of India, New Delhi.
3. Secretary, Ministry Of Mines, Government Of India, New Delhi.
4. The Director General, Border Security Force, 10 C.g.o. Complex, Lodhi Road, New Delhi
5. State Of Rajasthan, Through The Chief Secretary, Government Of Rajasthan, Jaipur, Rajasthan.
6. Principal Secretary, Home Department, Government Of Rajasthan, Jaipur, Rajasthan.
7. Principal Secretary, Department Of Mines And Geology, Government Of Rajasthan, Jaipur, Rajasthan.
8. Director, Mines And Geology Department, Directorate, Udaipur, Rajasthan.
9. Director General Of Police, Rajasthan Police, Police Headquarters, Jaipur.
10. District Collector Barmer, District Barmer.
11. District Collector Jaisalmer, District Jaisalmer.
12. District Collector Bikaner, District Bikaner.
13. District Collector Sriganganagar, District Sriganganagar

-----Respondents

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For Petitioner(s) : Mr. Sajjan Singh Rathore  
For Respondent(s) : Mr. Sandeep Shah, AAG  
Mr. Mukesh Rajpurohit, AAG  
Mr. O.P. Kumawat

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**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI**  
**HON'BLE MR. JUSTICE RAMESHWAR VYAS**

**Order**

**03/01/2022**

In this public interest litigation, the petitioner has prayed for a direction to the respondents that ten kilometer of area from international border line (India and Pakistan) should be declared as no mining/commercial/industrial zone. Consequently, it is prayed that the permission for said mining lease already granted should be cancelled. Further prayer made is that the decision to shut down Border Intelligence Chowkis be reversed.

Learned counsel for the petitioner vehemently contended that the mining operations in sensitive border zone is a serious threat to the security of the State. He submitted that even the Union of India is also of the opinion that there should be no mining in these sensitive areas. However, miner minerals being the State subject, the State Government has not put any restriction on mining. Counsel further submitted that Union of India has discontinued the border vigilance posts which was also hazardous to the safety of the State.

In our opinion, these are sensitive policy matters. What should be the buffer zone for permitting mining operations and other commercial operations near the international border, cannot be subject matter of decision by the High Court in a writ petition. Whether to continue with the check posts and in what manner, is equally a decision of policy to be taken by the appropriate authorities, who are responsible and entrusted with the task of safety and security of the State and its citizens. We do not see any dearth of power with Union of India in taking such policy decision,



as may be found necessary and implementing them. Certainly, this Court would not venture into such sensitive policy decision.

This petition is dismissed.

**(RAMESHWAR VYAS),J**

**(AKIL KURESHI),CJ**



18 Mak/-

RAJASTHAN HIGH COURT



सत्यमेव जयते