



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Civil Writ Petition No. 24826/2025

Himmat Singh Gehlot

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Rajesh Joshi, Sr. Adv. assisted by
Mr. Rishi Soni

For Respondent(s) : Dr. Sachin Acharya, Sr. Adv. assisted
by Mr. Piyush Sharma
Mr. Mahaveer Bishnoi, A.A.G.
Mr. Deepak Chandak, A.G.C.
Mr. Muktesh Maheshwari
Mr. Rajat Dave
Ms. Khushbu Choudhary

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order(Oral)

Reportable

13/03/2026

Per: Arun Monga, J

1. Vide two earlier orders dated 22.01.2026 and 15.02.2026, this Court had issued a slew of directions. Inter alia, the Respondent No.12-company (Respondents No. 13 to 16 being its representatives/associates) was directed to relocate its weighbridge (Dharam Kanta) on or before 06.03.2026 at its own instance, failing which the official respondents were required to take all necessary steps to ensure its removal, their installation being situated within 75 metres of the National Highway. The matter was accordingly adjourned to 10.03.2026 for monitoring compliance of the directions issued by this Court.



2. On 10.03.2026, learned arguing counsel for the petitioner was stated to be unavailable and, at his request, the matter was adjourned to 13.03.2026, i.e., today.

3. On resumed hearing today, at the very outset upon matter being taken up, Dr. Sachin Acharya, learned Senior Advocate appearing for Respondents No. 12 to 16, upon instructions, submits that the weighbridge in question has already been removed from its erstwhile location. It has now been relocated to a site situated beyond 75 metres from the National Highway. According to him, the directions issued by this Court thus stand duly complied with and he would thus be allowed to run the weighbridge.

3.1 Learned Senior Counsel submits that the Respondent No. 12 is a concessionaire of the State and its operations cannot be forestalled. Operating of the weighbridge and responsibility of royalty collection for the Mining Department is carried out under contract for the benefit of the State Exchequer. It is further submitted that Rule 44(18) of Rajasthan Minor Mineral Concession Rules, 2017 mandates that the location of the weighbridge must be *"on route covering maximum transportation or dispatches of mineral in the contract area."*

4. However, he further submits that, both in his capacity as an officer of the Court and as counsel representing Respondents No. 12 to 16, he is unequivocally one with the larger cause of ensuring road safety and protection of human life on highways. At the same time, he vehemently contends that the present public interest litigation has not been instituted with any such bona fide or public-spirited intent. Rather, per him, the petition is a motivated





exercise of the petitioner, aimed at settling personal scores with the private respondents (his clients). He argues that the petitioner has a direct personal interest in the matter and, therefore, the instant petition though deserves to be dismissed at his instance, but this Court may otherwise continue to examine the larger issues involved.

5. *Au contraire*, Mr. Rajesh Joshi, learned Senior Advocate appearing for the petitioner, submits that the petitioner is a vigilant and public-spirited citizen who has approached this Court purely in furtherance of public interest. He asserts that the petition raises issues of grave public importance and that the petitioner has no personal stake whatsoever in the subject matter.

6. He would urge that the bonafide of the petitioner cannot be doubted. Petition espouses the cause of public safety arising from the alleged illegal installation and operation of royalty check posts, *Dharamkantas* and weighbridges on National Highways, ring roads, service roads and access roads across the State of Rajasthan. Through the instant PIL, the petitioner seeks urgent judicial intervention for the removal, regulation and State-wide audit of such allegedly illegal royalty nakas and weighbridges, fixation of accountability of erring officials, and issuance of uniform safety-oriented guidelines so as to prevent accidents and safeguard public safety across the State. He would submit that the Respondent No. 12 cannot be permitted to operate the weighbridge as it would endanger the public safety on the adjoining highway.





7. Before proceeding to examine the rival contentions in further detail, we deem it appropriate to crystallise the issues that arise for consideration in today's hearing, i.e., :-

- (i). Whether the petitioner suffers from any conflict of interest while pursuing the present public interest litigation?
- (ii). Whether Respondents No.12 to 16 have committed any illegality warranting immediate restraint from carrying on their business activity in question?

8. Referring to the stand taken in the joint reply by Respondent Nos. 12 to 16, learned Senior Counsel representing them would submit that the writ petition is a motivated PIL filed to settle personal and commercial scores rather than to serve any genuine public interest. The petitioner has selectively targeted the weighbridges of Respondent No. 12 due to personal grievances arising from disputes related to weighbridges owned by the petitioner's brother, which were allegedly found non-compliant with norms and were stopped by authorities.

8.1. He would further point out that the petitioner's family is actively engaged in mining and weighbridge operations, and therefore has a direct financial interest in the matter. The respondents allege that the petition is a retaliatory attempt to disrupt legally operated weighbridges collecting statutory royalty, which, if stopped, would benefit the petitioner's family by enabling mineral-carrying trucks, in course of their mining operations, so as to avoid proper royalty payments, and thereby cause undue illegal enrichment at the cost of loss to the public exchequer.





8.2. He would further assert that the petitioner has instigated complaints, media reports, and representations, including those purportedly made by the Gram Panchayat, to harass the respondents. He states that the respondents' (12-16) weighbridge was established in accordance with statutory rules and locations determined by the Mining Department under the Rajasthan Minor Mineral Concession Rules, 2017, and that the work of royalty collection is a government-authorized public utility function.

8.3. It is also contended that allegations linking the respondents' weighbridge to a road accident are factually incorrect, as the accident occurred about 300 metres away from the site. In any case, the weighbridge in question has now been relocated as per the directions of this court.

8.4. He also states, under instructions, that the petitioner has criminal antecedents (as many as 3 FIRs) which have been concealed by him. Petitioner has thus not approached this Court with clean hands.

8.5. Dr. Acharya thus argues that the PIL constitutes an abuse of the process of law and deserves to be dismissed with exemplary costs. In support of his arguments, as above, he also relies on Supreme Court judgment rendered in **Ashok Kumar Pandey v/s**

State of W.B.¹ Relevant extract thereof reads as under :-

"4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it also becomes a tool in unscrupulous hands to

1 2004 (2) SCC 349





release vendetta and wreak vengeance as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal cases and Kazi Lhendup Dorji v. Central Bureau of Investigations. A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. See Ramjas Foundation v. Union of India and K.R. Srinivas v. R.M. Premchand.

5 to 11 x-x-x-x-x-x

12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases, with exemplary costs."

9. Per contra, Mr. Rajesh Joshi, learned senior counsel for the petitioner would submit that petitioner was served with the copy of the reply filed by the Respondents No. 12 to 16 only three days ago. Petitioner needs time to file an additional affidavit/rejoinder qua the factual averments contained therein. He may do so on or





before next date of hearing with advance copy to all the parties.

9.1. Meanwhile, learned senior appearing for the petitioner reiterates, as already noted above, that the petitioner has approached this Court solely in furtherance of public interest and without any personal stake in the matter and as things are the petition herein raises issues of grave public importance.

9.2. It is urged by him that through the instant PIL, the petitioner seeks judicial intervention for removal and regulation of illegal installations on highways, a State-wide audit of illegally operated royalty nakas and weighbridges, fixation of accountability of erring officials, and formulation of uniform safety-oriented guidelines so as to prevent accidents and safeguard public safety across the State.

10. In the aforesaid backdrop, at the very threshold, we put a specific query to the learned Senior Counsel appearing for the petitioner as to whether any member of the petitioner's family is engaged either in the mining business or in the operation of weighbridges, as argued by Dr. Acharya and as alleged on oath in the reply affidavit filed on behalf of Respondent Nos. 12 to 16.

10.1. Upon seeking instructions from his briefing counsel, the learned Senior Counsel fairly states that the petitioner's father is indeed engaged in the mining business. However, when queried about the allegation that the petitioner's brother or family is involved in the operation of weighbridges or he has any criminal antecedents or any previous litigation history, the response was rather evasive. He would merely state that the same has no bearing on the present proceedings instituted by the petitioner.





11. Given the candid admission/response as above, reference now may also be had to the following unequivocal assertions made in the petition :-

“3. DECLARATION AND UNDERTAKING OF THE PETITIONER

(i) That the present writ petition is being filed by way of Public Interest Litigation and the present petitioner do not have any personal interest in the matter.

x-x-x-x-

(iii) That the petitioners have understood that in the course of hearing of this petition, the Court may require any security to be furnished towards costs or any other charges and the petitioners shall comply with such requirement.”

12. *Prima facie*, the concealment indulged by the petitioner is writ large and same is suggestive that the petition filed by him may not be entirely free from private interest.

13. It appears from the material placed on record that the petitioner and members of his family are engaged in mining-related activities and are associated with the operation of weighbridges used for weighing vehicles transporting minerals. It is also pointed out that the petitioner’s father, Shri Satyanarayan S/o Ram Gopal, is stated to be the holder of a quarry licence for sandstone. If such assertions are correct, the petitioner/his family may be directly affected by the functioning of weighbridges used for checking mineral transportation and collection of royalty.

14. It has also been brought to the notice of the Court that the petitioner’s brother, Ashok S/o Shri Satyanarayan Gehlot, operates two weighbridges, one of which was earlier operated by the Respondent No. 12 under a royalty collection contract. After completion of the said contract the said respondent declined to



continue operating the said weighbridge as it allegedly did not conform to the prescribed norms. The private respondents are thus not wrong in forming the opinion that the petition has been instituted under the guise of a public interest litigation, allegedly to settle personal scores with them.

15. Viewed in this backdrop, it so appears to us also that the petitioner may not have approached this Court entirely in a public-spirited capacity and that the present litigation could be motivated by private or commercial considerations. These assertions, if ultimately found to be substantiated, shall have a bearing on the conduct of the petitioner and he must be put to consequences qua the same.

16. In this context, Rule 385-F of Rules of the High Court of Rajasthan, 1952, Chapter XXII A, may be seen, the same reads as under:

“ 385-F.- Facts to be disclosed.-

A petition filed in public interest shall disclose-

(1) the social public standing/professional status and public spirited antecedents of the petitioner/petitioners;

(2) the sources of finance for meeting the expenditure related with the petition alongwith Permanent Account Number, if any, with the Income Tax Department;

(3) the source of the information on which the averments made in the petition are based; information on which the averments.

(4) the facts constituting the cause;

(5) the nature of injury caused or likely to be caused to the public;

(6) the nature and extent of the personal interest, if any, of the petitioner/petitioners involved in the cause;

and

(7) as to whether the petitioner, or any of the petitioners when there are more than one, is or has been involved in any other civil, revenue, criminal litigation in any capacity before any Court or Tribunal and if so, complete details of such litigation including the subject matter thereof.”

(emphasis is ours)





16.1. Rule, *ibid*, prescribes the mandatory disclosures that must accompany a petition filed in public interest litigation (PIL) so that the Court can examine the bona fides, credibility and locus of the petitioner at the very threshold. Of particular relevance are sub-Sub Rule (1), (6) and (7), which operate as safeguards against misuse of the PIL jurisdiction. Sub Rule (1) requires a petitioner in a PIL to disclose his social standing, professional status and public-spirited antecedents so that the Court can assess whether the litigation is genuinely motivated by public interest and not by private or collateral objectives.

16.2. Sub Rule (6) mandates disclosure of the nature and extent of any personal interest of the petitioner in the subject matter. Since PIL jurisdiction is meant to protect collective public rights, any direct commercial, financial or competitive interest must be revealed, failing which the petition may be treated as private interest litigation and dismissed at the threshold. Sub Rule (7) requires disclosure of any past or pending civil, revenue or criminal litigation involving the petitioner. This enables the Court to examine the petitioner's litigation history, credibility and bona fides, and to ensure that the PIL is not being used as a collateral tool in existing disputes.

16.3. Collectively, the Rule mandates full disclosure and transparency as essential prerequisites for invoking the Court's PIL jurisdiction. Taken together, the underlined principle is that a litigant invoking the PIL jurisdiction must approach the Court with utmost transparency and good faith, so that the Court is able to screen out motivated, proxy or publicity-oriented litigation, and





preserve the PIL mechanism strictly for genuine causes affecting the public at large.

17. Having heard learned counsel for the parties, examined the rival submissions and perused the pleadings and material placed on record, we find that the position emerging from the record raises serious concerns regarding the bona fides of the petitioner in maintaining the present proceedings as a Public Interest Litigation. During the course of hearing, it is candidly admitted on behalf of the petitioner that his father is engaged in the mining business. In the backdrop of the allegations on record that members of the petitioner's family are associated with mining activities and weighbridge operations, the possibility of a direct commercial and personal interest in the subject matter of the petition cannot be ignored.

18. As an upshot, we are compelled to observe that the petitioner appears to have a clear conflict of personal interest vis-à-vis the public cause which he purports to espouse. The material on record prima facie suggests that the present proceedings may not be entirely divorced from private or collateral considerations and that the cause of public interest has been invoked as a facade to pursue a matter in which the petitioner has a discernible personal stake.

19. In view of the aforesaid, notice is also issued to petitioner to show cause as to why appropriate proceedings should not be initiated for misuse of the process of this Court by invoking the extraordinary jurisdiction of Public Interest Litigation for personal, and in addition, as why exemplary costs of Rs. 25 lakhs be not imposed on him to be deposited in the legal aid cell of this court.





20. At the same time, we are of the considered view that the issues raised in the present proceedings, particularly those relating to road safety and the removal of illegal or hazardous installations on or around highways, are matters of significant public importance. The directions previously issued by this Court as per para 15 of the order dated 05.02.26 are already in the process of implementation and are intended to advance the larger public cause of preventing accidents and safeguarding human life on highways. In the premise, the proceedings deserve to continue notwithstanding the disentitlement of the petitioner to maintain them as a PIL litigant.

21. However, we consider it inappropriate for the petitioner to continue prosecuting the present proceedings as a public interest litigant. Accordingly, the petitioner's name is directed be transposed as Respondent No. 17 in the array of parties in the present petition. The Registry shall carry out the necessary corrections forthwith. Upon such transposition, the cause title of the petition shall be read as:

"In the matter of Safety on the Highways versus State of Rajasthan and others."

22. We may also like to observe here that, it may so happen at times that private interest overlaps with public interest. Thus, had the petitioner, at the outset, candidly disclosed that his father is engaged in the mining business and, despite such personal interest, sought the leave of the Court to maintain the present proceedings as a Public Interest Litigation, the matter might have stood on a different footing. In the absence of such disclosure, we are of the considered view that the petitioner is not entitled to be





a public interest litigant even in future. Resultantly, we are also constrained to direct that the petitioner shall not be entitled to institute any Public Interest Litigation in future.

23. Since the cause is being converted into suo motu proceedings, Mr. Sharad Kothari was requested by us to act as amicus curiae along with Mr. Pranjul Mehta and Mr. Divik Mathur (Advocates, present in court) as part of his team, and the three of them have gracefully accepted our request and offered to render their services to assist this Court in the further proceedings. Registry to provide copy each of the paper-book to them.

24. Adverting now to the second issue viz. whether Respondent No. 12 after relocation can continue its business operations.

25. In the joint reply filed by Respondent Nos. 3 to 5 i.e. Department of Mines and Geology, Legal Meteorology and Director of Mines and Geology, stand taken, inter alia, is as below:-

“4.2 That the averments made in para no. 4.2. of the writ petition are emphatically denied. In this regard, answering respondents place on record a copy of the sanction order dated 7.4.2025 issued in favour of M/s Riddhi Siddhi Housing Private Limited for establishing check-posts and same is marked as Annexure-R/2. Condition No.7 of the order dated 7.4.2025 provides that the contractor shall comply with the road-safety norms during royalty collection. For ready reference, condition No.7 is extracted as follows:

“7. ठेकेदार द्वारा नाकों पर रॉयल्टी वसूली के दौरान सड़क सुरक्षा मापदण्डों की पालना किया जाना सुनिश्चित करना होगा।”

x-x-x-x

4.8 That the averments made in para no 4.8 of the writ petition are denied being unjustified, misleading and misconceived. The petitioner has referred to Rule-52 of the Rules of 2017, but at the same time, concealed and suppressed the provisions contained in Rule-44 (3) of the Rules of 2017. Rule-44 (3) of the Rules of 2017 provides that the contractor shall collect the royalty as far as possible, close to lease or licence area and if not possible or practical then at any other place near the lease or licence area but within the jurisdiction of the contract area. Proviso to Rule 44 (3) of the Rules of 2017 provides that such places shall only be established after prior approval in writing from the Mining Engineer or Assistant Mining Engineer concerned on an application with payment of rupees one thousand (non-refundable) for every place for





which permission is required. The Mining Engineer or Assistant Mining Engineer may refuse to grant permission for reasons to be recorded in writing for any particular place and shall communicate to the contractor.

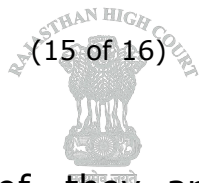
4.9 That the averments made in para no 4.9 of the writ petition are not admitted the manner in which they have been asserted by the petitioner. Petitioner is accepting the fact that Mining Department is legally empowered to permit and regulate check-posts, monitoring of mineral transportation including E-Ravana, transit pass/royalty pass mechanism. It is also admitted by the petitioner that Legal Metrology Department has jurisdiction for installation/operation of weighbridges. It is submitted in this regard that both the services are inter-connected, inasmuch as, without weighbridge, a contractor cannot collect royalty as per weight of mineral carried by a vehicle from the mining leases/quarry licence areas.”

From the perusal of above, it is borne out that official respondents have issued the requisite sanction order dated 07.04.2025 (Annexure-R/2) in favour of Respondent No.12/M/s Riddhi Siddhi Housing Private Limited for establishment of check-posts, in accordance with law.

26. It is pertinent to note that the Mining Department is legally empowered to permit and regulate check-posts and monitor mineral transportation, including the E-Ravana and transit/royalty pass mechanism, while the installation and operation of weighbridges fall within the jurisdiction of the Legal Metrology Department. These functions are intrinsically interconnected, since the collection of royalty based on the weight of minerals transported from mining leases or quarry areas necessarily requires the use of weighbridges. Denial thereof, would thus result not only in illegal and surreptitious mining but also loss to the State exchequer on account of pilferage in the royalty payments.

27. Aside above, it is also clarified that, insofar as Respondent Nos. 12 to 16 are concerned, they have stated on oath before this Court that their *Dharm Kantas* have been relocated to a distance of 75 metres away from the National Highway. This position has not been disputed at this stage, either by NHA I or the State





authorities. In view thereof, they are henceforth permitted to continue their business activities as per the sanction accorded to them by the competent authority of the State.

28. However, it is made clear that the claimed relocation of the Dharm Kantas shall be subject to physical/spot verification by the officials of the Mining Department as well as the National Highways Authority of India. In the event such verification reveals that the relocation is not in conformity with the stated distance, it shall be open to the concerned authorities to take appropriate steps, including seeking modification of the instant order.

29. In the parting, we may note that two applications dated 24.02.2026 and 10.03.2026 have been filed seeking impleadment. Having heard learned counsel appearing for the applicants, we are of the view that even these applicants appear to have certain personal interest in the matter which disentitles them from being impleaded as parties to the present proceedings.

30. Be that as it may, since the applicants assert that they seek to advance issues of public interest, we do not consider it appropriate to altogether shut the door on their participation. Accordingly, both the applications are disposed of by permitting the applicants therein, to participate in the present proceedings to the limited extent as interveners/whistle-blowers, if they so desire, by sharing any relevant information with the learned amicus curiae to facilitate the Court in addressing the larger public concerns involved.

31. With these observations/directions, adjourned for further proceedings to 06.04.2026. Affidavits/action taken reports of the





respective official respondents be also filed qua implementation of all the other directions issued by this Court.



(SUNIL BENIWAL),J

(ARUN MONGA),J

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