

ITEM NO.1

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).651/2005

NEELAMBAR BABA &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 27-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Sridhar Potaraju, Adv.  
Mr. Prabhat Kumar, Adv.  
Mr. Udai Khanna, Adv.  
Mr. John Mathew, AORFor Respondent(s) Ms. Pinky Anand, ASG  
Mr. Rana Mukherjee, Sr. Adv.  
Mr. Ajit Kr. Sinha, Sr. Adv.  
Mr. Shailender Saini, Adv.  
Mr. Pranay Ranjan, Adv.  
Mr. Hemant Arya, Adv.  
Ms. Saudimini Sharma, Adv.  
Ms. Daisy Hannah, Adv.  
Ms. Ekta Pradhan, Adv.  
Ms. Sreoshi Chatterjee, Adv.  
Mr. Arvind Kr. Sharma, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mrs. Anil Katiyar, AORMr. S.S. Shamsery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Ankit Raj, Adv.  
Mr. Milind Kumar, AOR

Mr. V. K. Verma, AOR

Mr. A.D.N. Rao, Adv.  
Mr. Sudipto Sircar, Adv.  
Ms. Tulika Chikker, Adv.  
Mr. Anil Kumar Jha, AORMr. Shrish Kr. Mishra, Adv.  
Mr. Gautam Kumar, Adv.

Mrs. Rachna Gupta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The prayer in the writ petition is for stoppage of illegal stone mining, crushing and blasting activities in illegal manner and for the preservation and protection of the Braj region, forests, hills and its wildlife in the above said region and also to restore the Braj region for its cultural and historical importance as an eco-tourism destination, etc.

During the pendency of the proceedings, we had required the Ministry of Environment, Forest and Climate Change (MOEF) to look into the matter, particularly after the Report given by the CEC.

The MOEF has filed two affidavits, one on 4<sup>th</sup> January, 2018 and other on 31<sup>st</sup> January, 2018.

The affidavits contain the interim report as well as the final report in the case. In the final report, which is signed on 24<sup>th</sup> January, 2018, the following conclusions are recorded:

"1. All the 15 stone crushers under reference are in abandoned state and no machinery or equipment are in place on the land of the stone crushers.

2. 202 numbers of stone quarries which were leased and were in operation on revenue land in the Deeg and Kannan Tehsils in Bharatpur District of Rajasthan have been closed and the entire land has been handed

over to Forest Department of Rajasthan. Further, after transfer of these lands have been declared as Protected Forest by the Government of Rajasthan and the degraded land is being rehabilitated in phased manner through afforestation and soil and moisture conservation works by the Forest Department of Rajasthan.

3. To ascertain the legal system of the land where the 15 stone crushing units were located, correspondence were made to Department of Industries, Govt. of U.P. and request was also made to Central Pollution Control Board, has to submit the information as per their records. The UP Pollution Control Board, Regional Office, Mathura has informed that all the 15 stone crushing units were located on the lands owned by the owners of the crushers.

4. To ascertain the legality of the raw-material used by the 15 stone crushing units during the period 2005 to 2010, the Rawanna (Form-12)/Excess Royalty Collection Contract (ERCC) receipts issued from the source of the raw-material in leased quarries are very vital documents. Due to non-availability of Rawanna (from 12)/ERCC receipts of the raw-materials from the leased source during the said period (2005-2010), it is almost impossible to ascertain the legality of the raw material used in the 15 stone crushing units under reference. In addition to this,

the information provided by the owners of the two stone crushing unit, as mentioned earlier, does not lead to any concrete conclusion in this regard. Therefore, due to non-availability of the relevant records and elapse of considerable time, it is almost impossible to ascertain the legality of stone used as raw-material by the 15 stone crushing units of Matura District of Uttar Pradesh for the period 2005-2010.”

In view of the aforesaid conclusion, nothing further survives in the writ petition and it is accordingly disposed of.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER