

ITEM NO.17+18

COURT NO.3

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). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. &amp; ORS.

Respondent(s)

(“ONLY” [ 1 ] I. A. NOS. 157777 AND 157782/2023 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : PRADEEP AND [ 2 ] I. A. NOS. 37666, 37670 AND 37679/2020 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : UTTAM KUMAR JAIN AND ORS. AND [ 3 ] I. A. NOS. 87544, 87550 AND 91723 OF 2023 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : M/S. KRISHNA MINERS AND TRADERS, RAJASTHAN AND [ 4 ] I. A. NOS. 107906 AND 107909/2023 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : NALWAYA MINERALS INDUSTRIES PVT. LTD. AND [ 5 ] I. A. NOS. 112525, 112526 AND 112527/2023 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : M/S. NALWAYA MINERALS INDUSTRIES PVT. LTD. AND [ 6 ] I. A. NOS. 115479, 115480 AND 115482/2023 [APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : HANUMAN DAS AND [ 7 ] I. A. NOS. 79569 AND 79576/2019 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS] WITH I. A. NOS. 159670 AND 159677/2019 [APPLICATIONS FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION] AND I. A. D. NOS. 14261 AND 14262/2021 [APPLICATIONS FOR URGENT LISTING OF I.A. NOS. 79569 AND 79576/2019 AND EXEMPTION FROM FILING DULY ATTESTED AFFIDAVIT] AND ?I. A. NOS. 40599 AND 40624/2023 [APPLICATIONS FOR INTERVENTION AND MODIFICATION OF COURT’S ORDER DATED 12.05.2022] AND I. A. NO. 220675/2023 [APPLICATION FOR DIRECTION IN I.A. NO. 79576/2019] IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND [ 8 ] I. A. No. 108146 OF 2022 [APPLICATIONS FOR DIRECTIONS ] IN I. A. NOS. 982-984/2003 (DISPOSED OF) [APPLICATIONS FOR DIRECTIONS] IN RE : SMT. MAGAN DEVI MEENA WITH W.P. (C) NO. 633 OF 2022 AND [ 9 ] I. A. Nos. 90862 AND 90864/2021 [APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.] WITH I. A. No. 101580/2023 [APPLICATION FOR EXEMPTION FROM FILING O.T.] IN RE : M/S. JAIPUR SILICA SUPPLY CO., RAJASTHAN AND [ 10 ] IN RE : “CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST LAND MAHARASHTRA” [ i ] I. A. No. 2079/2007 [APPLICATION FOR IMPLEADMENT AND DIRECTIONS] WITH [ ii ] I.A Nos. 2301-2302 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ iii ] I.A. Nos. 3044-3045 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ iv ] I.A. Nos. 2771-2772 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ v ] I.A.Nos. 111725 AND 154041/2018 [APPLICATIONS FOR SUBSTITUTION OF

APPLICANT, i.e. SMT. HOUSABAI HARIBHAU BHAI RAT AND CONDONATION OF DELAY IN FILING APPLICATION FOR SUBSTITUTION IN I.A. NOS. 2771-2772/2009] WITH [ vi ] W.P.(C) NO. 301/2008 AND [ 11 ] I. A. Nos. 1408, 1457, 1462, 1787, 1863-1864, 3453 WITH I. A. No. 178808/2023 (APPLICATION FOR EXTENSION OF TIME) AND I. A. No. 192984/2023 (APPLICATION SEEKING PERMISSION TO FILE ADDITIONAL DOCUMENTS )AND [ 12 ] I.A. NO. 41723 OF 2022 [APPLICATION FOR DIRECTIONS] IN RE : AMAN SINGH, RAJASTHAN AND [ 13 ] I. A. NOS. 43616, 43618 AND 43621/2020 [APPLICATIONS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T.] IN RE : ABRAHAM ABRAHAM AND [ 14 ] I.A. Nos. 2930/2010 AND 3963/2017 [APPLICATIONS FOR DIRECTIONS AND PERMISSION TO FILE ADDITIONAL DOCUMENTS] WITH I.A. No. 160714/2019 [APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION] AND I.A. No. 77320/2023 [APPLICATION FOR OBJECTION ON BEHALF OF APPLICANT] AND I.A. No. 79064/2023 [APPLICATION FOR LEAVE TO AMEND THE I.A. NO. 2930/2010 ] IN RE : M/S SHEWALKER DEVELOPERS LTD AND [ 15 ] [i] I.A. NO. 19010/2019 [APPLICATION FOR DIRECTIONS] WITH [ii] I.A. NO. 75982/2019 [APPLICATION FOR EXEMPTION FROM FILING O.T.] WITH [iii] I.A. NO. 86706/2019 [APPLICATION FOR DIRECTIONS] WITH [iv] I.A. NO. 90640/2019 [APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS] WITH [v] I.A. NO. 122128 AND 122130/2019 [APPLICATION FOR EXTENSION OF TIME AND EXEMPTION FROM FILING O.T.] FILED BY MR. NISHANT R. KATNESHWARKAR, ADVOCATE WITH [vi] I.A. NO. 129260 AND 129264/2019 [APPLICATION FOR IMPLEADMENT AND DIRECTIONS] FILED BY MR. RAVINDRA KESHAVRAO ADSURE, ADVOCATE] AND [vii] I.A. NO. 129279/2019 [APPLICATION FOR DIRECTION] FILED BY MR. GOPAL BALWANT SATHE, ADVOCATE AND [viii] I.A. NOS. 150901 AND 150915/2019 [APPLICATIONS FOR INTERVENTION AND DIRECTION FILED BY MS. MAYURI RAGHUVANSHI, ADVOCATE IN RE : CONSERVATION ACTION TRUST, MAHARASHTRA AND [ 16 ] I.A. NOS. 2874 AND 2876 OF 2010 [APPLICATIONS FOR INTERVENTION AND DIRECTION] WITH I.A. NO. 3129 OF 2011 (APPLICATION FOR INTERIM DIRECTIONS IN I.A. NOS. 2874 AND 2876 OF 2010) IN RE : M/S. JAI POLYMERS CO. PVT. LTD. AND [ 17 ] I.A. NOS. 2877 AND 2879 OF 2010 [APPLICATIONS FOR INTERVENTION AND DIRECTION] WITH I.A. NO. 3125 OF 2011 (APPLICATION FOR INTERIM DIRECTIONS IN I.A. NOS. 2877 AND 2879 OF 2010) IN RE : M/S. MODI MINERALS GRINDING MILLS PVT. LTD. AND [ 18 ] I. A. NOS. 85332 AND 85124/2023 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS] IN RE : ROHIT CHOUDHARY AND [ 19 ] I.A. NO. 12465/2019 [APPLICATION FOR DIRECTIONS] WITH I. A. NO. 98194/2019 [APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS IN I.A. NO. 12465/2019] AND I. A. NO. 127871 AND 127874/2020 [APPLICATION FOR INTERVENTION AND DIRECTIONS ] IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA AND [ 20 ] [i] CONTEMPT PETITION (CIVIL) NO. 319 OF 2021 IN I. A.No. 90182 OF 2019 (DISPOSED OF) (APPLICATION FOR DIRECTIONS) WITH I. A. No. 66719/2021 (APPLICATION FOR EXEMPTION FROM FILING NOTORIZED AFFIDAVIT) AND I. A. No. 140286/2023 (APPLICATION FOR CONDONATION OF DELAY IN FILING CONTER AFFIDAVIT) WITH I. A.NOS. 197410 AND 197412/2023 (APPLICTIONS FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS AND EXEMPTION FROM FILING O.T.) IN RE : RAJAJI TIGER RESERVE, UTTARAKHAND WITH [ii] I. A. No. 186910/2022 (CEC REPORT NO. 30/2022 - REPORT OF CEC IN APPLN. NO. 1557/2022 FILED BEFORE IT BY GAURAV KUMAR BANSAL) AND INTERLOCUTORY APPLICATION NO.

52187/2023 (APPLICATION FOR EXEMPTION FROM FILING O.T.) AND INTERLOCUTORY APPLICATION NOS. 197351/2023 AND 2665/2024 (APPLICATIONS FOR PERMISSION TO FILE AFFIDAVIT) IN RE : GAURAV KUMAR BANSAL AND [iii] I.A. NO. 20650/2023 (CEC REPORT NO. 3/2023 - REPORT OF CEC IN APPLN. NO. 1558/2021 FILED BEFORE IT BY GAURAV KUMAR BANSAL) WITH INTERLOCUTORY APPLICATION NO. 75033/2023 (APPLICATION FOR EXEMPTION FROM FILING O.T.) IN RE : GAURAV KUMAR BANSAL IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 10.01.2024 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, ADVOCATE [A.C.] MR. G.S. MAKKER FOR S.NO. [ 1 ] MAYANK AGGARWAL FOR S.NO. [ 2 ] MR. RAO RANJIT, MR. MILIND KUMAR (STATE OF RAJASTHAN) FOR S. NO. [ 3 ] TO [ 5 ] MS. ARUNA GUPTA FOR S. NO. [ 6 ] MS. ARUNA GUPTA, MR. SIDDHARTH SHARMA FOR S.NO. [ 7 ] MS. MISHA ROHATGI MOHTA, M/S. KARANJAWALA AND CO., MR. AADITYA A . PANDE (FOR STATE OF MAHARASHTRA) FOR S.NO. [ 8 ] MS. JAIKRITI S. JADEJA, MR. SANDEEP KR. JHA FOR S. NO. [ 9 ] MR. DHARMENDRA KR. SINHA, MR. SANDEEP KR. JHA FOR S. NO. [ 10 ] MR. B.K. PAL, MR. NISHANT R. KATNESHWARKAR, M/S MITTER AND MITTER CO., MS. RANJEETA ROHTAGI, MR. C. S. ASHRI FOR S.NO. [ 11 ] MR. K. R. SASIPRABHU, MR. HIMINDER LAL, MR. M. K. MICHAEL, MS. USHA NANDINI V., MR. G. PRAKASH (FOR STATE OF KERALA), MR. NISHE RAJEN SHONKER FOR S. NO. [ 12 ] MR. SIDDHARATHA JHA, MR. SANDEEP KUMAR JHA (FOR STATE OF RAJASTHAN) FOR S.NO. [ 13 ] MR. JAMES P. THOMAS, MS. ANZU K. VARKEY (FOR R. NO. 7) FOR S. NO. [ 14 ] MR. NEERAJ SHEKHAR, MR. HARSH PARASHAR FOR S. NO. [ 15 ] [i and viii] MS. VANSHAJA SHUKLA, MR. NISHANT R. KATNESHWARKAR, MR. GOPAL BALWANT SATHE, MR. RAVINDRA KESHAVRAO ADSURE, MS. MAYURI RAGHUVANSHI MS. MRIDULA RAY BHARDWAJ FOR S. NOS. [ 16 ] AND [ 17 ] MR. VIVEK JAIN FOR S.NO. [ 18 ] MS. SHIBANI GHOSH FOR S.NO. [ 19 ] MR. NISHANT R. KATNESHWARKAR, MR. AADITYA A. PANDE, MS. SRISHTI AGNIHOTRI (INTERVENOR) FOR S. NO. [ 20 ] MR. GAURAV KR. BANSAL (P-I-P), DR. ABHISHEK ATREY, MR. ATUL SHARMA )

WITH

Contempt Petition(C) No. 319 of 2021

Date : 10-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

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Ms. Rachana Gandhi, Adv.  
Mr. A N S Nadkarni, Sr. Adv.  
Mr. Vivek Jain, AOR  
Ms. Suchitra Kumbhat, Adv.  
Mr. Abhinav Jain, Adv.  
Mr. S.S. Rebello, Adv.  
Mr. Rajat Jain, Adv.  
Ms. Deepti Arya, Adv.  
Ms. Manisha Gupta, Adv.  
Ms. Arzu Paul, Adv.

Mr. B. K. Pal, AOR  
Ms. Shalini Kaul, AOR  
Mrs. Niranjana Singh, AOR  
Mr. Dhaval Mehrotra, AOR

Mr. Ravindra Kumar, Sr. Adv.  
Mr. Binay Kumar Das, AOR  
Ms. Priyanka Das, Adv.  
Ms. Neha Das, Adv.  
Mr. Sanjay Kumar Singh, Adv.  
Mr. Vipin Kumar Saxena, Adv.

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

I.A. Nos. 157777 and 157782 of 2023

1. As requested by Ms. Aishwarya Bhati, learned Additional Solicitor General, four weeks' time is granted to file reply affidavit.
2. List these applications on 14.02.2024.

IA Nos. 37666, 37670 and 37679 of 2020

1. The affidavit filed by the State of Rajasthan does not take into consideration as to what is the effect of the Report of the Kapoor Committee.
2. The State shall, therefore, clarify as to whether the Kapoor Committee, which was appointed after the order to that effect were passed by this Court, has identified the pieces of land in question to be included in forest or not.
3. It is also pointed out by the applicant(s) that in the Master Plan of Banswara Municipal Council of 2011-2031, the land in question has been designated as residential zone.
4. As requested by Dr. Manish Singhvi, learned senior counsel appearing for the State, four weeks' time is granted to file an affidavit.
5. List these applications on 14.02.2024.

I.A. Nos. 2874 and 2876, 2877 and 2879 of 2010

1. The report of the Central Empowered Committee (CEC) in all these applications shows that mining lease of the applicant(s) does not fall in the Aravali Hills and further that no illegal mining was found. Though the report of the Forest Survey of India endorses that no illegal mining has been found in this area, it suggests that the said areas falls within the Aravali Hill Range.
2. Dr. Manish Singhvi, learned senior counsel appearing for the State of Rajasthan submits that the issue as to whether

the classification between Aravali Hills and Aravali Ranges, in so far as the mining activities are concerned needs to be finally decided by this Court.

3. We, *prima facie*, feel that if the State is of the view that the mining activities in the Aravali Range is also detrimental to the environmental interest, nothing stops the State Government from preventing mining activities in the Aravalli Range as well.

4. Be that as it may, the application of the present applicant(s) stand on a similar footing which were allowed by this Court vide order dated 16<sup>th</sup> January, 2023.

5. We, therefore, dispose of these application(s) with direction to the State Government to consider the application(s) filed by the applicant(s) for permitting the renewal and continuance of the mining operations in accordance with law.

6. In so far as mining activities in Aravali Hills and Ranges are concerned, Mr. K. Parameshwaran, learned Amicus Curiae states that it will be in the larger public interest, if all these issues are examined by the CEC and a comprehensive direction is issued by this Court in that regard.

7. We find the suggestion of the learned Amicus Curiae reasonable.

8. We request the CEC to examine the issue as to whether the classification of Aravali Hills and Ranges in so far as permitting mining is concerned, needs to be continued or not.

9. We also request the CEC to take on board the experts in Geology before finalizing its report. The same shall be done within a period of eight weeks from today.

10. List on 13.03.2024 for the said purpose.

11. We are informed that though the issues involved with regard to the mining in Aravali Hills and Range in Haryana and Rajasthan are common, the matters/applications with regard to the mining in State of Haryana are placed before another Bench of this Court, whereas the matters/applications with regard to the mining in Rajasthan are placed before this Bench.

12. We are of the view that since the issues with regard to mining in the Aravali Hills and Ranges are common for both the States, it will be appropriate that the said matters are heard and decided by the Same Bench of this Court, so as to avoid any conflicting order(s).

13. We, therefore, direct the Registrar (Judicial) to place the matter(s) before Hon'ble the Chief Justice of India to obtain appropriate order(s) and place the same before the Bench as directed by the Hon'ble the Chief Justice of India.

I.A. Nos. 87544, 87550 and 91723 of 2023, 107906 and 107909 of 2023, 112525, 112526 and 112527 of 2023

1. We request the CEC to examine the issue involved in these

applications and submits its report within eight weeks from today.

2. List these applications on 13.03.2024

I.A. Nos. 115479, 115480 and 115482 of 2023

1. The relief which is sought in these application(s) has already granted by the State by cancelling the lease.

2. Accordingly, these applications have become infructuous and the same are disposed of.

2. We are informed that since the cancellation has been challenged by the lease holder, the matter is sub judice before the High Court. The High Court shall decide the same on its own merits.

I.A. No. 108146 of 2022 in W.P.(C) No. 202 of 1995 and W.P.(C) No. 633 of 2022

1. Vide judgment and orders dated 26<sup>th</sup> April, 2023 and 28<sup>th</sup> April, 2023, we have prohibited all mining activities within one kilometer from the boundaries of the National Parks/Wild Life Sanctuaries.

2. Indisputably, since the areas in respect of which the relief is sought in the present applications fall within one kilometer of the aforesaid boundaries, no separate orders are required to be passed in these matters.

3. This application and Writ Petition are accordingly



disposed of.

4. We further clarify that in the event, the State find that any illegal mining activity conducted by any of the miners, the State would always be at liberty to proceed in accordance with law and disposal of this application/petition would not come in the way of those proceedings.

I.A. Nos. 90862 and 90864 of 2021

In view of the report of the CEC and specifically the reasons mentioned in paragraph 13 thereof, the applications are rejected.

I.A. Nos. 79569 and 79576 of 2019 with I.A. No. 159670 and 159677 of 2019, I.A. Diary Nos. 14261 and 14262 of 2021, I.A. Nos. 40599 and 40624 of 2023 and I.A. No. 220675 of 2023

1. Vide our earlier order dated 24<sup>th</sup> February, 2023 and 12<sup>th</sup> July, 2023, we had issued certain directions with regard to laying of paver blocks on the roads as well as plying of E-rickshaws in the city of Matheran.

2. Mr. Siddarth Dharmadhikari, learned Standing Counsel for the State of Maharashtra submits that the Monitoring Committee in consultation with IIT Bombay, is considering the proposal of using clay paver blocks instead concrete paver blocks.

3. It is submitted that it is necessary to use clay paver blocks in order to prevent the soil erosion.

3. We clarify that E-Rickshaws, if permitted, would be only provided to the present hand cart pullers in order to compensate them on account of their loss of employment.

4. We further clarify that there shall also be a restriction on the number of E-rickshaws to be permitted in the city of Matheran.

5. Alongwith the issue of paver blocks, if any, the Monitoring Committee shall also consider as to which of the roads/streets would be permitted to be used by the E-rickshaws. Further, determine the number of e-rickshaws to be plied in the city of Matheran.

6. The Monitoring Committee shall submit the report with regard to that within four weeks from today and thereafter two weeks' time is granted to the applicant(s) to file response, if any.

7. List these applications/matters on 13.03.2024.

IA Nos. 2079/2008, IA Nos. 2301-02/2008, IA Nos. 3044-3045/2011, IA Nos. 111725 and 154041/2018 in IA Nos. 2771-72/2009 and W.P. (C) No. 301/2008.

1. As prayed, two weeks' time is granted to the learned counsel for the State to file reply affidavit and thereafter two weeks' time is granted to the learned counsel for the applicant(s) to file response.

2. List these applications/matter(s) on 14.02.2024.

IA Nos. 1408, 1457 and 1462 of 2005, IA Nos. 1787, 1863-1864 of 2007, 3453 of 2012, 178808 and 192984 of 2023

1. In view of letter circulated by learned counsel for the petitioner seeking adjournment on the ground of personal difficulty, hearing of these applications is deferred for four weeks.

2. List these applications on 14.02.2024

IA No. 41723 of 2022

1. As prayed, four weeks' time is granted to the learned counsel for the State to take instructions as to what steps are being taken for identification, survey and demarcation of the sacred groves such as Orans, Dev-Vans and Rundhs etc., as forest lands.

2. We make it clear that if no positive response is received from the State on the next date of hearing, we will be compelled to take such steps as may be found necessary.

3. List this application on 14.02.2024.

I.A. Nos. 43616, 43618 and 43621 of 2020

1. Mr. Ranjith Marar, learned counsel appearing for the respondent No.10 against whom the allegations have been made by the applicant(s) as well as by the State seeks and is granted two weeks' time to file counter affidavit. Thereafter, two weeks' time is granted to the opposite party to file rejoinder affidavit, if any.

2. List these applications on 14.02.2024.

IA Nos. 2930/2010, IA No. 3963/2017, 160714/2019, 77320/2023 and 79064/2023

1. As prayed, four weeks' time is granted to the learned counsel for the State to file reply affidavit.

2. List these applications on 14.02.2024.

I.A. No. 19010, 75982, 86706, 90640, 122128 and 122130, 129260 and 129264/2019, 129279/2019, 150901 and 150915 of 2019

1. As prayed, two weeks' time is granted to file reply affidavit and thereafter two weeks' time is granted to the applicant(s) to file rejoinder affidavit, if any.

2. List these applications on 14.02.2024.

IA Nos. 85124 and 85332 of 2023

As prayed by Mr. Nalin Kohli, learned counsel appearing for the State, list these applications on 14.02.2024.

IA. Nos. 12465 and 98194 of 2019, IA Nos. 127871 and 127874 of 2020

As requested by Mr. Sidharth Dharmadhikari, learned counsel appearing for the State, list these matters on 14.02.2024.

IA No. 5965 of 2024 in I.A. No. 47252 of 2021

1. The applicant has approached this Court praying for

permission to continue its mining operation in the Diamond Mining Project at Village Majhgawan Mine, District Panna, Madhya Pradesh in terms of the Mine Closure Plan dated 23<sup>rd</sup> September, 2019.

2. The application has been filed by the present applicant since the Expert Appraisal Committee (EAC) has observed that the project proponent needs to seek clarification from this Court regarding the applicability of orders dated 26<sup>th</sup> April 2023 and 28<sup>th</sup> April 2023.

3. This court on 30<sup>th</sup> November, 2022 had passed the following Order:

"IA No. 47252, 47249 and 47644 of 2021

The applications (I.A. Nos.47249 and 47644 of 2021) for impleadment and exemption from filing O.T. are allowed. The main application (I.A. No. 47252 of 2021) is for permitting the applicant to continue its mining operations in 16 the Diamond Mining Project at village Majhgawan in District Panna, Madhya Pradesh, in terms of the Mine Closure Plan dated 23.09.2019. The perusal of the application would reveal that the applicant has already received Forest Clearance for Supplementary Mining Lease vide order dated 06.01.2021, issued by the Secretary (Forest), Government of Madhya Pradesh. The proposal for granting Wild Life Clearance has been considered in the 19th Meeting of M.P. State Wildlife Board held on 14.01.2021. The proposal for renewal of clearance under the Wildlife Protection Act, 1972 was also considered favourably in the meeting of the Standing Committee of National Board for Wildlife, MoEF&CC, New Delhi on 18.02.2021. The Scientist-D(Wildlife, MoEF&CC, New Delhi vide its letter dated 11.03.2021 communicated the decision of the Standing Committee to recommend the proposal, subject to the

conditions imposed by the Chief Wildlife Warden and the NTCA. Taking into consideration the fact that all the concerned authorities have already granted their clearances, we find that the present application deserves to be allowed. Another fact that needs to be taken into consideration, as submitted by Mr. C.U. Singh, learned senior counsel appearing for the applicant is that after the orders were passed by this Court on 13.08.2008 and 05.09.2008, there has been an increase in the Tiger population in the Panna Tiger Reserve, which had come down to zero. We have also heard the learned Amicus Curiae. We are, therefore, inclined to allow the said application, subject to the condition that all conditions imposed by the authorities mentioned hereinabove in granting the requisite permissions, as well as the order passed by this Court dated 13.08.2008 shall be strictly complied with.

4. Subsequently, vide an order dated 26<sup>th</sup> April, 2023, we had considered various aspects with regard to the activities to be permitted in Eco-Sensitive Zone, surrounding the boundaries of the National Parks, Wild Life Sanctuaries etc. In the said order, we had considered all the earlier orders passed by this Court right from 2005 with respect to ban on mining activities. After considering all those order(s), we had directed that no mining activities shall be permitted within an area of one kilometer from the boundary of the National Parks/Wild Life Sanctuaries.

5. The application has been filed by the present applicant under the perception that there is a conflict between the order dated 30<sup>th</sup> November, 2022 and the order dated 26<sup>th</sup> April 2023.

6. This Court though had banned mining activities in National Parks/Wild Life Sanctuaries and the buffer zones, it had considered individual application filed by the present applicant(s). After considering the special circumstances, the Court on 13<sup>th</sup> August 2008 passed the following order:

"These matters relate to the diamond mining project at Panna (M.P.) The project area is falling within the Panna National Park/Wildlife Sanctuary. This project was examined by CEC and it has approved, subject to fulfillment of the following conditions:

(i) NPV as per the applicable rate will be deposited by NMDC for the 74.018 ha. Under tis possession and 70.202 ha. of forest land used for Earthen Dam;

(ii) 5% of the capital cost incurred on diamond mining project will be deposited for undertaking conservation and protection in the Panna National park & Panna (Gangao) Widlife Sanctuary;

(iii) A proper Mine Closure Plan, which includes reclamation and rehabilitation measures, will be drawn and implemented at the cost of the NDMC;

(iv) The notification dated 12.04.2006 issued by the appropriate authority will be withdrawn;

(v) A Monitoring Committee under the Chairmanship of the Chief Wildlife Warden with the Member Secretary, National Tiger Conservation Authority, Field Director, Panna National Park and a non-official Member of the National Board for Wildlife (to be nominated by the MoEF) as its members will be responsible for

(a) Approval of the mine closure Plan;

(b) Prescribing and Monitoring of various safeguards for operation of the mines;

(c) Approval and Monitoring of the annual work plan for utilization of funds received from the NMDC towards the NPV and 5% of the project cost."

We nominate Ms. Belinda Wright, as a non-official Member in the above said Monitoring Committee.

The above conditions are acceptable to the NMDC and the project is approved subject to fulfillment of the above conditions. Applications are disposed of accordingly."

7. It could thus be seen that though mining activities were prohibited within the area of National Parks/Wild Life Sanctuaries, this Court taking into consideration the peculiar facts and circumstances existing in Panna National Park had granted a specific permission for continuing mining activities, however, subject to stringent conditions mentioned therein.

8. This Court also while permitting the application filed by the present applicant on 30<sup>th</sup> November, 2022 considered the order passed by this Court on 13<sup>th</sup> August, 2008. This Court considered that the M.P. State Wildlife Board had also granted Wild Life Clearances. It was also considered that the Standing Committee of National Board for Wildlife in its meeting dated 18<sup>th</sup> February, 2021 had also favourably considered the said proposal. This was, however, subject to the condition imposed by the Chief Wildlife Warden and National Tiger Conservation Authority.

9. After taking into consideration these aspects and further that the tiger population in the Panna Tiger Reserve had substantially increased, we had allowed the application.

10. We, therefore, find no conflict between orders dated 26<sup>th</sup> April, 2023 and 28<sup>th</sup> April, 2023 are applicable Pan India. However, the orders dated 13<sup>th</sup> August 2008 and 30<sup>th</sup> November,



2022 are specific to the present project, taking into consideration the factors which was mentioned in both the orders.

11. It is further to be noted that as per orders passed by this Court on 13<sup>th</sup> August, 2008, the Mine Closure Plan has already been prepared and the mining activities will be closed by 2035 in a scientific manner.

12. The project proponent is one of the Navratna Corporations of the Government of India.

13. If the mining activities are abruptly stopped at this stage, the possibility of illegal mining of diamonds being carried out, cannot be ruled out.

14. It is rather in the national interest that the Government of India owned company is permitted to continue the activities in a scientific manner till the activities are closed.

15. In so far as the interest of environment and wild life is concerned, the Court has already directed that the activities shall be subject to the supervision of the Chief Wildlife Warden.

16. In that view of the matter, the application is allowed in terms of the prayer clause (a), which reads as under:

“Clarify that the direction contained in paragraph 65 of the order dated 26.05.2023 passed by this Hon’ble Court in W.P. No. 202 of 1995, will not apply to the mining operations of the applicant Diamond Mining Project, which is within the Gagau Wild Life Sanctuary, Panna Tiger Reserve, situated Majhgawan Mine, District

**Panna at Madhya Pradesh.**

**I.A. Nos. 263809 and 263810 of 2023**

1. Issue notice, returnable on 14.02.2024.
2. We request Ms. Aishwarya Bhati, learned Additional Solicitor General to accept notice on behalf of the Union of India and file its response before the next date of hearing.
3. Mr. Karan Sharma, learned counsel appearing for the State of Punjab accepts and waive notice.

**I.A. No. 20650/2023 and 186910 of 2022 in Writ Civil No. 202 of 1995 and Contempt Petition(C) No. 319 of 2021**

1. Heard-in-part.
2. For further arguments, list the application/matter tomorrow, i.e. 11.01.2024

**(DEEPAK SINGH)  
COURT MASTER**

**(ANJU KAPOOR)  
COURT MASTER (NSH)**