

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

In Re : Mining in Aravalli in the State of Rajasthan

[ 1 ] I.A.NOS. 828, 2020, 833, 846-847, 834-835, 3951, 837, 893-894, 901-902, 903-904, 3394, 3396, 1329, 1331, 1450, 1451, 1452, 2447, 2602, 2822, 2824, 3124, 3689, 2825, 2827, 3123, 3686, 2828, 2830, 3131, 2758-2759, 3210, 3457, 2803, 2814, 2840, 3952, 2834, 2836, 3281, 2837, 2839, 2874, 2876, 3129, 2877, 2879, 3125, 2883-2885, 2887-2889, 2891, 2893, 3361-3362, 3397, 3296, 3799, 3801, 3957[Second Monitoring Report dated 28.10.2002 of Central Empowered Committee and Applications for Further Directions, Modification/Clarification of Order dated 30.10.2002 and Amendment of I.A.No. 833, Impleadment, Modification/Clarification of Order dated 29/30.10.2002, Modification/Clarification, Modification/Directions, Directions, Intervention, Clarification/Modification of Order dated 08.04.2005, Interim Directions, Stay, Modification of Order dated 19.02.2010 , Permission to file Additional Documents and Early Hearing of I.A.No. 828]INWRIT PETITION (CIVIL) NO. 202/1995AND

[ 2 ] [ i ] INTERLOCUTORY APPLICATION NOS. 39[APPLICATIONS FOR FURTHER DIRECTIONS]WITH

[ ii ] INTERLOCUTORY APPLICATION NOS. 74162/2018[APPLICATIONS FOR FURTHER DIRECTIONS]IN RE : ENVIRONMENT AWARENESS FORUM, PETITIONERAND

[ iii ] INTERLOCUTORY APPLICATION NOS. 86240/2017[APPLICATIONS FOR DIRECTIONS IN RE : GURU NANAK KATHA INDUSTRIES (RESPONDENT NO. 11)IN W.P.(C)NO. 171/1996

Date : 08-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE DEEPAK GUPTA

FOR PARTY(s)

Mr. Harish N. Salve, Sr. Adv. [A.C.] (N.P.)

Mr. A.D.N. Rao, Advocate [A.C.],

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.],

Mr. Tushar Mehta, SG

Mr. A.N.S. Nadkarni, ASG

Mr. R. Balasubramanian, Adv.

Mr. Sachin Sharma, Adv.

Mr. S.W.A. Quadri, Adv.

Ms. Shraddha Deshmukh, Adv.

Ms. Suhasini Sen, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ashutosh Kumar Sharma, Adv.

Mr. Rajeev Dubey, Adv.

Mr. G.S. Makker, AOR.

Mr. C.S. Vaidyanathan, Sr. Adv.

Dr. Manish Singhvi, AAG

Mr. D.K. Devesh, Adv.

Mr. Satyendra Kumar, Adv.

Mr. Shailja Nanda Mishra, Adv.

Ms. Ruchi Kohli, AOR.

Ms. Sumita Hazarika, AOR

Mr. Sunil Dogra, Adv.

Ms. Sandhya Goswami, AOR

Ms. Shobha, AOR

Mr. V. Balachandran, AOR

Mr. Anil Nag, AOR

Mr. Praveen Jain, AOR

Mr. S.K. Sinha, AOR

Ms. Binu Tamta, AOR

Mr. Sarad Kumar Singhanian, AOR

Gp. Captain Karan Singh Bhati, AOR

Ms. Aishwarya Bhati, AOR

Mr. Naveen Chawla, AOR

Ms. A. Sumathi, AOR

Mr. Syed Mehdi Imam, AOR

Mr. Atif Suhrwardy, Adv.

Ms. Suruchi Aggarwal, AOR

Mr. Satya Mitra, AOR

Mr. Aruneshwar Gupta, AOR  
Mr. Varun Dewan, Adv.  
Mr. Abhishek Sharma, Adv.

Ms. Purnima Bhat Kak, AOR

Mr. M. Shoeb Alam, AOR

Mr. Bimal Roy Jad, AOR

Mr. Anant Vijay Palli, Adv.  
Mr. Nikhil Palli, Adv.  
Ms. Lelawati, Adv.  
Mr. Deepak Goel, AOR

Ms. Aruna Gupta, Adv.  
Mr. Saju Jakob, Adv.

Ms. Misha Rohatgi, Adv.  
Mr. Lalit Mohan, Adv.

Ms. Rudro Chatterjee, Adv.  
Ms. Sudha Gupta, Adv.

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

I.A. NO.828 Etc. Etc.

In Re: Mining in Aravali in the State of Rajasthan

The affidavit of Chief Secretary is perused. He is present in the Court also. A bare reading of the affidavit makes it clear that there had been lethargy on the part of the machinery, otherwise work would have been completed by now. However, it is undertaken that ground truthing work will be completed by 04.03.2019 as the work is being done with the help of DGPS instrument which takes little more time. Let the work be completed within the time, as prayed. Otherwise, the same shall be taken as serious contempt of the direction issued by this Court as three months which was earlier fixed is already over.

Let the compliance report be filed by 13.03.2019.

List the matter on 25.03.2019

I.A. NO.2891-2893/2010 (Mining in the area of Modha Pahad)

Considered the I.As.

The affidavit filed by the Chief Secretary of the State of Rajasthan gives the details of 24 mining leases of Modha Pahad. It is stated that out of 24 mining leases, in 11 mining leases work has been stopped due to the order dated 08.04.2005 or in compliance of the order dated 19.02.2010. The leases have been cancelled/expired or lacking consent/permissions and no operation is going on in 11 mining leases out of 24 mining leases.

However, 13 leases are stated to be operational. It is also pointed out that in these 13 mining leases, which are operational, lease holders have also been found to be in breach of terms and conditions of the lease for which penalties were also imposed and recovered from them.

However, details have not been given as to when these leases were granted prior to 16.12.2002 and when they have expired and the breaches which have taken place and as to the penalty imposed.

Let details of the breaches and the penalties imposed with respect to 13 operational leases be placed on record in detail without any suppression and violation has been made in how much area be also specified clearly on affidavit and cause also be shown as to why operation of these 13 leases be also not ordered to be stopped, as they appears to be the source of illegal mining, which is taking place in the area.

Mr. Aruneshwar Gupta, learned counsel appearing on behalf of the applicant (Om Prakash Soni), in IA. Nos. 2891-2893/2010, has submitted that the hills have been destroyed for mining purpose which were not part of the leases. He has placed on record a photograph and furnished copies of the same to the learned senior counsel appearing for the State of Rajasthan. Let an affidavit in support of the photograph be also placed on record by 11.02.2019, by the learned counsel for the applicant.

Detailed report with respect to the 13 operational leases and with respect to the situation of hill indicated in the photograph be clearly indicated, how the hill has been destroyed and who is responsible for this act.

Let an affidavit by the Chief Secretary of the State of

Rajasthan be filed in this regard on or before the next date of hearing.

Mining and extraction from the said hill is forthwith stopped and it is the duty of the all concerned to ensure that no mining and extraction of material takes place from the area in question.

The applicant (Om Prakash Soni) is also restrained from carrying the operations in any of the mines in the area.

In case the compliance of direction as to ground truthing is not completed within the specified date, the Chief Secretary of the State of Rajasthan be present on 25.03.2019.

List on 25.03.2019.

I.A. NOS.39, 74162/2018 & 86240/2017

Learned counsel appearing for the State of Jammu and Kashmir seeks adjournment on account of non-availability of the arguing counsel.

As prayed, list on 15.02.2019.

(NARENDRA PRASAD)  
COURT MASTER

(JAGDISH CHANDER)  
COURT MASTER