

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 255-257 OF 2023

THE STATE OF UTTARAKHAND & ORS. Appellant(s)

VERSUS

NANDAN SINGH BORA & ORS. Respondent(s)

O R D E R

1. By the impugned judgment and order(s), the High Court has directed that all the case of mining and stone crushers operating within the ten kilometers of Nadhaur Wild Life Sanctuary and within the Eco-Sensitive Zone (hereinafter referred as 'ESZ'), if so notified will be referred to the National Board for Wild Life.

2. Vide order dated 26th April, 2023, this Court had held that the ESZ cannot be the same for all the protected forests and that it will vary from case to case and has to be particular protected forest specific.

3. We had, however, clarified that irrespective

of an area to be notified as ESZ, the mining activities will be prohibited within the radius of one kilometer from the boundaries of the protected forest.

4. In the present case, vide notification dated 24th December, 2020, the Union of India has notified the ESZ areas in so far as the Nadhaur Wild Life Sanctuary is concerned.

5. In that view of the matter, the impugned judgment and order(s) passed by the National Green Tribunal would not be sustainable.

6. The civil appeals are disposed of by quashing and setting aside the impugned judgment and order(s).

7. It is directed that the mining activities shall be prohibited in the areas notified as ESZ areas and, in any case, within a radius of one kilometer from the protected forest.

8. Needless to state that wherever the ESZ areas provides for distance of more than one kilometer, the restriction of mining shall also apply to such a larger area.

9. Pending application(s), if any, stand(s) disposed of.

.....J
(B.R. GAVAI)

.....J
(SANDEEP MEHTA)

New Delhi
February 27, 2024

ITEM NO.26

COURT NO.3

SECTION XVII

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

Civil Appeal No(s). 255-257/2023

THE STATE OF UTTARAKHAND & ORS.

Appellant(s)

VERSUS

NANDAN SINGH BORA & ORS.

Respondent(s)

(IA No. 14001/2020 - EX-PARTE STAY)

Date : 27-02-2024 These matters were called on for hearing today.

CORAM :

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

For Appellant(s)

Mr. Saurabh Trivedi, AOR
Mr. Ashutosh Kumar Sharma, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Alka Agarwal, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Mukul Singh, Adv.
Mr. Aman Sharma, Adv.
Mr. Amit Sharma-b, Adv.

Mr. Vivek Gupta, AOR
Mr. Ankit Verma, Adv.
Mr. Shalabh Kaushik, Adv.

Mr. Sanpreet Singh Ajmani, AOR

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

1. The civil appeals are disposed of in terms of the signed order.
2. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]

