

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)

[ 2 ]

INTERLOCUTORY APPLICATION NO. 3949

[APPLICATIONS FOR DIRECTIONS]

IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS

[ ALONG WITH THE PAPER BOOKS OF I.A.NOS. 2733-2734, 3921, 3938 ]

Date : 25-10-2018 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Amicus

Mr. A.D.N. Rao, Adv.  
Mr. Sudipto Sircar, Adv.

For Petitioner(s) By Courts Motion

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Mohit Paul, Adv.  
Mr. Ayush Agrawal, Adv.  
Mr. Vikrant Singh Baloria, Adv.  
Mr. Anugram Niraj Ekka, Adv.  
Mr. Obhirup Ghosh, Adv.  
Mr. Mangesh Krishna, Adv.  
Mr. Rishi Raj Sharma, Adv.

Maharashtra

Mr. Rajesh K. Singh, Adv.  
Mr. Nishant R. Katneshwarkar, Adv.  
Ms. Suvarna Ganu, Adv.Mr. A.N.S. Nadkarni, ASG  
Mr. S. Wasim A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. R. Bala, Adv.  
Mr. Arvind Kumar Sharma, Adv.  
Mr. Sachin Sharma, Adv.

Ms. Aarti Sharma, Adv.  
Mr. Devasis Bharuka, Adv.  
Mr. G.S. Makker, Adv.  
Ms. Rachna Gupta, Adv.  
Ms. Shraddha Deshmukh, Adv.  
Mr. Vikas Chaudhary, Adv.

Mr. Kunal Cheema, Adv.

UPON hearing the counsel the Court made the following

O R D E R

On 23.04.2018, we passed a somewhat detailed order in which we noticed that there is no appearance on behalf of the State of Maharashtra and observed that this was very unfortunate. We also noted that earlier the State of Maharashtra had taken time to file a reply but has not done so far. We also noted that the State of Maharashtra has taken no action to stop illegal mining by other miners in the areas under consideration.

In view of the above, we issued notice to the standing counsel for the State of Maharashtra to enter appearance with clear instructions and that no further time would be granted for this purpose.

Notwithstanding the above order dated 23.04.2018, the State of Maharashtra has neither bothered to file any reply nor has it apparently taken any action to stop illegal mining by other miners.

Our attention has been drawn by learned counsel for the applicant to Office Memorandum dated 27.11.2017 issued by the Government of India, Ministry of Environment, Forests and Climate Change enclosing therewith a report of the Committee for site inspection for the proposal of the applicant for bauxite mining near Radhanagari Wildlife Sanctuary. The report is rather

detailed and eventually it is noted in the report that bauxite mining is being operated by M/s Hindalco Industries Ltd. , Durgmanwad adjoining Radhanagri WLS since 05.02.2007 in violation of orders passed by this Court on 04.08.2006 and without obtaining any wildlife clearance from the National Board for Wildlife.

The conclusion drawn by the Committee reads as follows:

"It is observed that the bauxite mining project being operated by M/s Hindalco Industries Ltd., Durgmanwadi adjoining Radhanagri WLS since 5<sup>th</sup> February 2007 has violated following provisions:

a. Order of Supreme Court dated 4-8-2006 in I.A. in WP (C) 202/1995 (Godavarman v. Union of India & Ors.) by doing mining within one km periphery of Radhanagri Wildlife Sanctuary without seeking modification of the said order from the Supreme Court of India.

b. By doing mining within 10 km periphery from the boundary of Radhanagri WLS without obtaining wildlife clearance of National Board of Wildlife. It is recommended that necessary action may be taken by the concerned division of the Ministry."

Subsequently, the Government of India in the Ministry of Environment, Forests and Climate Change enclosed with the Minutes of 47<sup>th</sup> Meeting of the Standing Committee of the National Board of Wildlife a communication dated 08.02.2018.

Perusal of this communication also suggests that the standing committee had reported that at Durgmanwadi bauxite mining has been in operation by M/s Hindalco since 1994 without obtaining any clearance from the National Board of Wildlife.

There are other units of M/s Hindalco which are located at different distances and are also functioning without obtaining wildlife clearance from the National Board of Wildlife.

The communication also directs to ensure minimum action against the mining units operating without obtaining wildlife

clearance from the National Board of Wildlife.

Notwithstanding our order dated 23.04.2018, the State of Maharashtra has shown no degree of urgency or concern in the matter. Today, learned counsel appearing for the State of Maharashtra once again seeks time to file a reply. We are not inclined to accede to the request in view of total lack of concern shown by the State of Maharashtra to the orders passed by this Court as also to the illegal mining which had been directed to be stopped even by the Government of India.

Under the circumstances, we require the presence of the Chief Secretary of the State of Maharashtra on 02.11.2018 to explain why there is no concern shown at all for the orders passed by this Court and orders passed by the Government of India and why illegal mining is continuing.

We direct the Chief Secretary to ensure that illegal mining in areas where there is no clearance given by the National Board of Wildlife should be stopped with immediate effect.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
ASSISTANT REGISTRAR