

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 132 of 2015

Kaushal Singh Parmar S/o Shri Maharaj Singh Aged About 44 years
R/o Near Jairam Nagar, Village, Post, Thana And Tahsil Masturi, Distt.
Bilaspur

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Mines And Mineral Department, Mahanadi Bhawan, Naya Raipur
2. Director Mines And Mineral Department, Mahanadi Bhawan, Naya Raipur
3. Secretary Environmental And Forest Department, Commercial Complex Kabir Nagar, Raipur
4. Member Secretary Chhattisgarh Environmental Protection Board, Raipur
5. Mines Officer Mines Department, Collectorate, Bilaspur
6. Union Of India Through Secretary, Environment, Forest And Water Department, 3rd Floor, Vayu Wing, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi 110003
7. Director Govt. Of India, Environment, Forest And Water Department, 3 rd Floor, Vayu Wing, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi 110003

---- Respondents

For petitioner : Shri Parag Kotecha, Advocate.

For respondent / State : Shri Satish Gupta, Govt. Adv.

Order On Board

09/07/2015

Heard.

Learned counsel for the petitioner submits that during the pendency of this petition, the petitioner has been granted environmental clearance by the competent authorities. He submits that the main operative reason for rejection of his application for grant of lease was non-issuance of environmental clearance. According to him, now, during

the pendency of this petition, environmental clearance has been granted and therefore, the petitioner may be permitted to take recourse to remedy of moving fresh application for grant of mining lease.

2. Learned State counsel submits that if the petitioner submits fresh application before the competent authority / Collector, his application would be considered by the competent authority in accordance with law, after taking into consideration all the requirements under the law including requirement of environmental clearance.

3. In view of subsequent developments as stated above, I am inclined to finally dispose off this petition with liberty to the petitioner to move fresh application for grant of mining lease before the competent authority / Collector. In case, such application is moved, the same shall be decided by the Collector as early as possible keeping in view the time constraints and the period of validity of environmental clearance.

It is made clear that the order passed by the Director in appeal shall not come in the way of considering fresh application of the petitioner.

Sd/-

(Manindra Mohan Shrivastava)

Judge