

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 68 OF 2015

Nandkumar B. Pawar and another.	...	Petitioner.
V/s.		
Union of India and others.	...	Respondents.

M.A.Choudhary i/b. Zaman Ali for the petitioner.
M.M.Pabale, AGP for the State.
M.S.Bharadwaj with P.S.Jetly for respondent No.1.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 25th November 2016.

PC. :

The petitioner has come before this Court contending that when the second petitioner was in service with the Directorate of Geology and Mining, Government of Maharashtra, he came across one mineral sample having presence of noble and precious metals. In order to know the presence of platinum in the solution provided by Mr.R.S.Hazare, it was sent for analysis. The report was obtained way back on 7th December 1994 as per the analysis made by the Professor of Chemistry. According to the petitioners, based on this

report several correspondences were made in order to stop mining activities in the area where the sample was obtained, but it could not be achieved. Therefore, realizing the importance only in 2015, the petitioners have come before this Court after 20 years. An affidavit-in-reply filed on behalf of the State clearly indicates the course of action adopted by the department concerned in order to appreciate the grievance or the request made by the second petitioner. Paragraphs- 2 and 4 of the said affidavit-in-reply, which are reproduced herein, clearly indicate what exercise is undertaken by the Geological Survey of India, Mineral Exploration Corporation Limited and Indian Bureau of Mining.

“2. I say and submit that abovesaid PIL is filed by the present Petitioner seeking directions to the Respondent to prohibit mining of iron ore from the eras of Sindhudurg till analysis of the iron ore for the presence of gold and platinum contents is carried out. I say and submit that with regard to the representations made by the present Petitioner survey has been conducted for find out the presence of noble metal such as Platinum and Gold in deposit iron ore of Sindhudurg district in the year 1989, by the department like Geological Survey of India [GSI], Mineral Exploration Corporation Limited and Indian Bureau of Mining [IBM]. After conducting detail survey, the authorities have opined that the presence of noble metal in the areas suggested by present Petitioner is found in negative. I say and submit that the said survey have been completed after following due procedure of assessment of method for noble

metals. Hereto annexed and marked as Exhibit 1 is the Copy of the letter dated 18.12.1989 issued by the Director [GeoChemistry] GSI, CR, Nagpur.

3.

4. I say and submit with regard to contention made in para no.6 and 7 is concerned, it is denied by this authority. It is submitted that GSI has opined that technique utilized for determination of noble metal is presumed to. It is not possible to determine noble metals by this process and Geological Survey of India [GSI], Mineral Exploration Corporation Limited has opined that for determination of noble and other metals requires very sophisticated instruments hence, the claim of Petitioner is not tenable. I crave leave to refer and rely upon the opinion dated 9.1.2009 given by the Director C (T) of Geological Survey of India, as and when necessary.”

2. According to the analysis carried out by the Government organization, there is negative finding of metal claimed by the petitioners and, therefore, they have sought for dismissal of this petition. This affidavit-in-reply was filed way back in November 2015. Along with this reply, a letter addressed to the Chief Chemist, Director of Geology and Mining, Government of Maharashtra is annexed which is self-explanatory with regard to existence of metal indicated in the petition by the petitioners.

3. In the light of the report placed on record by the concerned department of the State Government i.e. Directorate of Geology and Mining and in the absence of any other survey conducted except the letter or the report given in the year 1994, which is placed on record by the petitioner, we are of the opinion that nothing remains for consideration in this petition. The petition is disposed of accordingly.

(M.S.SONAK, J.)

CHIEF JUSTICE