

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 33 of 2017**

- Premsay S/o Amrit, Aged About 27 Years Caste Manjhi, R/o Village Kudareedih, P.S. Kamleshwarpur, Block Mainpath, Tahsil Narmadapur, District Surguja (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through : The Secretary, Revenue Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Government Of India, Through : Ministry Of Environment And Tourism, Paryavaran Bhawan, Lodhi Road, New Delhi.
3. Chhattisgarh State Pollution Board, Through : Chairman, Bilaspur, District Bilaspur (Chhattisgarh)
4. Collector, Surguja, Ambikapur, District Surguja (Chhattisgarh)
5. Bharat Aluminum Company Limited, Through : Chairman-Cum-Managing Director, Aluminum Sadan Core- 6, Scope Office Complex, Lodhi Road, New Delhi.
6. Bharat Aluminum Company Limited, Through : Assistant General Manager, Bharat Aluminum Company Limited, Mainpath Bauxite Mines, District Surguja (Chhattisgarh)
7. Bharat Aluminum Company Limited, Korba (Chhattisgarh) (A Member Of Vadanta Resources P/ C, Mainpath Bauxite Mines, Post Kamleshwarpur, District Surguja (Chhattisgarh) Through : General Manager, Mines,
8. Mining Officer, Surguja, Ambikapur, District Surguja (Chhattisgarh)

---- Respondents

For Petitioner	:	Smt. Hamida Siddiqui, Advocate
For State/R 1, 3 & 4	:	Shri Prafull N. Bharat, Additional Adv. General
For Respondent No.2	:	Shri N.K. Vyas, Asst. Solicitor General
For Respondents No.5 to 7:	:	Shri Abhishek Sinha, Advocate
For Respondent No.8	:	Shri Bhaskar Payashi, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Pritinker Diwaker

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****22.03.2017**

1. This writ petition is filed projecting that there is a public interest issue.

The Petitioner says that he belongs to Scheduled Tribe community and pleads that there is ruthless mining of bauxite in certain villages of

Sitapur Tahsil. The plea is that there is violation of Mineral Conservation and Development Rules, 1988 and that the loss caused to the mineral wealth of the State is not properly accounted for and subjected to audit. The further plea is that those who were inhabitants or living in the area are not appropriately provided for with modes of livelihood etc.

2. On the whole, we are of view that this is a matter that could gain attention if the petitioner makes a comprehensive representation placing all allegations before the 4th Respondent, the Collector, District Surguja of the State of Chhattisgarh. It will be open to the said officer to take a comprehensive look into such allegations, including by obtaining inputs from different other sectors like Environment Management, Forest Department, Mining Department, Geologist etc. The District Collector will take a final decision on such issue without fail within a period of three months from the date of receipt of appropriate representation from the Petitioner.
3. The writ petition is ordered accordingly leaving open all the issues. Needless to say, any decision by the District Collector, if likely to be adverse to any person, would be taken only after affording adequate opportunity of hearing to such person. We also clarify that District Collector will be well within his domain to refer to any earlier similar proceedings in which a final decision has already been taken in the matter.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge