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HIGH COURT OF CHHATTISGARH, BILASPUR**CONTEMPT PETITION No. 107 of 2005**

- Ratan Kumar Jain S/o Late Shri Revaram Jain Aged About 53 Years R/o Bada Bazar, Chirmiri, Distt. Korea Chhattisgarh

---- Petitioner**Versus**

1. Shri C.K.Minj, Secretary Ministry Of Forest, D.K.S. Bhawan Raipur Chhattisgarh
2. Shri Diwakar Mishra, Dy. Conservator Of Forest, Raipur Chhattisgarh
3. P.V. Narsimharao, Conservator Of Forest. Ambikapur Distt. Sarguja Chhattisgarh
4. S.K. Sinha, Chairman Cum Managing Director, South Eastern Coal Fields Limited, Bilaspur Chhattisgarh
5. Shashi Kumar, President, Coal India (Indian Coal Industry) Head Office, Calcutta (West Bengal)

--- Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate
For Respondents No. 4 & 5	:	Mr. Vaibhav Shukla, Advocate
For proposed Respondent No.7	:	Mr. Vinay Harit, Sr. Advocate along with Mr. S.K. Mishra, Advocate
For proposed Respondent No.8	:	Mr. G.S. Patel, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****29.06.2017**

1. This application seeking action under the provisions of the Contempt of Court Act has been filed on the strength of the Interlocutory Order issued by the Division Bench on 09.08.2005 during the course of Writ Petition No. 4520/2000.



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2. We have heard the learned Counsel for the Petitioner, the learned Counsel for the Government officials and the learned Counsel for the South Eastern Coal Fields Limited (hereinafter S.E.C.L.) and other respondents who are parties to the Contempt of Court case on the basis of the pleadings on record.
3. The sum and substance of the litigation W.P. No. 4520/2000 appears to be in relation to allegations that the S.E.C.L. which has collieries, is not carrying out the activities in consonance with the laws governing forest and also environment. The fact of the matter remains that though the Contempt of Court application is built on the restrictive command imposed through the Interlocutory Order, by this time the Writ Petition itself has been disposed off through a final judgment constituting a committee including the Petitioner. We say this herein now because even if there was any violation of any interlocutory order passed in that Writ Petition and if such a situation called for any directions either punitive or restorative, those orders could have been sought for at or before the final disposal of the Writ Petition.
4. Be that as it may, insofar as the Contempt of Court case is concerned we have the statement filed as supported with an affidavit of the Principal Secretary to the Government of Chhattisgarh in forest department as also the Chief Conservator of Forest which, states among other things that the mining activities of the S.E.C.L. in the forest area as well as in the revenue land are strictly in consonance with the permits and there is no illegal activity being carried out by the company. Annexure C-1/1, C-1/2 and C-1/3 produced along with the said statement dated 16.12.2015 stand testimony in support of these contentions. The Conservator of Forest, Surguja District has also filed an affidavit in support of those

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pleadings.

5. With the aforesaid materials on record and taking into consideration that the committee is already in place to monitor further activities of the S.E.C.L. in the course of its operations, we think that no question of civil contempt on the basis of the pleaded allegations deserve to be considered under the Contempt of Courts Act. We are therefore of the view that this case is only to be closed without prejudice to further action, if any by the Petitioner either as part of the committee constituted by this Court through the final judgment in WP No. 4520/2000 or otherwise.

6. For the aforesaid reasons this Contempt to Court case is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd//-

Sharad Kumar Gupta
Judge