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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3024/2017 & CM No. 13231/2017**

MAHMOOD ALI

..... Petitioner

Through: Mr Neeraj Jain with Mr Anupam
Mishra, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Anurag Ahluwalia, CGSC for R-
1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.07.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 14.09.2016 whereby the environment clearance granted to the petitioner for carrying out mining activities has been revoked.
2. The principal reason for revocation of the clearance is that the petitioner had not obtained the “necessary wildlife clearance as applicable” as expressly stipulated in the letter of environment clearance dated 26.10.2012.
3. According to the respondent such clearance was required to be obtained from the Standing Committee of National Board of Wildlife before commencing the mining activity. The learned counsel for the respondent has drawn the attention of this Court to the Office Memorandum dated 02.12.2009 wherein the condition for obtaining such clearance is stipulated.
4. Admittedly, the petitioner has not obtained such clearance. However, it is the petitioner’s contention that the boundary of the wildlife parks in

question, namely, Kalesar National Park, Shivalik Elephant Reserve and Rajaji National Park had been reduced and there would be no impediment for the petitioner in carrying out mining activities at the sites.

5. At this stage, this Court is not inclined to examine this aspect. However, it is apparent that despite respondent offering an opportunity to the petitioner for being heard and despite the petitioner expressing its desire for such hearing, the impugned order has been passed without hearing the petitioner.

6. In the circumstances, without making any observations as to the merits of the controversy, it is directed that the concerned authority of the Ministry of Environment, Forest and Climate Change shall re-examine the issue and pass an appropriate order after affording the petitioner an opportunity to be heard.

7. In view of the above, the impugned order is set aside. However, it is directed that till the issue has been re-examined as directed above, no mining activity will be carried out by the petitioner at sites in question. It is further requested that the concerned authority shall pass a final order as directed, as expeditiously as possible preferably within a period of three months from today.

8. The petition and the pending application are disposed of.

9. Order *dasti*.

VIBHU BAKHRU, J

JULY 11, 2017/MK