

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 44 of 2019**

- Ramesh Agrawal S/o Shri Jai Narayan Das Agrawal Aged About 64 Years R/o Satyam Kunj, Itwari Bazar, Nayaganj, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

1. Union Of India Through Its Secretary, Ministry Of Environment, Forest And Climate Change, Government Of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi,
2. State Of Chhattisgarh Through Its Principal Secretary, Housing And Environment Department, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
3. State Environment Impact Assessment Authority Through Its Chairman, P 4B/226, Near Canara Bank, Sector -27, New Raipur, District Raipur Chhattisgarh.
4. Chhattisgarh Environment Conservation Board Through Its Member Secretary, Paryavaas Bhawan, North Block, Sector -19, Atal Nagar, New Raipur District Raipur Chhattisgarh.
5. Member Secretary Chhattisgarh Environment Conservation Board, paryavaas Bhawan, North Block, Sector -19, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
6. Regional Officer Chhattisgarh Environment Conservation Board, Regional Office, TV Tower Road, Raigarh, District Raigarh Chhattisgarh.
7. District Collector And District Magistrate Raigarh, District Raigarh Chhattisgarh.
8. M/s Mahavir Coal Washery Private Limited Through Its Vice President, 198, Vasant Enclave, Rao Tularam Marg, New Delhi.

---- Respondents

For Petitioner	:	Shri K. Rohan, Advocate
For Respondent No.1/UOI	:	Shri B. Gopa Kumar, Assistant Solicitor General
For State	:	Shri S.C. Verma, Advocate General assisted by Ms. Richa Shukla, Dy. Government Advocate
For Respondent No.4	:	Shri Animesh Tiwari, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Goutam Bhaduri, Judge****Order on Board****Per, P. R. Ramachandra Menon, Chief Justice****21.06.2019**

1. The Petitioner has moved to this Court with the following prayers :

- “10. a) Call for the entire records pertaining to the present case.
- b) Hold that the action of the Respondent Authorities in issuance of the impugned Notification published in the vernacular daily newspaper – '**Jan Karm**' on 07.06.2019 informing the public at

large that the '*Public Hearing*' is to be conducted on 10.07.2019 (Annexure – P/1) is in flagrant violations of and in complete and utter disregard to the provisions of Environment Impact Assessment Notification, 2006 dated 14.09.2006 and without jurisdiction, therefore, untenable in the eyes of law.

c) Issue a *Writ of certiorari* quashing and setting aside the impugned Public Notification published in the vernacular daily newspaper – '**Jan Karm**' on 07.06.2019 informing the public at large that the 'Public Hearing' is to be conducted on 10.07.2019 (Annexure – P/1)

d) Hold that the Paragraph 3 of the impugned Order dated 21.12.2006 (Annexure – P/2) issued by the State of Chhattisgarh whereby the decision-making power regarding the determination of the date and venue of the Public Hearing to be conducted has been sub-delegated to the Regional Officer of the Chhattisgarh Environment Conservation Board contrary to the provisions and mandates of the Environment Impact Assessment Notification, 2006 dated 14.09.2006 to be *ultra vires* and *unconstitutional*.

e) Issue a Writ of certiorari quashing and setting aside the Paragraph 3 of the impugned order dated 21.12.2006 (Annexure – P/2) issued by the State of Chhattisgarh whereby the decision-making power regarding the determination of the date and venue of the Public Hearing to be conducted has been sub-delegated to the Regional Officer of the Chhattisgarh Environment Conservation Board contrary to the provisions and mandates of the Environment Impact Assessment Notification, 2006.

f) Issue a Writ of Mandamus directing the Respondent Authorities to consider the Representation preferred / Objections raised by the Petitioner.

g) Grant the cost of the petition to the Petitioner.

h) Grant any other relief as deemed fit and proper in the facts and circumstances of the case.”

2. We have heard the learned counsel representing the Petitioner, the learned Assistant Solicitor General for Union of India, the learned Advocate General for the State, learned Standing Counsel for the Chhattisgarh Environment Conservation Board as well.
3. It is brought to the notice of this Court that exactly similar matter had come up for consideration before this Court yesterday and the very same issue was dealt with after hearing the parties. This Court passed a detailed judgment moulding the relief, causing the 'Public Hearing' to be heard by the Member Secretary in accordance to relevant provisions of law. It is stated across the Bar that the same judgment will govern the issue herein. It is ordered accordingly.
4. The writ petition stands disposed off in terms of the judgment dated 20.06.2019 passed in WP(PIL) No. 43 of 2019.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge