

HIGH COURT OF CHHATTISGARH, BILASPURReview Petition No.141 of 2019

Shailendra Pujari, S/o Shri Ramu Dubey, aged about 38 years, R/o Taalpuri Mongra, House No.252, Rishali, Durg, District Durg, Chhattisgarh.

(Respondent No.19 in Writ Petition)
---- Petitioner

Versus

1. State of Chhattisgarh, Through its Secretary, Mining and Geology Department, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
(Respondent No.1)
2. Chhattisgarh State Environmental Impact Assessment Authority, Through its Secretary, Paryawas Bhawan, Sector-19, Atal Nagar, District Raipur, Chhattisgarh.
(Respondent No.2)
3. District Level Environmental Impact Assessment Authority, Dhamtari, Through the Collector Dhamtari, Chhattisgarh.
(Respondent No.3)
4. Union of India, Through the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi.
(Respondent No.4)
5. Gram Panchayat Mathuradih, Through Secretary Gram Tenukona. Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.5)
6. Gram Panchayat Parsuli, Through Secretary Gram Parsuli, Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.7)
7. Gram Panchayat Koliyari, Through Secretary Gram Koliyari, Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.8)
8. Gram Panchayat Mohera Bi, through Secretary, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.6)
9. Gram Panchayat Sarangpuri, through Secretary, Gram Sarangpuri, Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.9)
10. Gram Panchayat Darri, through Secretary, Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.10)

11. Gram Panchayat Dumarpali, through Secretary, Gram Nardha, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.12)
12. Gram Panchayat Sonewara, through Secretary, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.13)
13. Gram Panchayat Bhotha, through Secretary, Gram Lader, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.11)
14. Gram Panchayat Amlidih, Through Secretary, Gram Amlidih, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.14)
15. Gram Panchayat Silidih, Through Secretary Gram Siltara, Tahsil Kurud, District Dhamtari, Chhattisgarh.
(Respondent No.16)
16. Gram Panchayat Seldwip, Through Secretary, Tahsil Kurud, District Dhamtari, Chhattisgarh.
(Respondent No.15)
17. Gram Panchayat Budheni, through Secretary, Gram Budheni, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
(Respondent No.18)
18. Gram Panchayat Donar, Through Secretary Gram Donar, Tahsil and District Dhamtari, Chhattisgarh.
(Respondent No.17)
19. Vineet Bafna, S/o Shri Ashok Bafna, aged about 39 years, R/o Gram Nawagaon, Police Station Magarlod, Tahsil Magarlod, District Dhamtari, Chhattisgarh.
{Petitioner in WP(PIL)}
---- Respondents

For Petitioner: Mr. Manish Nigam, Advocate.
 For State: Mr. Gagan Tiwari and Mr. Sudeep Verma, Deputy Govt. Advocates.
 For Respondent No.4 / Union of India: -
 Mr. Krishna Gopal Yadaw, Advocate on behalf of Mr. B. Gopa Kumar, Assistant Solicitor General of India.
 For Respondent No.19: -
 Mr. Prateek Sharma, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, CJ
and Hon'ble Shri Sanjay K. Agrawal, J.

Order On Board

Sanjay K. Agrawal, J

23/09/2019

1. Mr. Manish Nigam, learned counsel for the review petitioner, would submit that there is an error apparent on the face of record in the order under review dated 24-6-2019, as the order dated 21-12-2018 passed by the District Level Environment Impact Assessment Authority has already been clarified by that authority by order dated 9-7-2019 and in case of the review petitioner, environmental clearance has already been granted on 4-10-2018 and order dated 28-5-2019 for entering into the sanctioned area for extraction of mineral has already been granted by the Mining Officer, therefore, the order under review be corrected by reviewing that order.
2. Mr. Prateek Sharma, learned counsel for respondent No.19 herein / writ petitioner, and Mr. Gagan Tiwari, learned State Counsel, would submit that this Court has only directed the State to ensure that order dated 21-12-2018 is complied with in its letter and spirit and the order dated 4-10-2018 passed by the District Level Environment Impact Assessment Authority is not given effect to. Therefore, the order under review does not suffer from any error apparent on the face of record.
3. We have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
4. The District Level Environment Impact Assessment Authority has granted environmental clearance in favour of various Gram Panchayats and thereafter, on 21-12-2018, the Chhattisgarh State Environmental Impact Assessment Authority pursuant to the order passed by the National Green Tribunal dated 11-12-2018 suspended the proceeding of already granted environmental clearances / sanctions. In that view of the matter, this Court directed the

Respondent / State to ensure the compliance of order dated 21-12-2018 by observing as under: -

“7. Since the proceedings of already granted environment clearances/sanctions have been directed to be stayed by the Respondent No.2-Chhattisgarh State Environmental Impact Assessment Authority, it is directed that the Respondent No.1-State/Respondent No.2 shall ensure that the order dated 21.12.2018 is complied with strictly in its letter and spirit and order passed by Respondent No. 3 who has granted environmental clearances/sanctions on 04.12.2018 to Respondents/Gram Panchayats herein are not given effect to.”

5. It is the case of the review petitioner that order dated 21-12-2018 has been clarified by the District Level Environment Impact Assessment Authority on 9-7-2019 and it will not be applicable to the petitioner. If that be so, the petitioner is at liberty to make such an application before the competent authority bringing to his notice the order dated 9-7-2019 said to be clarified by the District Level Environment Impact Assessment Authority and that will be considered by the competent authority in accordance with law. As such, the review petition is accordingly disposed of reserving above-stated liberty in favour of the petitioner.

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

Sd/-
(Sanjay K. Agrawal)
Judge