

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 77 of 2019**

Khemnidhi Nayak S/o Late Komal Prasad Nayak Aged About 63 Years R/o Village Bajarmuda Thana And Tahsil Tamnar District- Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Environment Conservation Department, Pryavas Bhawan Sector 19 North Block Atal Nagar Thana Naya Raipur, District- Raipur, Chhattisgarh.
2. Chhattisgarh Environment Conservation Board Through Member Secretary, Pryavas Bhawan Sector 19 North Block Atal Nagar Thana, Naya Raipur, District- Raipur, Chhattisgarh.
3. Chhattisgarh State Environment Impact Assessment Authority Through Its Chair Person, P-4b/226 Near, Canara Bank Sector-27, New Raipur, District- Raipur, Chhattisgarh.
4. The Regional Conservation Board Regional Office, TV Towar Road Raigarh, District- Raigarh, Chhattisgarh.
5. The Collector Collectorate Raigarh, Thana And District- Raigarh, Chhattisgarh.
6. Union of India Through The Secretary, Ministry Environment, Forest And Climate Change Coal Mining Moef And Cc Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj New Delhi. 11003
7. The Chief General Manager Marashtra State Power Generation Co.Ltd. Hdil Towers 4th Floor Prof A.K. Marg Bandra, (E) Mumbai.- 4000051.

---- Respondents

For Petitioner	: Shri B.P. Banjare, Advocate.
For Respondents No.1 & 5	: Shri V.R. Tiwari, Additional Advocate General with Shri Sudeep Agrawal, Deputy Advocate General.
For Respondents No.2 to 4	: Shri Animesh Tiwari, Advocate.
For Respondent No.6	: Shri B.Gopa Kumar, Assistant Solicitor General.
For Respondent No.7	: Dr. N.K. Shukla, Senior Advocate with Shri Shailendra Shukla and Shri Dinesh Tiwari, Advocates.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

03.10.2019

1. The prayers under following terms :-

“10.1 The Hon'ble Court may kindly be pleased to quash the impugned notice issued on 26.05.2019 i.e Annexure P-1.

10.2 Further, the Hon'ble Court may kindly be pleased to direct the Respondents to frame or issue a separate guidelines or standard operating procedure for conducting the public hearing if, the peoples of Scheduled Tribal Area is going to affected.

10.3 That whole proceeding be conducted in the presence of the experts as well as with the persons appointed by the affected village Gram Sabha.

10.4 That, whole proceedings be done in the local dialect/language of the vicinity, so that the Tribes can understand the same raise their grievances effectively in their local dialect/language. Further, the Respondents may kindly be directed to approach each Gram Sabha of affected village in separate dates so that the affected families of the Gram Sabha may raise their problem and difficulty before them and the Hon'ble Court may bound the Authorities to address the same by passing the detail speaking order Gram Sabha wise or affected family wise.

10.5 That the Hon'ble Court may kindly be pleased to grant any other relief, as if may deem fit and appropriate.

10.6 Cost of the petition.”

2. Heard the learned counsel appearing for both the sides.
3. Considering the nature of relief sought for, we are of the view that since the public hearing is already over on 27.09.2019, nothing remains to be considered.
4. In the said circumstances, we close this matter without prejudice to the rights and liberties of the Petitioner to raise other grievances, if at all any, by way of appropriate proceedings in accordance with law.
5. In view of the turn of events and considering the submission made by the learned counsel for the Petitioner, we find it appropriate to cause the security deposit to be returned to the Petitioner.
6. The writ petition is disposed off with the above observation.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge