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

+ **W.P.(C) 7792/2016 & CM APPL. 32206/2016**

PARYAVARAN AVM JEEV RAKSHA BISHNOI
SABHA HARYANA

..... Petitioner

Through Mr Rahul Shukla, Mr Bachita,
Mr Bhuvan Ravindran, Advocates.

versus

MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE & ORS

..... Respondents

Through Mr Praveen Kumar Jain, Advocate for
R1.

Mr Anil Grover, AAG, Haryana with Ms Noopur
Singhal, Advocate for R2 and R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.07.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) issue appropriate writ or writs in the nature of mandamus directing the respondents to fulfill the specific condition no. 6 (A) (i) of Environmental Clearance being No. F. No. J- 14011/2/2010-IA-I dated 27.12.2013 (Annexure P-4) granted by respondent no.1; and

b). issue appropriate writ or writs in the nature of certiorari thereby, quashing the letter No. 1842 dated 12.09.2014 (Annexure P-6) and letter No.NPCIL/PD/GHAVP/2014/S/62 dated 08.10.2014 (Annexure P-7) being in violation of Office Memorandum being F. No. J- 11013/41/2006-IA.II(I) dated 02.12.2009;”

2. It is the case of the petitioner that respondent no.4 is setting up a residential complex at a site at village Badopal, Haryana without complying with the condition as stipulated in the Environmental Clearance granted by respondent no.1. It is the case of the petitioner that the site in question is highly sensitive from the Wild Life point of view as it is an established habitat of the black buck, an endangered species.

3. The learned counsel appearing for the respondent states that the clearance was granted to set up a nuclear plant as well as a residential colony. He states that there is no controversy in this petition with regard to setting up of the nuclear power plant at the given site. Since respondent no. 4 has already received the clearance from respondent no.3 on the recommendation of the Wild Life Institute of India, the controversy in the present petition only pertains to the residential colony. He states that the said project has since been abandoned and a residential colony is not being constructed on the site at Badopal. In this view, the petitioner's grievance insofar as non-compliance with the specific conditions stipulated in the Environment Clearance dated 27.12.2013 is concerned, does not survive.

4. The petitioner has also impugned letters dated 12.09.2014 and 08.10.2014. Insofar as the impugned letter dated 08.10.2014 is concerned, the grievance in this regard also does not survive since it is not disputed that the Wild Life Clearance has been granted for setting up of the nuclear power plant.

5. Insofar as the letter dated 12.09.2014 is concerned, the learned counsel appearing for the petitioner submits that the challenge to the same is with regard to the procedure for obtaining the no objection certificate from the wild life perspective. The learned counsel appearing for the petitioner

does not seek to press the said challenge in this petition, however, seeks to reserve the right of the petitioner to challenge the same in any other appropriate forum.

6. In view of the above no further orders are required to be passed in this petition. The same is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

JULY 03, 2019

pkv