

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO.02 OF 2023

Prakruti Foundation, Chandrapur Thr. President Deepak B. Dixit and anr.

-vs-

Union of India, Ministry of Environment and Forest, Thr. Secretary, Lodhi Road, New Delhi and ors.

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. I. Dhatrak, Advocate for petitioner.

Shri N. S. Deshpande, Deputy Solicitor General of India for respondent Nos.1 to 3.

Shri A. S. Fulzele, Additional Government Pleader for respondent Nos.4, 5, 9 and 10.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 18, 2023

P.C.

The petitioner No.1 is a Society registered under the Societies Registration Act, 1860 constituted for the welfare of the tribals has filed the present proceedings alleging that the respondent No.11 has been selling iron ore in breach of the Memorandum of Understanding (MOU) entered into between the Government of Maharashtra through the Director, Geology and Mining, Nagpur. It is alleged that iron ore excavated from the mine at Surajgarh, Tahsil Etapalli, District Gadchiroli is being sold to the Industries in breach of the said MOU. Under the MOU, excess iron ore excavated is required to be sold to industries consuming iron ore situated in Vidarbha area at reasonable price. It is prayed that the respondents be directed to control the sale of iron ore by the respondent No.11 pursuant to the mining lease granted to it.

We find from the averments made in the writ petition that though the grievance of the petitioner No.1 that sale of iron ore has been undertaken by respondent No.11 in breach of the MOU, the petitioner No.1 has not yet approached the concerned respondent which is the Department of Industry and Mines raising such grievance before it. It would be first necessary for the petitioner No.1 to point out any breach of the terms of MOU to the concerned Department and thereafter if such grievance still persists, the petitioner No.1 would be at liberty to take further steps in the matter.

In view of the fact that the petitioners have not approached the concerned Department for raising the aforesaid grievance, we are not inclined to entertain the proceedings at this stage. The petitioners would be at liberty to first bring to the notice of the concerned respondent the alleged breach of the MOU being committed by the respondent No.11. If the grievance of the petitioners persists thereafter, they are free to approach the Court by taking appropriate steps. Needless to state that if such steps are taken by the petitioners, the concerned respondent shall consider the same in accordance with law. All points raised in this writ petition are kept open.

Public Interest Litigation stands disposed of as not entertained.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita