

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 137 OF 2008
WITH
CIVIL APPLICATION NO. 65 OF 2018
WITH
INTERIM APPLICATION NO. 1042 OF 2020
WITH
CIVIL APPLICATION NO. 116 OF 2014
WITH
CIVIL APPLICATION NO. 28 OF 2017

Shrikar Arvind Paranjape
and anr.

.....*Petitioners*

: *Versus* :

State of Maharashtra & Ors.

....*Respondents*

Mr. Ashutosh Gole, *for the Petitioners.*

Ms. G.R. Raghuwanshi, *for Respondent No.1.*

Ms. S.V. Bharucha, *for Respondent No.2-Union of India.*

CORAM : ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.

DATED : 5 AUGUST 2025.

P.C :

1) The petition is filed in public interest seeking a direction to Respondent Nos.1 to 3 for stoppage of all bauxite mining operations by Respondent No.4 in Villages-Rovale, Uttamber, Umbershet, Velas-Sakhari, District-Ratnagiri. By amending the petition, Petitioners have also sought directions for initiation of enquiry against the officials for collection of royalty and penalty for excessive mining, as well as for investigation of illegalities committed by Respondent No.4 into the mining operations.

2) When the PIL petition came up for hearing on 10 September 2014 following order was passed :

1. Heard the learned Counsel appearing for the parties on the prayer for grant of interim relief. It is not in dispute that even as of today, the mining operations of the mines at villages Uttamber and Velas-Sakhari in District Ratnagiri have been closed. As regards the mine at village Umbershet, the learned Counsel for the petitioners states that as of today there is no adverse material available. As regards the mine at village Rovale, he invited our attention to paragraphs 25, 26 and 27 of the petition. We find that the affidavit of the Maharashtra Pollution Control Board does not deal with these paragraphs. We, accordingly, direct the appropriate officer of the Maharashtra Pollution Control Board to file an affidavit dealing with the averments made in paragraphs 25, 26 and 27. The officer concerned shall visit the site of the mines before filing an affidavit. The officer concerned will also deal with the compliance of the conditions incorporated in the environmental clearance.

2. As regards all the four mines subject matter of this petition, we direct the District Collector to ascertain whether there are instances of illegal mining and illegal extraction of minerals. If

any violations are found, the Collector shall initiate proceedings under Section 48(7) of the Maharashtra Land Revenue Code, 1966 in accordance with law.

3. An affidavit of the concerned officer of the Maharashtra Pollution Control Board shall be filed on or before 31st October, 2014. Place the petition on 10th November, 2014 for hearing as to interim relief.

4. It will be open for the concerned respondents to file their affidavit dealing with the affidavit which may be filed by the Maharashtra Pollution Control Board.

5. As regards the mines which are already closed, we make it clear that without prior permission of this Court, the mining operations cannot be resumed. It will be open for the concerned respondents to make appropriate application to this Court.

3) In pursuance of the order dated 10 September 2014, Maharashtra Pollution Control Board (**MPCB**) has filed an Affidavit dated 29 October 2014 after conduct of site visit. During the course of site visit, it was found that in respect of mines at Umbershet, planting activities, as well as remedial measures were being undertaken. Similarly upon visiting the mine at Village-Rovale, it was observed that no blasting operations were being carried out. It was further observed that tree plantation activities was being carried out in respect of the said mine. It was also found by MPCB that environmental clearances in respect of the mines were obtained.

4) It appears that the District Mining Officer also submitted a report to Collector, Ratnagiri on 8 January 2015 pointing out that no mining activities were being conducted in Villages-Uttamber and Velas-Sakhri. It was further found that mining activities in respect of the Villages-Rovale and Umbarshet were as per licenses and therefore it was

not necessary to initiate action under Section 48(7) of the Maharashtra Land Revenue Code, 1966.

5) It appears that the mine of Respondent No.4 at Village-Uttamber was in-operational as on the date of passing of order dated 10 September 2014. In terms of order passed by this Court, Respondent No.4 has filed various applications seeking permissions for commencement of mining operations at Village-Uttamber. It appears that an order was passed in one of the applications filed by Respondent No.4 on 12 October 2017 directing conduct of site inspection by the Collector. It appears that the report of the Collector, Ratnagiri dated 15 November 2017 showed certain discrepancies in the operation of mines by Respondent No.4 at Village-Uttamber.

6) We have heard Mr.Gole, learned counsel appearing for the Petitioners, Ms.Raghuwanshi, learned AGP appearing for Respondent No.1-State and Ms.Bharucha, appearing for Respondent No.2-Union of India.

7) Ms.Raghuwanshi would place on record Report of the Collector, Ratnagiri dated 14 March 2023 depicting the status of the four mines in respect of the site inspection conducted on 11 March 2023. During the course of site inspection, following position is observed in respect of the four mines :

(i)Village-Velas-Sakhri, Taluka-Mandangad, it is found that the mining lease in respect of the said mine was only upto 2009 and during the course of site inspection, no mining activities were observed at the site.

(ii)Village-Rovale, Taluka-Dapoli-The inspecting team found that the tenure of mining lease is upto 14 February 2055 and accordingly mining activities were being conducted.

(iii)Village-Umbershet, Taluka-Dapoli-The inspecting team found that the tenure of mining lease is upto 3 January 2055 and accordingly mining activities are operational in the said village.

(iv)Village-Uttamber, Taluka-Dapoli-The inspecting team found that though the mining lease is operational till 3 January 2035, the mining activities at the said village have been discontinued and in accordance with the order dated 10 September 2014, the mining operations at the site are completely shut. It is also observed by the inspecting team that the mining lease has been directed to have expired vide letter dated 11 July 2019.

This is how inspecting team found that the mines in the two villages at Rovale and Umbarshet were operational, whereas mines in Villages-Velas-Sakhari and Uttamber, Dapoli are in-operational.

8) Respondent No.4 has filed several applications for the purpose of seeking leave of this Court to re-opertionalise mines at Village-Uttamber. However, the report of the inspecting team shows that by letter dated 11 July 2019, the mining lease is treated to have been expired. Respondent No.4 will have to take appropriate steps challenging the letter dated 11 July 2019 in appropriate court of law.

9) It is seen that the main grievance of the Petitioner in the present PIL petition was excessive mining and violation of terms of authorisation issued by MPCB as well as violation of conditions imposed by the Ministry of Environment, Forest and Climate Change, Government of India while granting environmental clearance. As of now, only two mines at Village-Rovale and Umbershet are operational. This Court cannot continuously monitor observance of conditions of authorisation imposed by MPCB or conditions imposed by the State Level Environment Impact Assessment Authority for operation of mines.

10) We accordingly dispose of the PIL petition by directing MPCB, as well as State Level Environment Impact Assessment Authority and the Collector, Ratnagiri to ensure that the conditions in the letter of authorisation, as well as environmental clearances are strictly implemented by mining operators in respect of the Villages-Rovale and Umbershet. In the event, the authorities find that the conditions of authorisation and/or environmental clearances are flouted, they shall initiate appropriate action against the mining operators strictly in accordance with law. Respondent No.4 would be at liberty to exercise appropriate remedies in respect of the mine at Village-Uttamber, Taluka-Dapoli.

11) With disposal of the main petition, all the pending Interim Applications also stand disposed of.

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]

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