



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

PUBLIC INTEREST LITIGATION NO. 20/2024

(PRAKRUTI FOUNDATION, CHANDRAPUR **VERSUS** UNION OF INDIA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri M.I. Dhatriak, counsel for the petitioner.
Shri N.S. Deshpande, Deputy Solicitor General of India for the respondent nos.1 and 8.
Shri Anand Jaiswal, Senior Advocate with Shri N.G. Moharir, counsel for the respondent nos.2 and 3.
Shri S.S. Sanyal, counsel for the respondent no.7.
Shri N.S. Rao, Assistant Government Pleader for the respondent nos.4 to 6 and 9.

CORAM : NITIN W. SAMBRE AND VRUSHALI V. JOSHI, JJ.

DATE : APRIL 28, 2025

P. C.

The respective counsel submit that the pleadings are complete and the Court shall take the matter for hearing.

2. In the aforesaid background, we have looked into the prayer of the petitioner wherein the directions are sought to be issued against the respondents not to allow expansion of Durgapur Deep Extension Open Cast Coal project of the respondent nos.2 and 3 who are the Government of India coal companies.

3. The aforesaid respondent nos.2 and 3 had an intention to have Durgapur Deep Extension Opencast Project which would result in the expansion of lease area of the said respondents from 1364.64 to 1645.52 HR. In the aforesaid expansion project, the

part of the reserved forest to the extent of 121.58 HR was to be diverted. The area which is sought to be used by the said respondents has presence of endangered Schedule-I species such as Tigers, Leopards, etc. and the same is adjoining to the notified buffer zone of the Tadoba Andhari Tiger Reserve.

4. In the last four months, the State of Maharashtra has lost 21 tigers, some in man-animal conflict. It appears that in the communication dated March 16, 2012 issued by the Director, Ministry of Environment and Forest, Government of India, it is observed that there are no National Parks, Wildlife Sanctuaries and Biosphere Reserves within ten kilometers of the buffer zone which appears to be factually incorrect.

5. Apart from above, we are required to be sensitive to the fact of the total area of 1354.64 HR which is under use of the respondent nos.2 and 3, major part which was earlier used for coal mining in the coal collieries has now been abandoned for which the said respondents were duty bound to carry out restoration.

6. Perusal of the record would reflect that the respondent nos.2 and 3 have conveniently avoided to answer the said issue in the present writ petition. Rather, the respondent no.7-MPCB has stated in its affidavit dated January 29, 2025 that after the field visit was carried out on January 11, 2025, it was noticed that the respondent

nos.2 and 3 were discharging the mine water having pH 2-3 into a natural water source viz. Motghat Nallah which further connects the Erai River which is the source of potable water for the residents of the Chandrapur District. As a sequel of which notices were issued under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981.

7. Apart from above, perusal of the communication dated November 10, 2017 addressed by the Scientist-E, Government of India, Ministry of Environment, Forest and Climate Change to the respondent nos.2 and 3 would reflect the figures of total requirement of land and the utilization of the same. The steps taken by the respondent no.3 for the land reclamation including that of restoration of biodiversity Flora and Fauna should have been their first priority before going for the diversion of the forest land. Leave apart the diversion of the forest land, which is claimed by the respondent nos.2 and 3, the implementation of their project of mining of coal results in not only the Air but also the Water pollution.

8. The respondent nos.2 and 3 should have been sensitive to the fact that wild animals do not understand the bounds or boundaries of forest and non-forest area.

9. As such, we defer the hearing of the present public interest litigation to June 25, 2025 so as to enable the respondent nos.2 and 3 to demonstrate in detail as to the steps taken by them for last more than two decades in the matter of restoration of biodiversity Flora and Fauna in regard to the land which was already utilized for the purpose of coal mining and thereafter abandoned. The entire details shall be furnished through an affidavit filed by the highest officer of the respondent nos.2 and 3 with entire details as regards location of such land which is abandoned by them and till date the stage-wise steps taken in the matter of restoration of biodiversity. We make it clear that if not satisfied, we will be constrained to pass appropriate orders against the interest of the respondent nos.2 and 3.

10. List the Public Interest Litigation for further consideration on June 25, 2025.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)