



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

PUBLIC INTEREST LITIGATION NO. 20 OF 2024

Prakruti Foundation, Thr. Its President,
Deepak Bharat Singh Dixit

Vs.

Union of India, Ministry of Environment
and Forests, New Delhi and Others

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

Court's or Judge's orders.

Mr. Mahesh Dhattrak, Advocate for the Petitioner.
Mr. C. J. Dhumane, Advocate for Respondent No.1.
Mr. A. S. Jaiswal, Senior Advocate a/b Mr. Nachiket Moharir, Advocate
for Respondent Nos.2 and 3.
Mr. S. S. Sanyal, Advocate for Respondent No.7.
Mr. N.S. Rao, AGP, for the Respondent-State.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 6th APRIL, 2026.

1. Heard the learned counsel appearing for the parties.
2. The petitioner has filed this Public Interest Litigation (PIL) raising grievance relating to expansion of Durgapur_Deep Extension Open Cast Coal Project of Western Coalfields Ltd. proposed on 121.58 hectares of land.
3. The concern raised by the petitioner is in respect of (1) compliance of the conditions stipulated by the Wildlife Board for such project (2) Maintenance of Biodiversity, (3) Assessing impact on Wildlife, 4) Compensatory Afforestation, 5) Water Pollution, 6) Man and Animal Conflict and 7) To put to use the abandon mines.

3. Initially it was the case of the petitioner that the said project is within Eco-sensitive zone. However, Divisional Forest Officer, Chandrapur vide affidavit dated 30.01.2026 made a categorical statement that mining zone is located around 12.25 Kms from Tadoba-Andheri Tiger Project (Core) and beyond 1.25 km from Tadoba-Andheri Tiger Reserve (Buffer).

4. Contrary to this nothing has been brought on record, either by way of an affidavit or by any document. Thus, we have no hesitation to accept the statement made by the DFO on affidavit dated 30.01.2026.

5. As regards the other points as referred hereinabove, the matter was heard at length and we have perused the bulky record with the able assistance of the learned counsel for both the parties.

6. At the outset, Shri Jaiswal, learned Senior Advocate appearing for the respondent nos.2 and 3 has pointed out that physical possession of the land is not yet taken or handed over to respondent nos.2 and 3. It is further pointed out that the principal approval and final approval granted to the said project is subject to fulfillment of certain conditions enumerated in such approvals. It is further pointed out that such compliances, which are to be made by the respondent nos.2 and 3, are to be made after receiving the possession.

7. Shri Dhattrak, learned counsel for the petitioner has referred to the document namely principal approval granted by the Government of India vide letter dated 16.12.2015 (page

130) to point out the conditions imposed while granting such principal approval. It is pointed out that such principal approval is subject to fulfillment of conditions which are 35 in number.

8. Shri Jaiswal, the learned Senior Counsel, is not disputing the imposition of such conditions. It is submitted that all the compliances would be made in its true letter and spirit. Attention of this Court is then drawn to the letter issued by the Government of India dated 22.12.2021 which is the final approval. It is pointed out that as many as 5 conditions imposed which are to be complied with prior to handing over of the land and 26 conditions after handing over the land to user agency by the State Government.

9. Shri Jaiswal, learned Senior Counsel for the respondent nos.2 and 3, makes a categorical statement that the respondent nos.2 and 3 are bound by all these conditions and they will comply each and every condition.

10. As regards afforestation, which is one of the conditions in the approval, it is submitted that requisite amount is deposited with the Forest Department and the Forest Department will take steps in relation to the same.

11. Similarly the statement is made in respect of elimination of prosopis and replacing the same with native species.

12. Shri Dhatrak, learned counsel for the petitioner, has highlighted the importance of removal of prosopis and replacement of the same by native species. He submits that because of prosopis man and animal conflict increases and to

avoid the same, it is necessary to eliminate prosopis and replace the same by native species.

13. Shri Jaiswal, learned Senior Counsel, makes a positive statement that the work of elimination of the prosopis has undertaken, which is disputed by Shri Dhatrak, learned counsel for the petitioner.

14. Shri Jaiswal, learned Senior Counsel, further argued that the respondent nos. 2 and 3 are bound by these conditions even if the petitioner has disputed the fact that the work has undertaken, this condition will be complied with strictly.

15. As regards the water pollution, it is submitted that the respondent nos. 2 and 3 are taking all the necessary steps in this regard and the same will be dealt with and will be addressed.

16. As far as putting of abandon of mines to use, it is argued that, till date not a single mine is abandoned. However, he makes a statement that whenever any mine will be abandoned, the respondent nos. 2 and 3 will take necessary steps to put the same to use.

17. The respondent nos.2 and 3 and the Forest Department have filed various affidavits on record for the satisfaction of this Court. At this stage, the Forest Department is taking every care as regards seeking compliance from respondent nos. 2 and 3. and further, the affidavit filed by respondent nos. 2 and 3 to the effect that the conditions as imposed while granting principal approval, final approval and wildlife clearance dated

19.05.2023 are binding on them and they would strictly comply the same in its true letter and spirit.

18. It is to be noted that a Committee is also constituted as per Clause 7 of the Final Approval under the Chairmanship of PCCF, Wildlife, CW and LW to ensure continue monitoring and use of existing corridor by wildlife and suggesting the measures for maintenance of corridor functionality.

19. The issues raised in the present matter and the concern shown by the petitioner is truly in the sense of Public Interest. Moreover the functioning of the Committee is restricted to ensure continue monitoring and use of existing corridor by wildlife and suggesting the measures for maintenance of corridor functionality, we are of the view that the scope of the Committee needs to be expended. Accordingly, we expand the scope of the Committee and direct that the Committee shall monitor the compliances of the conditions as stipulated and enumerated in the principal approval, final approval and wildlife clearance dated 19.05.2023.

20. Furthermore, if the petitioner finds any irregularity or non-compliance of any condition, he is at liberty to make a correspondence with the Committee in writing. If any such irregularity or non-compliance is pointed out by the petitioner, the Committee shall look into it. Thereupon if the Committee reaches to any conclusion that there is a substance in the complaint of the petitioner, the Committee shall take steps to ensure the compliances of such conditions and removal of such

irregularity.

21. In the circumstances, we are of the opinion that, at this stage, in the light of various affidavits filed by the Forest Department and the respondent nos. 2 and 3, nothing survives in this PIL. Accordingly, we dispose of the present PIL with a liberty to the petitioner to file a fresh if such occasion arises namely on a correspondence made by the petitioner to the Committee pointing out non-compliance of any condition, if the Committee does not take any step in the matter or there is any irregularity which the Committee if failed to remove.

22. The PIL is disposed of in above terms.

23. The order dated 04.12.2024 stands vacated in view of disposal of the PIL.

24. Pending civil applications stand disposed of.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)