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IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPIL NO. 174 OF 2024

DISTRICT: BAGESHWAR

1 - SUO MOTU PIL

..... Petitioner

Versus.

- 1 - STATE OF UTTARAKHAND
- 2 - PRINCIPAL SECRETARY
- 3 - SECRETARY RURAL DEVELOPMENT
- 4 - UTTARAKHAND POLLUTION CONTROL BOARD
- 5 - DISTRICT MAGISTRATE
- 6 - state level environment impact assessment authority through its member secretary
- 7 - DFO BAGESHWAR
- 8 - DISTRICT MINERAL FOUNDATION TRUST BAGESHWAR THROUGH ITS MEMBER SECRETARY
- 9 - SECRETARY GEOLOGY AND MINING DEPTT

..... Respondent

Petitioner Advocate: DUSHYANT MAINALI
(AMICUS CURIAE)

Respondent Advocate: C.S.C.





SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	06.01.2025		WPIL No. 202 OF 2024 With WPIL NO.174 OF 2024 <u>Hon'ble G. Narendar, C.J.</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vinay Kumar, learned counsel for the petitioner in WPIL No.202 of 2024. 2. Mr. Dushyant Mainali, learned <i>Amicus Curiae</i>. 3. Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State. 4. Mr. Aditya Pratap Singh, learned counsel for the Uttarakhand State Pollution Control Board. 5. Dr. Aman Rab, learned counsel for the SEIAA. 6. Heard learned counsel for the petitioner, learned <i>Amicus Curiae</i>, the Court Commissioners, namely, Mr. Mayank Rajan Joshi and Mr. Sharang Dhulia and learned State Counsel. 7. In compliance with the order 09.12.2024, the Court Commissioners have submitted a report into the Court today. 8. The report is not merely alarming, but is also shocking. The report and the photographs clearly demonstrate complete lawlessness by the miners, and are proofs of local administration turning a blind eye to



the transgression. Further, the report and the photographs, *prima facie*, demonstrate that further mining operations, which have already damaged dwelling houses, are likely to result in landslides and definite loss of lives. The ironical part is that trained officers have permitted mining operations at the base of the hillock, when habitations in the revenue villages are found on the top of the hillock. The photographs also indicate huge crevasse indicating impending landslides which would definitely lead to huge loss of lives. Hence, pending further orders, all mining operations in Bageshwar district shall stand suspended with immediate effect.

9. A copy of this order be forwarded to the Director, Geology and Mining Department, Uttarakhand, who shall communicate the same to the miners and ensure implementation of this order. The Director, Geology and Mining Department is made personally responsible for implementation of this order.

10. The *Amicus Curiae* shall bring on record and implead all the lease holders and also array the officers of the concerned department as party- respondents to the PIL.

11. We wish to place on record our appreciation for the strenuous efforts put in by the Court Commissioner, namely, Mr. Mayank Rajan Joshi and Mr. Sharang Dhulia, despite dubious efforts on the part of vested interests.

12. For compliance, list along with Writ Petition (PIL) Nos.137 of 2022 and 35 of 2024, on 09.01.2025, on which date, the Director, Geology and Mining



Department, and the Secretary, Industrial Development, shall be physically present before this Court. The concerned District Magistrate shall also be present before this Court on the next date.

13. The Director, Geology and Mining Department shall immediately release to the Court Commissioners the remuneration fixed by this Court under order dated 09.12.2024.

14. The Registry is directed to communicate the order to the concerned Director, Secretary and District Magistrate by way of e-mail today itself.

(Manoj Kumar Tiwari, J)

(G. Narendar, CJ)

06.01.2025

06.01.2025

NISHANT



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