

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 1932 of 2021

1. Khushilal Mahto, Aged about 60 years, son of late Damarlal Mahto.
2. Ruplal Mahto, Aged about 55 years, son of late Pokha Mahto.
3. Saryu Mahto, Aged about 50 years, son of late Baijnath Mahto.
4. Yogendra Mahto, Aged about 36 years, son of Sri Rihoo Mahto.
Sl.No. 1 to 4 are Resident of Basantpur, P.O. Kedla, P.S. Mandu, District-Ramgarh.

5. Chaturvedi Mahto, Aged about 36 years, son of Sri Doman Mahto.
Resident of Basantpur, Pachanda, P.O. Kedla. P.S. Mandu, District-Ramgarh. Petitioner

Versus

1. State of Jharkhand.
2. Jharkhand State Pollution Control Board, Govt. of Jharkhand having office at CDE 256, HEC Colony, CTI Colony, Sector-III, Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District-Ranchi.
3. Deputy Commissioner, Ramgarh, P.O. & P.S. Ramgarh, District-Ramgarh.
4. Central Coalfields Limited having office at Darbhanga House, Ranchi, P.O. G.P.O., P.S. Kotwali, District-Ranchi.
5. Chairman-cum-Managing Director, having office at Darbhanga House, Ranchi, P.O. G.P.O., P.S. Kotwali, District-Ranchi.
6. General Manager, Washery, Division C.C.L, Darbhanga House, Ranchi, P.O. G.P.O., P.S. Kotwali, District-Ranchi.
7. General Manager, Hazaribagh Area, Central Coalfields Limited having office At+P.O.Charhi, P.S.-Charhi District-Hazaribagh.

... .. Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner : Mr. Rajendra Krishan, Advocate
Mr. Shubham Mayank, Advocate
Mr. Pratyush Shounikya, Advocate
Mr. Manish Kumar, Advocate
Mr. Aayush Avant Srivastava, Advcoate
Ms. Priya Sahay, Advocate
For the Respondents: Mr. Sachin Kumar, AAG-II
Mr. Gaurav Raj, AC to AAG-II
For the JSPCB: Mrs. Richa Sanchita, Advcoate
Ms. Risheta Singh, Advocate
For the CCL: Mr. Amit Kr. Das, Advocate
Mr. Raunak Sahay, Advocate
Mr. Ujjal Choudhary, Advocate

07/Dated: 11.08.2025

- 1) It appears that in paragraph no. 3 (iv) of the order dated 28.07.2025 the word “Member Secretary, Jharkhand State Pollution Control Board”, has wrongly been typed out in place of “the Director General of Police, Jharkhand”.
- 2) The order dated 28.07.2025 is ordered to be rectified accordingly.
- 3) On 28.07.2025, this Court had passed the following order:-

“06/Dated:28.07.2025

1. Even though the Secretary, DLSA had visited the spot to report on the two issues, i.e., (i) Whether there are adequate roads constructed on the site of the Coal Washery and, (ii) Whether the trucks carrying the coal are covered so as to ensure that no dust and other kind of pollution is caused thereby. However, on account of the strike of the truck operators, the Secretary could not report on the second issue.
2. So far as the first issue is concerned, it has been observed that during inspection it was found that the road connecting the Basantpur and said coal washery was damaged approximately 400 meters from the said coal washery. It has further been observed that due to damaged road conditions, villagers were facing fugitive dust problems and noises during plying of vehicles/dumping trucks.
3. In the given facts and circumstances, we deem it appropriate to issue the following directions –
 - (i) The damaged road of 400 meters shall be repaired by the 4th respondent by making road to the village and the black-tops shall be raised only after the monsoon.
 - (ii) It shall be ensured that all the trucks carrying coals to the coal washery would be covered with tarpaulin so as to ensure that no dust is spread during the transportation of coal.
 - (iii) The Superintendent of Police, Ramgarh shall ensure that none of these trucks are fitted with pressure-horns or multitone horns or other ways caused any kind of noise pollution. In other words, the Superintendent of Police shall ensure that the provisions of Chapter V of the Central Motor Vehicles Rules, 1989 are fully complied with in its letter and spirit
 - (iv) At the same time, the 2nd respondent along with the Member Secretary, Jharkhand State Pollution Control Board are directed to ensure that the provisions of Chapter V of the Central Motor Vehicles Rules, 1989 and the provisions of the Noise Pollution (Regulation

and Control) Rules, 2000 are followed in the letter and spirit and it be ensured that apart from others, no vehicle fitted with pressure-horns or multitone horns or with extra lights, modifications, etc is permitted to be plied within the State of Jharkhand and extra lights, more particularly, Red and Blue colour, which gives semblance of emergency vehicles, be removed. They shall also ensure that there is no unauthorized use of flag rods and the provisions of the Flag Code are duly followed and all unauthorized Flags irrespective of the political parties, religious denomination etc are removed forthwith. The status report on behalf of on the personal affidavits of the Director General of Police and the Member Secretary, Jharkhand State Pollution Control Board be filed in compliance to these directions by the next date of hearing.

(v) It also be ensured that no loudspeakers without permission be permitted to operate after 10:00 p.m. till 6:00 a.m.

4. Since the Secretary, DLSA, Ramgarh could not report on the 2nd issue, let a fresh report be submitted by him before the next date of hearing.

5. List on 11.08.2025.”

4) In compliance to the aforesaid direction, the Secretary, DLSA, Ramgarh has filed its report the relevant portion whereof reads as under:-

“I inspected the aforesaid Coal Washery premises and reached to the point of raw coal dumping bunker, coal crushing plant and crushed coal washing plant. I then reached to point of dispatch and found several trucks being loaded with processed & washed coal. Loaded trucks were moving out from coal washery premises. I observed that these loaded trucks were covered with tarpaulin sheets.

However, while travelling towards to the said coal washery, I found several uncovered trucks moving towards the coal washery carrying raw coals from mines to coal washery. Some local people stated that several times its causes injury to people moving on roads while big size coal pieces jump out of the truck”.

5) The aforesaid report goes to indicate the sordid affairs prevailing in the State of Jharkhand where it has been complete laxity on the part of the government officials in ensuring that the environmental laws and other laws are implemented in their letter and spirit. After all why should the people of the State

bear the brunt because of the negligence or the laxity of these government officials.

- 6) In the given facts and circumstances, we deem, it appropriate to direct that no vehicle carrying coal/iron ore/gravel/ sand/stone/ grit etc. in the State of Jharkhand shall be permitted to ply on any road unless and until the same is covered with a tarpaulin.
- 7) We have been repeatedly flagging the issue of use of pressure-horns, multi-tone horns, additional modifications that are rampantly found within the State of Jharkhand which violate Chapter V of the C.M.V.R., 1989 and we are sorry to observe that no concrete steps in this regard have either been taken by the Director General of Police or by the Member Secretary, Jharkhand State Pollution Control Board. Even the provisions of the Flag Code are being violated with impunity.
- 8) All this only goes to suggest that the provisions of law are not being implemented in the State in their letter and spirit.
- 9) Therefore, in this state it is high time that the government officials pull up the socks and put their house in order by ensuring that the environmental laws and the provisions of the Motor Vehicles Act and Rules framed there under are complied with in their letter and spirit.
- 10) It shall further be ensured that no loudspeaker without permission is permitted to be used after 10:00 PM till 6:00 AM, after all, the right to sleep has now been equated and acknowledged to be a fundamental right.

- 11) The Director General of Police, all the Superintendent of Police/ District Magistrates within the State of Jharkhand along with the Member Secretary, Jharkhand State Pollution Control Board are directed to file status report on the next date of hearing.
- 12) The Superintendent of Police/District Magistrate concerned shall give the details of the pressure and multi-tone horns that have been removed along with the details of the extra fittings particularly lights and modifications that have been carried out in the vehicles and have been removed at the spot. They shall also give the details of the flag rods that have been removed from the vehicles unauthorizedly using the same.
- 13) In addition to the above, the Superintendent of Police/District Magistrates shall also give the details of the vehicles that have been prevented/ restrained from using the road that have been found to be carrying coal/iron ore/gravel/ sand/stone/grit etc. and were not found to have been duly covered with a tarpaulin. We reiterate that no vehicle carrying coal/iron-ore/gravel/ sand/stone/grit etc. unless and until covered with a tarpaulin shall be permitted to be plied on any road within the State of Jharkhand wheresoever and whensoever.
- 14) The 4th respondent i.e. Central Coalfields Limited along with the Jharkhand State Pollution Control Board are directed to monitor the Ambient Air i.e. ambient air quality, Water i.e. surface water sample in the vicinity of the present area, Noise i.e. DN level noise monitoring, Soil i.e. soil monitoring, qualitative and quantitative testing/analysis to check the soil fertility, porosity,

texture, water holding capacity. It shall be ensured the mining is confined to above ground water table (GWT) and no mining is done below GWT.

- 15) The Central Coalfields Limited shall ensure that the activity of washing coal does not in any way affect the quality of the portable drinking water to the adjoining villages and the periodic tests and inspections in this regard shall be carried out every day by the Pollution Control Board, Jharkhand and report thereof shall be submitted to this Court along with the status report by the next date of hearing.
- 16) In the meanwhile, those responsible for mining shall take all corrective majors to ensure that there is no pollution whatsoever created by them or else this Court shall be constrained to stop the operation of such mining.
- 17) The Director General of Police, District Magistrates, all the Superintendent of Police, the Member Secretary, Pollution Control Board, District Mining Officers and all other State Agencies shall ensure that the orders passed by this Court are duly complied with.
- 18) List this case on 01.09.2025.
- 19) Let the name of Mr. Sachin Kumar, AAG-II appearing for the State be reflected in the cause list.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)