

SECTION PIL (WRIT)

MATTER FOR : 02.05.2024
COURT NO. :
ITEM NO. : Thr. Suppl.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IAS RELATED TO HARYANA MINING

(I.A.Nos. 1785, 1967 AND 2152 IN 1967, 1962, 2443, 2186 AND 2444, 2168, IA D. NO. 75191, 2484, 2527 AND 2582 IN IA D. NO. 75191, 1866 1858- 1859, , 1891-1893, 1895, 1896, 1906, 1907-1908, 1968, 2451, 2336, IA D. NO. 58737, IA NOS. 2390, 2450 IN IA NO. 2385, 2454, 2455, 2486-2488 AND 2492, 2385, 2143, 2623, 2624, , 1937, 2415, 2579, 2780-2785, 32531/2021, 32532/2021 IN IA NO. 2450, 28631 AND 28637/2021, 31357 AND 31360/2021, 35779 & 35781/2021, 43001/2021 AND IA NO. 42525/2021 IN IA D. NO. 75191 ALONGWITH C.P.(C) NO. 186/2003)

IAS RELATED TO CONSTRUCTION

(I.A.Nos. 2198, 1888, 1911 AND 1912, 2306 AND 2307, 2308 AND 2309 IN IA NO. 1888, 2386 AND 2387, 2392, 2103, 2355- 2357, 2577-2578, 2575- 2576, 1894, 2497-2498, 2514- 2515, 2595-2596, 2600-2602, 2603, 2604-2605, 2606-2607, 2608- 2609, 2610-2611, 1938, 2684-2687, 2720-2721, 2758-2759, 2760-2761, 66059/2017 AND 66071/2017, 81981 AND 81982/2017, 134492 AND 134499/2017, 67457 AND 67458/2019, 128127 AND 134352/2020)

(APPLICATIONS FOR DIRECTIONS AND MODIFICATION/CLARIFICATION OF COURT'S ORDER DATED 06/05/2002, 8/10/2009, 18/03/2004, INTERVENTION AND IMPLEADMENT, PERMISSION TO FILE ADDITIONAL DOCUMENTS AND EXEMPTION FROM FILING O.T. AND INTERIM STAY AND PERMISSION TO FILE REPLY AFFIDAVIT AND APPLNS. RAISING OBJECTIONS AGAINST CEC REPORTS)

IN

WRIT PETITION (CIVIL) NO. 4677 OF 1985

(Under Article 32 of the Constitution of India)

M.C. Mehta

.... Petitioner

Versus

Union of India & Ors.

.... Respondents

WITH

[1] **INTERLOCUTORY APPLICATION NO. 105701 OF 2024**
(CEC REPORT NO. 03 OF 2024)

[CEC Report No. 3 dt. 07.03.2004 regarding in compliance of the order dt.10.01.2024 of the Hon'ble Court. Accordingly, the CEC is of the opinion that these three I.As Nos. 87550, 107909 and 112526 of 2023 may be considered after this Hon'ble Court considers and decides on the broader issues about mining in Aravali Hill and Rangnes.

[2] **In Re: Mining in Aravalli in the State of Haryana**

I. A. NOS. 828, 839, 840, 850, 853-854, 855-856, 866-868, 869-870, 871-872, 873-874, 875-876, 877-878, 879-880, 881-882, 891-892, 900, 905, 1465, 1488, 1590, 1612-1613, 1700, 1701, 1702, 1703, 2007-2008, 2138-2139, 2205, 2417, 2426-2427, 2445, 2536, 2567, 2574, 2636, 2658-2659, 2719, 2761, 2765, 2766, 2767, 2768-2769, 128672 and 128673/2019 IN 2858/2010, 2872-2873, 2932, 2933, 2934, 2874, 2876, 2877 and 2879/2010, 2877-2879/2010, 3086/2010, 3089-3090/2011,

3091, 3137, I.A. D. NO. 76048/2009, 3597, I. A. D. No. 76051/2009, 3605, 3606, 3780-3782/2014, 3811-3812/2014, 3815, 32330/2021 AND 40279/2021

I.A. RELATED TO CONSTRUCTION

1276-1277

[Second Monitoring Report dt. 28.10.2002 of CEC regarding large scale illegal mining of stones in the forest area in aravali hills around kot village located off the road mid-way between ballabgarh-sohna road near dhauj, and Applications for Impleadment, Intervention, Directions, Modification/directions of court's order dt. 30.10.2002, Clarification/Modification of Order's dated 29.10.2002 AND 09.12.2002, 16.12.2002, Permission, permission to file additional affidavit/documents, exemption from filing O.T., Clarification/Modification of Order's dated 08.10.2009 and applications for recalling of Court's Order dated 12.12.2018 in I.A. NO. 2858/2010]

[3] In Re: Mining in Rajasthan

828/02 in W.P.(C) No. 202/1995 and 833/02, 834-835/02, 837/02, 846-847/02, 893-894/02, 901-902/03, 903-904/03 in 828/02, 1310/05 in 833/02, 1329/05 in 1310/05, 1331/05 in 1310/05, 1450-1452/05 in 1310/05, 2447/08 in 828/02, 2602/09 in 828/02, 2758-2759/09 in 828/02, 2803/10 & 3210/11 in 2758-2759/09, 2814/10 in 1310/05, 2834, 2836/10 in 1310/05, 2837, 2839/10 in 1310/05, 2840/10 in 2814/10, 2874, 2876/10 in 828/02, 2877, 2879/10 in 828/02, 2883-2885/10 in 1310, 2887-2889/10 in 1310, () 2891, 2893/10, 3125/11 in 2877-2879/10, 3129/11 in 2874-2876/10, alongwith Rajasthan Mining, 3281/11 in 2834-2836, 3296/11 in 1310(fresh), 3361-3362/12, 3394, 3396/12 in 1310, 3397/12 in 828, 3919-3920/2015 in 2891-2893, 3951 in 834-835, 3952 in 2814-2815 in 1310

I.A.No. 3957 In I.A.No. 828 In W.P.(C)No. 202/1995

I.A.No. 27190 AND 46116 of 2019, 49985/2019 (App. For O/T) in I.A. no. 3361-3363, 50600, 50604, 57647/2019, 57468, 57653/2019, 60991, 60995, 60999/2019, 141355/2019 in I.A. NO. 50600 AND 50610 OF 2019, 153523 AND 153524/2019, 90862 & 90864/2021 in I. A. No. 828

[Second Monitoring Report dated 28.10.2002 of Central Empowered Committee and Applications for Further Directions, Modification/Clarification of Order dated 30.10.2002 and Amendment of I.A.No. 833, Impleadment, Modification/Clarification of Order dated 29/30.10.2002, Modification/Clarification, Exemption from filing O.T., Modification/ Directions, Directions, Intervention, Clarification/Modification of Order dated 08.04.2005, Interim Directions, Stay, Modification of Order dated 19.02.2010 , Permission to file Additional Documents and Early Hearing of I.A.No. 828]

AND

I. A. NOS. 87544, 87550 AND 91723 OF 2023

[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS
AND EXEMPTION FROM FILING O.T.]

IN RE : M/S. KRISHNA MINERS AND TRADERS, RAJASTHAN

AND

I. A. NOS. 107906 AND 107909/2023

[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

IN RE : M/S NALWAYA MINERALS INDUSTRIES P. LTD. RAJASTHAN

AND

[6]

I. A. NOS. 112525, 112526 AND 112527/2023
[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND
EXEMPTION FROM FILING O.T.]

IN RE : M/S M/S NALWAYA MINERALS INDUSTRIES P. LTD. RAJASTHAN

AND

[7]

I. A. NOS. 254548, 254550 AND 254551/2023
[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND
EXEMPTION FROM FILING O.T.]

IN RE : GURPREET SINGH SONI AND ORS.

AND

[8]

I. A. NOS. 69040, 69044 AND 69050/2024
[APPLICATIONS FOR DIRECTIONS,
EXEMPTION FROM FILING O.T. AND IMPLEADMENT]

IN RE : JAIN KUMAR JAIN

AND

[9]

I. A. NOS. 8156, 8157 AND 8155 OF 2024
[APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T.
AND IMPLEADMENT,
AND

IN RE : M/S. SHIV GRIT UDYOG, RAJASTHAN

IN

WRIT PETITION (CIVIL) NO. 202 OF 1995
(Under Article 32 of the Constitution of India)

IN RE : T.N. Godavarman Thirumulpad

...Petitioner(s)

Versus

Union of India & Ors.

...Respondent(s)

OFFICE REPORT

WRIT PETITION (C) NO. 4677/1985

It is submitted that IA No. 1785 in W.P.(C) No. 4677/1985 was listed before this Hon'ble Court on 06.05.2002, when the Court was pleased to inter alia pass the following order :-

“xx xx xx xx xx xx xx xx xx xx
In the meantime, within 48 hours from today the Chief Secretary, Government of Haryana is directed to stop all mining activities and pumping of ground water in and from an area upto 5 kms from the Delhi-Haryana border in

the Haryana side of the Ridge and also in the Aravalli Hills.”

It is further submitted that the Hon’ble Court has on 18.3.2004 pronounced the Judgment in Haryana Mining matters (Reported in 2004(4) JT 181).

It is further submitted that the Hon’ble Court has on 08.05.2009 and 08.10.2009 pronounced Judgment in Haryana Mining matters, wherein inter alia the following Orders have been passed:

Order Dated: 08.05.2009

XX XX
XX XX XX XX XX XX XX XX XX XX XX

The question still remains as to whether we should grant permission to the State of Haryana to excavate minor minerals from a localized area of 600 hectares out of 448 sq. kms. (approx.) for purposes of excavating construction material which is needed for construction of houses, sports complexes and other buildings. In this connection, we may state that on this part the hearing will take place after the summer vacation. Accordingly, I.A. No. 1967 in I.A. No. 1785, I.A. No. 2186 in I.A. No. 1785 in Writ Petition (C) No. 4677/85 and I.A. No. 1465 in Writ Petition (C) No. 202/95 and 29 other I.As., which have opposed imposition of ban on mining of major minerals stand disposed of. The I.As. which deal with mining of minor minerals are adjourned beyond summer vacation.”

Order Dated: 08.10.2009

XX XX
XX XX XX XX XX XX XX XX XX XX XX

All I.A.s, writ petitions and contempt petitions relating to minor minerals are disposed of. Consequently, all applications for intervention and impleadment are also disposed of.”

It is further submitted that the Interlocutory Application D. Nos. 75191 in W.P.(C) No. 4677/1985 alongwith connected matter were listed before the Hon’ble Court on 06th November, 2009, when the Court was pleased to pass the following Orders :-

Order Dated: 06.11.2009

“The applicants in these applications, who are licensees of major minerals in the State of Haryana, seek modification/clarification of this Court’s Order passed on October 8, 2009. The grievance of the applicants is that by the aforesaid order, the Court directed the State to revoke all licenses of major minerals in the districts of Faridabad and Gurgaon even though the major mineral applications were not posted on that date and consequently they did not get an opportunity to present their case before the Court.

Office is directed to list all applications relating to licensees of major and minor minerals on December 11, 2009. The State of Haryana will publish a notice giving general information to all the licensees of major and minor minerals that their matters will be heard by the this Court on December 11, 2009.”

It is further submitted that the Hon’ble Court has on 11.09.2018 pronounced the Judgment in Kant Enclave Matters (Reported in 2018(11) SCR 384) regarding construction carried out in the forest land in Haryana.

It is further submitted that Mr. Ajit Sharma, Advocate has on 05.2.2018 filed a letter requesting therein to withdraw IA Nos. 2780-2785/2016.

It is further submitted that Ms. Monika Gusain, Advocate has on 03.03.2021 filed Application seeking permission to file short convenience volume on behalf of State of Haryana (Volume I to III). Application has been registered as IA No. 32531/2021 and is placed with the paper books as separate volumes.

It is further submitted that Mr. Yash Raj Singh Deora, Advocate has on 08.03.2021 E-filed common Compilation (Volume I & II) in W.P. (C) Nos. 4677/1985 and 202/1995. The same are placed with the paper books as separate volume.

It is further submitted that Ms. Monika Gusain, Advocate has on 08.03.2021 filed Applications seeking permission to file Additional Affidavit and exemption to file original notarised Additional Affidavit on behalf of State of Haryana (IA Nos. 35779 & 35781/2021). The same is placed with the paper books as separate volume.

The applications related to State of Haryana in Writ Petition above-mentioned were listed before the Hon’ble Court on 21.03.2023 and 07.11.2023, when the Court was pleased to pass the following Order:

Order dt. 21.03.2023

“IN RE: HARYANA MINING MATTERS

On the conspectus of what has been submitted before us, we are of the view that the appropriate course of action would be to first hear the application of the Haryana Government. To facilitate an effective hearing, any of the stake holders who are before us may obtain a copy of that application and other pleadings/orders qua that application from the counsel for the State. We have made it clear that all the applications under this general heading will remain pending and after we decide this application, what application survives and in what manner will be considered. In the meantime, for facilitating deciding of those applications, learned Amicus

would assist the Registry in making a chart of the other applications and relief sought.

In order to facilitate hearing of that application, the pleadings/orders of that application and any material which any of the party seeks to rely upon should be made into a convenience compilation and that compilation alone will be taken into account.

List on 25.04.2023 at 2 p.m.

Listing of the remaining applications will be in predicated on the decision on the aforesaid applications.”

Order dt. 07.11.2023

“Learned Amicus Curiae points out that there has been some press reports to the effect that carbon dating of paleolithic era stone carvings in the Aravalis has been found and ASI has set up 5-member Committee. This area may thus require protection.

The State of Haryana will file a response in this behalf and ensure that if the report is correct, no damage is caused in the area.

List on 09.01.2024.”

It is submitted that Mr. A.D.N. Rao, Sr. Advocate (A.C.) has filed submissions on 24th April, 2023 in the main matter through Mr. Siddartha Chowdhury, Advocate (A.C.) on 24.04.2023 i.e. Convenience Compilation in four volumes on behalf of State of Haryana. The same are placed with the paper books as a separate volume.

It is submitted that pursuant to above Order, no document has been filed, so far.

WRIT PETITION (C) 202/1995

It is submitted that Interlocutory Application No. 2858/2010 in the Writ Petition above-mentioned was listed before the Hon’ble Court on 12.12.2018, when the Hon’ble Court was pleased to pass the following order:-

“No one is present on behalf of the State of Haryana.
The application is dismissed.”

Thereafter, it is next submitted that Dr. Monika Gusain, Standing Counsel for the State of Haryana has on 23.08.2019 filed applications for Restoration of Court’s Order dated 12.12.2018 passed in I. A. No. 2858/2010 alongwith condonation of delay in filing

application for restoration. The said applications have been registered as I. A. Nos. 128672 and 128673/2019 and still pending before the Hon'ble Court.

It is further submitted that Dr. Monika Gusain, Advocate has on 08.03.2021 filed an application for permission to file additional documents on behalf of State of Haryana in I. A. No. 2858/2010.

The unregistered application for permission to file Additional Documents has already been circulated in a separate volume for the kind perusal of the Hon'ble Court.

I. A. No. 32330/2021 in W.P. (C) No. 202 of 1995

It is submitted that Mr. Tarun Gupta, Advocate has on 02.03.2021 filed an applicaiton for Intervention on behalf of M/s. T. N. Enterprises, Applicant in the Writ Petition above-mentioned. The said application has been registered as I. A. No. 32330 of 2021 and the same has already been circulated in a separate volume for the kind perusal of the Hon'ble Court.

I.A. No. 40279/2021 in W.P. (C) No. 202 of 1995

It is submitted that M/s. J. S. Wad, Advocates have on 16.03.2021 filed an application for seeking permission to file additional affi davit in I. A. No. 3597/2013 in I. A. D. No. 76048/2009 alongwith affi davit on behalf of Mr. Rajendra Dhingra & Assoc & Anr. in the Writ Petition above-mentioned. The said application has been registered as I.A. No. 40279/2021 and the same alongwith additional affi davit are being circulated in a seprate volume for the kind perusal of the Hon'ble Court.

It is submitted that the Interlocutory Application Nos. 2874 and 2876/2010, with 3129/2011 in I.A. Nos. 2874 & 2876/2010, 2877 & 2879/2010 with 3125/2011 in I.A. Nos. 2877 & 2879/2010, 87544, 87550 & 91723/2023 alongwith other applications in the matter above-mentioned were listed before the Hon'ble Court on 10.01.2024, when the Hon'ble Court was pleased to pass inter-alia the following order:-

I.A. Nos. 2874 and 2876, 2877 and 2879 of 2010

XXXX

4. Be that as it may, the application of the present applicant(s) stand on a similar footing which were allowed by this Court vide order dated 16th January, 2023.

5. We, therefore, dispose of these application(s) with direction to the State Government to consider the application(s) filed by the applicant(s) for permitting the renewal and continuance of the mining operations in accordance with law.

6. In so far as mining activities in Aravali Hills and Ranges are concerned, Mr. K. Parameshwaran, learned Amicus Curiae states that it will be in the larger public interest, if all these issues are examined by the CEC and a comprehensive direction is issued by this Court in that regard.

7. We find the suggestion of the learned Amicus Curiae reasonable.

8. We request the CEC to examine the issue as to whether the classification of Aravali Hills and Ranges in so far as permitting mining is concerned, needs to be continued or not. 9. We also request the CEC to take on board the experts in Geology before finalizing its report. The same shall be done within a period of eight weeks from today.

10. List on 13.03.2024 for the said purpose.

I.A. Nos. 87544,87550 and 91723 of 2023, 107906 and 107909 of 2023, 112525, 112526 and 112527 of 2023

1. We request the CEC to examine the issue involved in these 16 applications and submits its report within eight weeks from today.

2. List these applications on 13.03.2024”

It is submitted that pursuant to above quoted order, Ms. Banumathi G., Member Secretary, Central Empowered Committee (CEC) has on 08.03.2024 filed CEC Report No. 03 of 2024 dated 07.03.2024 regarding in compliance of the order dt.10.01.2024 of the Hon’ble Court. The same has been registered as Interlocutory Application No. 105701 of 2024.(Copy of the same as a separate volume has been

placed with paper books for kind perusal of the Hon'ble Court).

It is further submitted that Ms. Banumathi G., Member Secretary, Central Empowered Committee (CEC) has on 01.05.2024 filed Corrigendum dt. 01.05.2024 in respect of the CEC Report No. 3 of 2024 in W.P. (C) No. 202/1995. The same is being circulated with this Office Report for the kind perusal of the Hon'ble Court.

The Interlocutory Applications in Writ Petitions above-mentioned are listed before the Hon'ble Court with this Offi ce Report for Orders.

Dated this the 01st day of May, 2024.

SD/-
Assistant Registrar