
(2019) 10 UK CK 0041

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 146 Of 2014

Ajay Gautam

APPELLANT

Vs

Union Of India And Another

RESPONDENT

Date of Decision : 16-10-2019

Acts Referred:

Citation : (2019) 10 UK CK 0041

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Rakesh Thapliyal, V.K. Kaparwan, S.S. Chaudhary

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. The disaster which struck the upper regions of the State of Uttarakhand and the large scale loss of life and property is the cause for the petitioner, a religious teacher and a karamkand purohit besides being a Social Worker, to invoke the writ jurisdiction of this Court seeking the following directions:-

(a) To issue a writ in the nature of Mandamus to issue directives to Respondent No.1 and Respondent No.2 to establish advanced warning systems in such ecologically sensitive areas.

(b) To direct Respondent No.1 and Respondent No.2 to formulate and comply with such norms which establish and support sustainable development.

(c) To direct Respondent No.2 to establish, high-resolution numerical models and mesoscale observation equipments such as of high performance computer, Doppler Weather Rader (DWR), Automatic Weather Station (AWS), Radiosonde / Rawinsond (RS/RW) etc and to provide for observation equipments which shall be installed in every sub divisional towns for high resolution measurement (>10 km) of vertical profiles and parameters of atmosphere. This entire model works in NOWCAST mode only i.e. few hours in advance. So, education and tanning of

the local administration should be incorporated for preparation within short notice that helps mitigation of the disaster.

(d) To direct Respondent No.2 to draw, effective evacuation plans and responsive disaster management group should be prepared with the proper guidance and assistance with National Disaster Management Authority (NDMA). These groups can be deployed block wise with active participation of local inhabitants.

(e) To direct Respondent No.2 to establish directives and best ways to prevent landslide in high mountain and to restrict on mass tourism in Eco-sensitive zones especially in Char-Dhams, Valley of Flowers and several glaciers and snouts areas. Annual quota of tourists or pilgrims should be introduced in these areas like Kailash - Mansarovar Yatra. Environmental Tax must be collected from the tourists and vehicles to regulate the influx vehicular movement in high terrain areas. Heavy Duty vehicles should be prohibited in slide prone areas and regular monitoring should go on.

(f) To direct Respondent No.2 to construction of buildings and structures on unstable hill slopes and young flood plains must be restricted. Multi storied buildings on high terrain area should be banned for sake of human lives.

2. Since the equipment required to predict/forecast earthquakes, heavy rainfalls and landslides before its occurrence, was considered essential, the Union of India was directed to respond. Several affidavits were filed earlier. In the supplementary compliance affidavit dated 12.09.2019, the deponent, a Scientist and the Head of the Meteorological Center, Dehradun, has stated that, during the pendency of the present Writ Petition (PIL), the supply order for procurement of 10 X-band Doppler Weather Radars had been issued by the Director General of Meteorology to M/s Astra Microwave Products Ltd.; the X-band Polarimetric Doppler Weather Radars, to be installed at the proposed sites at Mukteshwar and Surkanda Devi in the State of Uttarakhand, are still under manufacturing process by the firm M/s Astra Microwave Products Ltd. Hyderabad; the tentative date for installation at the proposed sites of Uttarakhand, is by the end of March, 2020; and efforts are being made to complete the process of installation at the earliest on a priority basis.

3. In the light of the affidavit now filed, and as the respondents assure that all efforts would be made to install the equipment by the end of March, 2020, prayer (a) and (c) do not survive necessitating any further directions being issued in this regard.

4. With regards prayer (b), (d) and (e), suffice it to direct the second-respondent, in consultation with the National Disaster Management Authority, to take such measures as are required to put in place an evacuation plan and a responsive disaster management plan for its implementation in case of emergency in order to prevent loss of life and property. Questions, as to whether an environmental tax should be collected from tourists and vehicles to regulate the influx of vehicular movement in higher terrains and movement of heavy duty

vehicles in landslide prone areas are again matters for the second respondent to consider. Suffice it, in the light of the disaster which occurred in the year 2013, to request the second respondent to examine the matter in consultation with the experts in the field, to put in place an effective system whereby the required assistance would be made available to those affected by any such calamities, without loss of time.

5. The Writ Petition (PIL) is, accordingly, disposed of.

No costs.