
(2011) 05 AHC CK 0265

In the Allahabad High Court

Case No : Public Interest Litigation (PIL) No. 6798 of 2011

Jagriti Sansthan and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 03-05-2011

Acts Referred:

Citation : (2011) 05 AHC CK 0265

Hon'ble Judges : Ferdino Inacio Rebello, C.J.;Prakash Krishna, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard learned Counsel for the parties.

2. The reliefs sought in this petition read as under:

(a) Issue a writ, order or direction in the nature of mandamus directing the Respondents to immediately stop the mining activities and use of washing plants for silica sand and minor minerals of all the leases where the environment clearance has not been obtained and the leases are pending renewal and have not been renewed in District Allahabad, Chitrakoot and Banda.

3. The issue involved in this case is similar to the issue in Writ Petition No. 9416 (M/B) of 2010 (Mohd. Kausar Jah v. Union of India and Ors.) which has been decided on 29.4.2011 along with Writ Petition No. 10025 (M/B) of 2010. Writ Petition No. 9416 (M/B) of 2010 has been disposed of whereas Writ Petition No. 10025 (M/B) of 2010 has been dismissed.

4. In the light of that, the following orders are being passed.

(A). In respect of mining leases whose period expired after coming into force of the notification dated 14.9.2006, as also in respect of new mining leases granted subsequent to 14.9.2006, it is mandatory to obtain environmental clearance under the Notification dated 14.9.2006. Many holders of mining leases from the district Saharanpur have applied for environmental clearance and their

applications are pending and as there was some dispute as to whether minor minerals, include sand/silica falling within the definition of mining minerals, we grant time till 30.6.2011 to carry on the mining operations.

(B) The State Government to ensure as on 1.7.2011 that no person anywhere in the State will carry out any mining activity of minor minerals including sand/silica based on the mining leases, which do not have the environmental clearance under the notification of 14.9.2006.

(C) All other directions in Writ Petition No. 9416 (M/B) of 2010 dated 29.4.2011 to be complied with.

5. This writ petition stands disposed of accordingly.