
(2021) 12 UK CK 0239
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 217 Of 2021

Jot Singh Bisht

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 22-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0239

Hon'ble Judges : Raghvendra Singh Chauhan, CJ; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : Akshay Joshi, A.K. Bisht

Final Decision : Disposed Of

Judgement

Raghvendra Singh Chauhan, CJ

1. With the consent of the learned counsel for the parties, this case is being decided at the admission stage itself.
2. Briefly stated, the case of the petitioner is that the Border Roads Organization has undertaken the construction of the Char Dham project, which entails the construction of roads through the State of Uttarakhand in general, and a road between Chamba to Nagurgad, on the Rishikesh-Gangotri National Highway in particular. The petitioner claims that while the said construction is continuing, trees are being cut, the mountains are being carved, and the stones, which are extracted from the mountain side, are either left unattended, or are permitted to fall down the mountains, thereby damaging the nearby area.
3. In order to highlight the damage being done to the environment, not only the petitioner, but even others have submitted their representations. The learned counsel for the petitioner submits that despite the representations dated 30.06.2021, 13.10.2021 and 20.10.2021 submitted by other individuals, no substantial steps have been taken by the concerned authority. Meanwhile, due to the neglect of the concerned authority, the ecology and the environment of the

area is systematically damaged. Therefore, he prays that a direction should be issued by this Court that after giving an opportunity of hearing to the concerned parties, the representations must be decided by the concerned authority.

4. The learned counsel for the State submits that the State has no objection if such a direction were to be given by this Court to the concerned authority.

5. Therefore, this Court directs the District Magistrate, Tehri Garhwal, to consider the representations filed before him/her, and to give an opportunity of hearing to both the petitioner, and to the persons who have filed the said representations. In case the learned District Magistrate, Tehri Garhwal, finds that collateral damage is being caused to the environment because of the dumping of the extra material being excavated from the mountains, the competent authority is directed to take immediate action, and to remove the extra dumped material from the area.

6. With these directions, this Writ Petition stands disposed of.