
(2011) 07 UK CK 0108

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 34 of 2009

Mohd. Arshi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 20-07-2011

Acts Referred:

Citation : (2011) 07 UK CK 0108

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—Supplementary affidavit filed by Respondent No. 14 in Court is kept with the record.

(Modification Application No. 6114 of 2011)

2. Inasmuch as, the applicant, Uttarakhand Forest Development Corporation, has been accorded permission by the Ministry of Environment and Forests, Government of India to carry out certain activities in three rivers mentioned in the permissions so granted, on the terms and conditions as mentioned therein and accepting the contention of the applicant that it would strictly carry out such activities in terms of those conditions, in addition to the undertaking given to this Court by filing the affidavit in Court today, we declare that the order of restrain, as passed by this Court, will not be applicable to the applicant in so far as their activities, which will remain restricted to the rivers mentioned in the permissions, thus, given by the Ministry of Environment and Forests, Government of India.

3. The application, thus, made by the applicant is disposed of, subject to the permissions that may be granted in future by the Ministry of Environment and Forests, Government of India.

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4. Inasmuch as from the action referred to above, it appears to us that the Respondents too are presently aware that unchecked mining activities, in and

around the rivers of the State, will adversely affect the environment of the State and, consequentially, affect the people of the State, they are required to carry out environmental impact assessment before carrying out such mining activity and are required to have the same vetted by the Ministry of Environment and Forests, Government of India and only after obtaining permission from the Ministry of Environment and Forests, Government of India, they may carry out such mining activity, we dispose of this writ petition by confirming the orders passed by this Court up to date, which orders will, however, not stand in the way of the Respondents to carry out mining activity, provided the Ministry of Environment and Forests, Government of India specifically authorizes the Respondents or any of them to carry out such activities but strictly on the terms and conditions to be specified while according such permission.