
(2010) 12 UK CK 0057

In the Uttarakhand High Court

Case No : Writ Petition No. 1287 of 2003 (PIL)

N.D. Jayal and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0057

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

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—Mr. Siddhartha Sah, learned Counsel for the Petitioners, Mr. U.K. Uniyal, learned Senior Counsel assisted by Mr. Shobhit Saharia, learned Counsel for T.H.D.C. and Mr. H.M. Raturi, learned Standing Counsel for the State.

2. Before construction of Tehri Dam Project the Government of U.P. obtained environmental clearance from the Central Government. The clearance thus granted contained many conditions. One of them was rehabilitation of people to be affected by reason of the Dam becoming operative. Many writ petitions were filed before the Hon'ble Supreme Court questioning the wisdom of having the Dam at Tehri. The matter was dealt with by the Hon'ble Supreme Court and thereupon the Hon'ble Supreme Court remitted back the present writ petition to this Court for the purpose of enabling this Court to monitor the matter. While, however, doing so, the Supreme Court did not permit this Court to do anything in relation to the Dam that was already constructed. Therefore, when the matter came back to this Court, this Court was only authorized to see whether the Dam which has already been constructed should or should not be made functional. In order to make the Dam functional, this Court was required to see whether conditions for making the Dam functional have been satisfied or not. This Court thereupon permitted closure of the tunnels to make the Dam operational. The order passed by this Court to that effect is now subject matter of challenge before the Hon'ble Supreme Court. In the meantime, this Court issued various directions as regards rehabilitation of the people affected by reason of the Dam

becoming operational. Some matters pertaining thereto, went before the Hon''ble Supreme Court. The Hon''ble Supreme Court has directed setting up of a Grievance Redressal Committee who may be approached by those having a feeling that they have not yet received full rehabilitation/compensation that they were entitled to. In the circumstances, it appears to us, that there is hardly any scope of this Court to do anything further in the matter. We accordingly, close the PIL preserving liberty of the Petitioners and anyone else to bring to the notice of this Court any such matter, which may not be the subject matter of the matters pending before the Hon''ble Supreme Court, pertaining to closure of the tunnels. At that time, if any environmental matter crops up, the same may also be brought to the notice of this Court.