

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(PIL) No. 2026 of 2021

Anurag Kumar Rai and Anr. **Petitioners**

Versus

The State of Jharkhand and others **Respondents**

With

W.P(PIL) No. 290 of 2013

With

W.P(PIL) No. 3771 of 2017

With

W.P(PIL) No. 6195 of 2017

With

W.P(PIL) No. 4417 of 2018

With

W.P(PIL) No. 115 of 2019

With

W.P(PIL) No. 657 of 2019

**CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Petitioners	: Ms. Vipul Divya, Advocate Mr. Hemant Kumar Shikarwar, In person Mr. Ram Subhag Singh, Advocate Mr. Afaq Rashidi, Advocate
For the Respondent-State	: Mrs. Vandana Singh, Sr.SC-III Ms. Neha Pandey, AC to Sr.SC-III
For the Resp. Nos.5,6,7	: Mr. Prabhash Kumar, Advocate Mr. Ganesh Ram, Advocate
For the JSPCB	: Mr. Bhanu Kumar, Advocate Mrs. Richa Sanchita, Advocate Mrs. Pinky Shaw, Advocate
For the UOI	: Mr. Ayush, Advocate

Order No.12/Dated:25th July 2024

The issues involved in these Public Interest Litigations are with respect to the illegal mining in the forest areas, mountain areas, hilly areas, water bodies as also the operation of the crusher machines without any valid license or permission within the eco-sensitive zone in the State of Jharkhand. The aforesaid issue has been dealt with by the Hon'ble Apex Court in the case of *M.C. Mehta v. Union of India, (1986) 2 SCC 176* and

also in the case *Goa Foundation (II) v. Union of India*, (2005) 11 SCC 560.

2. Here the respondents are the functionaries of the State Government, the Pollution Control Board and the State Level Environment Impact Assessment Authority (SEIAA), but this Court is of the view that since, the issue is global one and India being the part of the treaty to maintain sustainable development for maintaining the ecological balance, Union of India through Ministry of Environment, Forest and Climate Change and Ministry of Mines and Geology, Government of India is necessary party.

3. As such, the petitioners are directed to implead the Union of India through Ministry of Environment, Forest and Climate Change and Ministry of Mines and Geology, Government of India as party-respondent in these matters.

4. Mr. Afaque Rashidi, the learned counsel who appears for the petitioner in W.P(PIL) No.657 of 2019, however, submits that Union of India has already been made a party-respondent in W.P(PIL) No.657 of 2019 through the Secretary, Ministry of Environment, Forest and Climate Change being respondent nos.1 and 2.

5. Let a copy of the pleadings of these writ petitions be supplied to the office of the learned Additional S.G.I within a week.

6. The newly impleaded respondents are hereby directed to file an affidavit showing therein what effective measures are required to be taken for the purpose of putting restrictions upon the illegal mining in the area which is the subject matter in these writ petitions.

7. The newly impleaded respondents are further directed to have a concrete report with respect to the issue giving therein the area as also to prepare a report of the persons who are carrying out the mining operation being the holder of the valid lease.

8. The Department of Forest, Environment and Climate Change, Government of Jharkhand, the Department of Mines and Geology, Government of Jharkhand and the Deputy Commissioner of the districts are directed to extend full co-operation in this regard to the Pollution Control Board and the SEIAA.

9. Non-cooperation on behalf of any of the respondents, if any, the same shall be brought to the notice of the Court for passing further orders.
10. Let these matters be posted on 22nd August 2024.
11. Let name of Mr. Prashant Pallav, the learned DSGI appear in the cause list on behalf of Union of India.

(Sujit Narayan Prasad, A.C.J.)

(Arun Kumar Rai, J.)

Sudhir