

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No.11153/2011

Suo Motu

-----Petitioner

Versus

State Of Raj

-----Respondent

Connected With

1. D.B. Civil Writ Petition No. 5102/2019

2. D.B. Civil Writ Petition No. 8224/2019

For Petitioner(s)	:	Mr. A.K. Bhargava Mr. Virendra Dangi Mr. Siddharth Bapna Mr. Vimal Choudhary Mr. Shree Nath Sharma, applicant, present in person Ms. Neeraj Khanna, for applicant Ms. Neetu Bhansali, for applicant Mr. S.R. Surana, Senior Advocate, with Mr. Sanjay Yadav, in CW 8224/2019
For Respondent(s)	:	Mr. R.D. Rastogi, Additional Solicitor General with Mr. Akshay Bhardwaj Mr. Ashok Mehta, Senior Advocate, with Mr. Devendra Sharma Mr. Amit Kuri, counsel for JDA Mr. Anil Mehta, Additional Advocate General Mr. R.P. Singh, Additional Advocate General, with Mr. S.K. Saini Ms. Sheetal Mirdha, Additional Advocate General Mr. Bipin Gupta Mr. Mahesh Chand Gupta

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

30/07/2019

Ms. Neetu Bhansali, learned counsel, has filed an application bearing no.44640/2019 for impleadment of applicants as party to Writ Petition No.11153/2011. For stated reasons the application is disposed of permitting the applicant to intervene in the matter.

Ms. Neerja Khanna, learned counsel, has filed an application in the Registry today itself with its advance copy to Mr. R.P. Singh, learned Additional Advocate General, who prays for and is granted time to file reply thereto.

Learned counsel for the parties submit that the first order with regard to Bharatpur was passed on 17.05.2018. This Court by its order dated 27.11.2018 directed the Registry to prepare separate file in regard to Bharatpur matter which should contain the application and compliance report/reply and other material pertaining to Bharatpur and arrange them seriatim. The newly registered case be listed separately on 28.08.2019.

The Registry may scrutinize the subsequent order and thereafter photo copies of the subsequent orders starting from that page should be placed in separate case file which should be separately registered with a cause title *Suo Motu Vs. (1) State of Rajasthan through the Principal Secretary, Irrigation Department, Government of Rajasthan, Government Secretariat, Jaipur, (2) The District Collector, Bharatpur, (3) Urban Improvement Trust, Bharatpur through its Secretary, and (4) Municipal Corporation, Bharatpur, through its Chief Executive Officer.*

Ms. Sheetal Mirdha, learned Additional Advocate General, has put in appearance for the State of Rajasthan and the District Collector, Bharatpur.

Let notice be issued to respondents, namely, Urban Improvement Trust, Bharatpur through its Secretary, and

Municipal Corporation, Bharatpur, through its Chief Executive Officer.

Ms. Sheetal Mirdha, learned Additional Advocate General, prays for and is grantee time to file her response to the objections submitted by the applicants who have applied to become parties to the petition.

Mr. Bipin Gupta, learned counsel appearing on behalf of six applicants, shall help the office to segregate papers of the file to be newly constituted.

It is informed that Mr. Rohit Kumar Singh, Additional Chief Secretary, Department of Medical and Health, Government of Rajasthan, has been appointed Nodal Officer for implementation of the orders passed in this petition. Mr. R.P. Singh, learned Additional Advocate General, submits that he wants to file a complete compliance report in terms of the order of this Court dated 20.05.2019. The compliance report shall be filed on the affidavit of Mr. Rohit Kumar Singh, Additional Chief Secretary, stating as to what steps have been taken for implementing the directions of this Court issued vide order dated 20.05.2019. The respondents shall also file their reply/counter affidavit to D.B. Civil Writ Petition No.5102/2019 – Pyar Singh Meena Vs. State of Rajasthan and D.B. Civil Writ Petition No. 8224/2019 – Raj Kumar Meena Vs. State of Rajasthan.

Mr. Siddharth Bapna, learned counsel, submitted that certain encroachments have been made on the submergence area of 'Neota' dam and Public Works Department of the Government of Rajasthan has constructed a road therein inasmuch flow of the water into 'Neota' and 'Gular' dams has been blocked. He has in this respect filed an application along-with certain documents. He

has supplied copy of the application with documents to Mr. R.P. Singh, learned Additional Advocate General, and Mr. Amit Kuri, learned counsel for the Jaipur Development Authority, who may file their responses as to why the road was allowed to be constructed in the submergence area of the dams.

Mr. R.P. Singh, learned Additional Advocate General, has produced for perusal of the Court compliance report showing that a total 4,63,879 plants/saplings have been distributed amongst 3,436 gram panchayats, which does not appear to be complete compliance of the order of this court passed on 20.05.2019.

Mr. R.P. Singh, learned Additional Advocate General, has cited a provision of Section 135 of the Companies Act, 2013, which provides that every company having net worth of rupees five hundred crore or more, or turnover of rupees one thousand crore or more or a net profit of rupees five crore or more during any financial year shall constitute a Corporate Social Responsibility Committee of the Board consisting of three or more directors, out of which at least one director shall be an independent director. Learned Additional Advocate General has cited the minutes of the meeting conducted by the District Collector, Ajmer on 10.07.2019, wherein the representatives of Companies, namely, R.K. Marble, Shree Cement, Hindustan Zinc Limited and GAIL India Limited, participated. He submits that appropriate directions may be issued for having such a mechanism in the entire State requiring the big industrial houses covered by the aforesaid provisions of Section 135 of the Companies Act, 2013 to engage in the work of plantation of trees but also their protection till they grow independent. We direct the Chief Secretary of the State of

Rajasthan to have this matter examined in consultation with the Nodal Officer Mr. Rohit Kumar Singh.

The compliance report shall also indicate as to how many trees during past five years have been planted by the mining lease holders as per the conditions incorporated therein in newly granted lease and what is the mechanism is adopted to protect such trees and what is their survival rate.

The Nodal Officer shall also appear in the Court on the next date to apprise the progress of the matter.

List on 02.09.2019.

(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),J

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