

ITEM NO.5

COURT NO.11

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 108 OF 2013

NARESH KADYAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for directions, permission to file lengthy list of dates, exemption from filing Official Translation and impleadment)

Date: 09/05/2014

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. Pankaj Kumar Singh, Adv.
Mr. Aniruddha P. Mayee, Adv.

For Impleader (s)

Mr. Bharat Sood, Adv.
Mr. S.R. Soren, Adv.
Mr. Rajesh Singh, Adv.

For Respondent(s)

Ms. Ruchi Kohli, Adv.

For HSL

Mr. Sushil Kumar Jain, Sr. Adv.
Mr. Puneet Jain, Adv.
Mr. C.S. Katara, Adv.
Ms. Pratibha Jain, Adv.

Mr. Rajesh Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

The Government of Rajasthan had called for a Report sometime in the year 2010 regarding the illegal possession taken over by the Private Salt

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Manufacturers' on the land leased to the M/s. Sambhar Salt Limited [a joint venture Company of Government of India and Government of Rajasthan

holding 60-40 equity] - respondent No. 3 herein.

Mr. Vinod Kapur, an IAS officer, submitted a Report after examining the issues making various suggestions, one of the reads as follows:

"After demarcation of Sambhar lake, deep trenches all around the land of Sambhar Salt Ltd. be dug (hard soil digging) (wherever be necessary) so that there may not be illegal tapping of water from the lake area in future nor will be there any kind of encroachment and illegal tapping of water being done at present by the private salt manufacturers by digging bore wells or somebody has committed encroachment over the land of Sambhar Salt Limited, all those will get automatically removed because whichever pipelines will come out at the time of digging trenches can be broken and removed and in future nobody can jump the trench and install underground pipelines and even the incoming of water will be intact in the Sambhar Lake. Even this fact is worth mentioning at this place that keeping in mind that there may not be any adverse effect on the incoming of water into the Sambhar Lake, wherever there is possibility of encroachment or of illegal tapping, at those places trenches be dug on priority basis."

It appears that so far these suggestions have not been acted upon by the State. The basic grievance in the writ petition is that in view of the laxity on the part of the Government there is a considerable degradation in the status of the lake having its own adverse impact on the environment and

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ecology.

Counter affidavit on behalf of respondent Nos. 5 to 10 and 12-15 sworn by one Shri Satyavir Yadav, Sub-Divisional Officer at Nara District Nagaur, Rajasthan states that digging of trench as suggested by Shri Kapur's Report is not feasible, as stated in para 9 of the counter affidavit, which reads as under:-

"That the Government of Rajasthan

appointed an enquiry officer Sh. Vinod Kapoor IAS to look into the matter who gave same recommendations in his Report and the recommendations is being implemented on the part of Government of Rajasthan regarding demarcation of the Lake area but digging trench near Lake area is not feasible and will curb free movement of cattle grazing around in surroundings of villages Nagaur and Ajmer Districts, the SSL is not ready to bear expenditures to erect police posts."

In the circumstances, we deem it appropriate to call upon the Chief Secretary, State of Rajasthan to take a clear stand as to whether the State of Rajasthan has accepted the Report of Shri Vinod Kapoor, IAS referred to earlier. If for any reason, the State of Rajasthan has not accepted the Report, the Chief Secretary, Rajasthan is required to file an affidavit for the State of Rajasthan indicating the reasons therein for its non-acceptance.

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List this matter in the first week of July, 2014 along with the applications for impleadment filed by the Private Salt Producers.

[KALYANI GUPTA]
COURT MASTER

[RENUKA SADANA]
COURT MASTER