

ITEM NO.309

COURT NO.12

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19628-19629/2009

(From the judgment and order dated 15/05/2009 in CWP No.20134/2004 and CWP No.4758/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

DEEPAK KUMAR ETC.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.ETC.

Respondent(s)

(For modification of Court's order dated 27.2.2012 in IA Nos. 12-13 filed by Mr. Irshad Ahmad, Advocate and for impleadment as party respondent filed by Mr. Sushil Kumar Jain, Advocate and modification/clarification of Court's order dated 27.2. 2012 and directions and for impleadment as party respondent by Ms. Pratibhya Jain, Advocate and modification/clarification of Court's order dated 27.2. 2012 and directions and office report)

WITH
SLP(C) NO. 21833 of 2009
[LAIQUE AHMED KHAN V. STATE OF HARYANA & ORS.]
(With office report)

SLP(C) NO. 729-731 of 2011
[UNION OF INDIA V. VIJAY BVANSAL & ORS.]
(With application for exemption from filing certified copy of the impugned judgment and office report)

SLP(C)... CC 16157/2011
[SANDEEP SINGH SANGWAN V. STATE OF HARYANA & ORS.]
(With application for permission to file SLP, with prayer for interim relief and office report)

SLP(C)...CC 18235/2011
[STATE OF HARYANA & ORS. V. SANDEEP SANGWAN & ORS.]
(With application for condonation of delay in filing SLP and office report)

Date: 16/04/2012

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
SLP(C) Nos. 19628-19629 of 2009

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)
in SLP 19628-29

Mr. Sarvesh Singh, Adv.
Mr. A. Venayagam Balan, Adv.

In SLP 21833

Mr. Jitendra Mohan Sharma, Adv.
Mr. Vibhor Vardhan, Adv.

	Mr. Sandeep Singh, Adv.
	Mr. Sameer Singh, Adv.
	Mr. Niten Singh, Adv.
In SLP 729-731	Mr. Radha Shyam Jena, Adv.
In CC 16157	Mr. Tapesh Kumar Singh, Adv.
In CC 18235	Mr. Devashish Bharuka, Adv.
For Applicant (s) For Jaipur Metro Rail Corpn.	Mr. Goolam E. Vahanvati, AG. Ms. Anuradha Soni, Adv. Mr. Sushil Kumar Jain, Adv.
For Jaipur Development Authority	Dr. Rajiv Dhavan, Sr. Adv. Mr. Puneet Jain, Adv. Ms. Rachita Rai, Adv. Ms. Pratibha Jain, Adv.
For State of Rajasthan	Mr. Soli J. Sorabjee, Sr. Adv. Dr. Manish Singhvi, AAG. Mr. Irshad Ahmad, Adv.
In IA 70-71 & 72-73	Mr. Naveen kumar singh, Adv. Mr. Dharmendra Kumar Sinha, Adv. Mr. B.S. Banthia, Adv.
For Respondent(s) UOI	Mr. Mohan Jain, ASG. Mr. D.K. Thakur, Adv. Mr. Prabhat Kumar, Adv. Mr. J.K. Misra, Adv. Mr. B.V. Balaram Das, Adv. Mr. Shreekant N. Terdal, Adv.
For State of Haryana	Mr. Manjit Singh, AAG. Mr. Shivendra Dwivedi, Adv. Mr. Kamal Mohan Gupta, Adv.
in SLP 19628-29 SLP(C) Nos. 19628-19629 of 2009	Mr. Shish Pal Laler, Adv.

Mr. N.P. Midha, Adv.
Mr. Balbir Singh Gupta, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Shree Pal Singh, Adv.
Mr. R.P. Singh, Adv.

Mr. Devashish Bharuka, Adv.

Mr. Shish Pal Laler, Adv.
Mr. N.P. Midha, Adv.
Mr. Balbir Singh Gupta, Adv.

Mr. Shree Pal Singh, Adv.
Mr. Devasish Bharuka, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Tapesb Kumar Singh, Adv.

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

Heard learned Attorney General who appeared for the applicants and also the learned counsel appearing for the Ministry of Environment & Forests.

We have made it clear in our judgment at paragraph 19 that leases of minor mineral including their renewal of an area less than five hectares can be granted by the States/Union Territories only after getting environmental clearance from the Ministry of Environment and Forests. Hence no clarification or modification of order dated 27th February, 2012 is warranted.

All the same, liberty is granted to the applicants
SLP(C) Nos. 19628-19629 of 2009

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and before us to approach the Ministry of Environment Forests for permission to carry on mining below five hectares and in the event of which Ministry will dispose of all the applications within ten days from the date of receipt of the applications in accordance with law.

IA Nos. 70-71 & 72-73

Alwar Applications are disposed of with liberty to the applicants to approach the District Collector, within a period of one week if the applicants are legally conducting units. Appropriate authority will consider that application within one month from the date of receipt of such application in accordance with law.

ocate Mr. Manjit Singh, learned Additional Adv

the General for the State of Haryana submits that
the Government is taking steps to close down all

illegally set up units and he would like to file an

Action Taken Report.

Let it be done within two weeks.

Post the matters relating to the State of Haryana
on 30th April, 2012.

[KALYANI GUPTA]
COURT MASTER

[RENUKA SADANA]
COURT MASTER