

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).9023-9024/2011

(From the judgement and order dated 11/02/2010 in WP No.613/2008 dated 27/08/2010 in WP No.613/2008 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

DALBIR SINGH SHISODIA Petitioner(s)

VERSUS

AJAY SINGH RAWAT & ORS. Respondent(s)

(With appln(s) for permission to file additional documents,exemption from filing O.T. and prayer for interim relief and office report)

Date: 13/12/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. N.S. Gahlot, Adv.
Mr. Sahdev Singh, Adv. for
Mr. Raj Singh Rana,Adv.

For Respondent(s) Mr. S.P. Singh, Sr. Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. M.P. Gupta, Adv. for
Mr. Shreekant N. Terdal ,Adv

Mr. Jatinder Kumar Bhatia,Adv.
Mr. Mukesh Verma, Adv.

Mr. Abhishek Atrey ,Adv
Ms. Babita Tyagi, Adv.
Mr. A. Shandilya, Adv.

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

We have heard Mr. N.S. Gahlot, learned counsel for the petitioner.

2. We have carefully read the impugned order dated 11.2.2010. We do not find anything adverse specifically against the petitioner in the impugned order. While disposing of the writ petition filed by the respondent No.1 herein before the High court which was in the nature of public interest litigation, the High Court made the following general observations:

"In view of the above, while disposing of the instant writ petition as having been rendered infructuous, we are persuaded to record our observations on the basis of the photographs collectively appended to this petition as Annexure-5 and Annexure-10. The photographs depict abuse of the lease granted by the State Government to parties

authorised to mine of minor minerals. In the circumstances, therefore, we consider it just and appropriate, to caution the State Government to be vigilant at the time of grant of lease for minor minerals in future, and to verify the antecedents of the person(s) granted such lease, and also to keep vigil over activities of the person(s) granted such lease. Such a lease should ordinarily be an exception inasmuch as lease for minor minerals in a situation as the one governed by the controversy brought before this Court through the instant Public Interest Litigation reveals that the same has a far reaching effect on environment. In spite of the disposal of the present petition, we wish to express the Court's gratitude to the petitioner who has brought the instant cause to light. In case any such activity comes to the notice of the petitioner hereinafter, it will be open to the petitioner to espouse the same cause before this Court."

3. We do not think that the above observations furnish any cause of action to the petitioner to challenge the impugned order.
4. Special leave petition is, accordingly, dismissed.

| (Pardeep Kumar)
| AR-cum-PS

| | (Sneh Lata Sharma)
| | Court Master

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