

**W.P. No.18183/2014 (PIL) & CONC No.843/2015**

**04.01.2016**

**W.P. No.18183/2014 (PIL):**

Ms. Medha Patkar – petitioner appears in person.

Shri Arpan J. Pawar, Advocate for the respondent Nos.1 and 2.

Shri Samdarshi Tiwari, Dy. Advocate General for the respondent Nos.6 to 9.

Shri Aditya Khandekar, Advocate for the intervenor – M.P. State Mining Corporation.

Shri Amit Nagpal, Advocate for the M.P. Pollution Control Board.

The order passed on 21.07.2015 makes it amply clear that only the first issue will proceed before this Court in the present writ petition, namely, grant of lease by the State Government and its Authorities in respect of the land which is already vested now in the Narmada Valley Development Authority and whether it is open to permit mining activity in that area which is vested in the Authority.

The second issue regarding mining activity has already been kept open to be proceeded before the National Green Tribunal.

In the context of the first issue, which will have to proceed in the present writ petition, the grievance in the contempt petition, filed in subsequent point of time, is about the non-disclosure of relevant information by the State Authorities. The stand taken by the State Authorities is manifest from the response already placed on record on 11.05.2015. Whether that stand is incorrect or misleading, will have to be considered at the final hearing of the writ petition. For which reason, even the contempt petition must proceed along with the writ petition.

The petitioner, however, apprehends that the State Authorities may permit illegal mining activity in the concerned area. As aforesaid, the issue regarding illegal mining activity is already pending with the National Green Tribunal, which, it is stated, has passed appropriate directions and is examining the same. As a result, it will be open to the petitioner to pursue relief in that behalf from the National Green Tribunal where the environmental issues are pending, if so advised.

Writ Petition to proceed for final hearing under category **PIL - Public Project(5)/Encroachment on Public Property(6)**.

The petitioner insists for clarifying that the interim

relief as granted by this Court in the present writ petition is continuing and not modified in any manner in terms of this order. We hold that the interim relief will operate with regard to the issue which is pending before this Court, in terms of this order.

The respondents are free to furnish further information, if any, before the main matter ripens for final hearing. The petitioner is free to write to the Secretary, Revenue Department, Government of Madhya Pradesh about the further information that may be necessary or relevant.

**I.A. No.7528/29015** – for impleading additional respondents.

Application is **allowed** in the interest of justice.

Shri Samdarshi Tiwari, Dy. Advocate General waives notice for the newly added respondents.

Amendment be carried out within one week from today.

**(A. M. Khanwilkar)**  
Chief Justice

**(K.K. Trivedi)**  
Judge