

WP-18183-2014

(MEDHA PATKAR Vs THE STATE OF MADHYA PRADESH)

06-05-2015

Ms. Medha Patkar, petitioner in person.

Shri A.J.Pawar, learned counsel for Respondent Nos.1 & 2.

Shri R.S.Siddiqui, learned counsel for Respondent No.3.

Shri Vikram Singh, learned counsel for Respondent No.4.

Shri Ashish Shroti, learned counsel for the Respondent No.5/Board.

Shri Swapnil Ganguly, learned Government Advocate for Respondent Nos.6 to 9.

Even though, an affidavit dated 24.4.2015 has been filed by the State Government as a compliance report to the directions issued on 26.3.2015, we find that the affidavit filed does not meet the requirement as was directed by this Court. This Court has specifically directed the Collector of the District concerned to file an affidavit in a tabular form indicating the names of lessees; the date on which the lease or permission was granted; the date on which the land, in respect of which lease has been granted vested in NVDA. In the affidavit filed, these information are not furnished.

That apart, the Madhya Pradesh Pollution Control Board has also not responded to the queries made on 26.3.2015. Shri Ashish Shroti, learned counsel appearing for the Board submits that he has only received instructions yesterday and he prays for sometime to seek

instructions.

Keeping in view the totality of the circumstances, we defer hearing of the matter till 12th of May, 2015 and direct the State Government or the Collector concerned to file the affidavit strictly in accordance with the directions issued on 26.3.2015 and the counsel for the Pollution Control Board also to comply with the directions issued on 26.3.2015.

As the respondents have not complied with the directions issued on 26.3.2015, inspite of time being granted on 7.4.2015 and again on 22.4.2015, in view of the prima-facie assessment made on 26.3.2015, till the next date, all mining activities in the submerged area shall remain stayed.

Shri Vikram Singh, learned counsel appearing for the Ministry of Environment and Forests, Government of India is also directed to seek instructions and comply with the directions issued on 26.3.2015.

List the matter on **12th of May, 2015.**

C.C. today.

(RAJENDRA MENON)
JUDGE

(MOOL CHAND GARG)
JUDGE