

T. N. GODAVARMAN THIRUMULPAD

v.

UNION OF INDIA & ORS

(Supreme Court Of India)

HON'BLE MR. JUSTICE K. G. BALAKRISHNAN CJI HON'BLE MR. JUSTICE S. H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

T. N. GODAVARMAN THIRUMULPAD v. UNION OF INDIA & ORS

Interlocutory Application No. 828 With 833, 834-835, 837-838, 846-847,893-894, 901-902, 903, 904,
1310-1310A In Interlocutory Application No. 833 In Interlocutory Application No. 828, 1329, 1330,
1331-1332, 1450-1452 In 1310, 2086 In 1329-1330 In 1310, 2447,2602, 2758-2759 In W.P.(C) No.
202/1995 | 19-02-2010

In the State of Rajasthan the Aravalli Hills spread over an area of 50,000 Kilometers in 15 districts. A large number of mining leases have been granted in this area. Some of these leases had been granted prior to 16.12.2002. It is alleged that 51 mines are still carrying mining operations and applications for renewal of about 157 mining leases are pending with the Authorities. It is further alleged that wanton mining activities at a very large scale for many years have led to ecological imbalance and several parts of the Aravalli Hill range are destroyed. There was initially a proposal by the State of Rajasthan itself to have a satellite imagery using the State Remote Sensing Centre at Jodhpur.

Learned amicus curiae pointed out that according to the deemed definition given by the State of Rajasthan only peaks/parts of hills that are 100 mts. above the ground level are to be treated as "Aravalli Hills" and the slopes/peaks that are below that point (100 mts. from ground level) are not to be treated as 'Aravalli Hills'.

It was suggested that Forest Survey of India can carry out the satellite imagery in co-operation with the CEC and the State of Rajasthan. As the satellite imagery would require expenses, we direct that funds be allotted for the purpose from the CAMPA fund. For the time being, the National CAMPA Advisory Council is directed to release a sum of Rupees Five crores to the Forest Survey of India out of the amount received by it pursuant to the order dated 10th July, 2009. The CEC and the State Government of Rajasthan will coordinate the whole work with the FSI. The satellite imagery shall be carried out of the entire hill range (Aravalli) in the State of Rajasthan and it shall not be confined to peaks/parts of hills above 100 mts. from the ground level.

A Report be submitted to this Court, with submission letter through the CEC within a period of four months.

Heard both sides.

There were about 261 mining leases in the Aravalli range in the State of Rajasthan. Some of the mining leases have been renewed after 16.12.2002, though it was not strictly permissible as per Order passed on that date. A large number of renewal applications are also pending with the authorities. Taking 9 advantage of the deeming provision of Rule 24A - 'Renewal of mining lease' of the Mines and Mineral (Development and Regulation) Rules, 1960 almost all the lease-holders are carrying on mining operations uninterruptedly. The renewal applications are pending for a long time and in many cases for several years. Rule 24A apparently does not envisage this kind of situation. We, accordingly, restrain all those lease-holders whose applications for renewal of their respective leases are pending from doing any mining operation till further orders.

I.A.NO.941 in I.A.NO.754-755 WITH I.A.NO.777, 1131-1133, 1138-1146, 1148, 1184, 1272, 1361, 1579-1580, 2714-2715 in W.P.(C)No.202/1995 WITH W.P.(C) NO.356/2007 AND I.A.NOs.2440-2441, 2443-2444, 2261-2263, 2258-2260, 2450-2452, 2453- 2454, 2455-2457 in 1399 WITH 2462-2464 WITH 2244 ALONGWITH 2512-2521 WITH 2544-2545, 2572-2573, 2548-2549, 2065, 2114-2115, 2481-2482, 2489, 2551-2552, 2553-2554, 2711, 2559-2560, 2561-2562, 2563-2564, 2565-2566, 2592-2593, 2750-2752, 2753-2754, 2755-2756, 2683-2685 & 2779-2780 in W.P.(C)No.202/1995 WITH W.P.(C) NO.117/2008 W.P.(C) NO.547/2008 W.P.(C) NO.43/2009 W.P.(C) NO.55/2009 W.P.(C) NO.284/2009 W.P.(C) NO.414/2009 W.P.(C) NO.567/2009 W.P.(C) NO.568/2009 W.P.(C) NO.574/2009 W.P.(C) NO.575/2009 W.P.(C) NO.576/2009 W.P.(C) NO.578/2009 W.P.(C) NO.4/2010 AND I.A.NOS.2622-2624 in W.P.(C)No.202/1995 AND I.A.NO.2626 and 2642 in W.P.(C)No.202/1995 AND I.A.NO.2647, 2687-2688, 2689-2690, 2696-2697, 2703-2704, 2709 & 2718 in W.P.(C)No.202/1995 AND SLP(C) Nos. 19628-19629/2009

List the above matters on 19.03.2010.

No matters be posted on 26.2.2010 before the Forest Bench.