

ITEM NO.101

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No(s).381/1997

HARADHAN ROY (DEAD)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

T.C.(C) No.5/2003 (XVI-A)
(With appln. for early hearing)

T.C.(C) No. 18/2003 (XVI-A)

T.C.(C) No. 19/2003 (XVI-A)

T.C.(C) No. 56/2004 (XVI-A)

T.C.(C) No. 34/2007 (XVI-A)

W.P.(C) No. 112/2012 (PIL-W)

C.A. No. 7437/2018 (XVII)

(With appln for permission to file additional documents/facts/
annexures)

[PAPER BOOKS OF WP(C)NO.381/1997 IS TO BE PLACED WITH THIS MATTER]

Date : 09-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

Mr. Gaurav Agrawal, Adv.(A.C.)

For Petitioner(s)

Ms. Anitha Shenoy, Sr. Adv.
Ms. K.V. Bharathi Upadhyaya, AOR

Mr. L.C. Agrawala, AOR

Mr. Anip Sachthey, AOR
Mr. V.K. Biju, Adv.
Ms. Anjali Chauhan, Adv.
Ms. Ria Sachthey, Adv.

Mr. S.K. Verma, AOR
Mr. Gopal Singh, AOR

In-person

Mr. Dipak Bhattarchayya, Adv.
Mr. Anjani Kumar Mishra, AOR

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. Sanjay Jain, ASG
Mr. Ajit K. Sinha, Sr. Adv.
Mr. D.L. Chidanand, Adv.
Mr. B.V. Balram Das, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Raj Bahadur, Adv.
Ms. Sunita Sharma, Adv.
Ms. Suhasini Sen, Adv.
Mrs. Anil Katiyar, AOR
Ms. Rukmini Bobde, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Tejaswi Kumar Pradhan, AOR
Mr. Satyabrata Panda, Adv.
Mr. Manoranjan Paikaray, Adv.
Mr. Aniruddha Purushotham, Adv.

State of Jharkhand

Mr. Tapeshe Kumar Singh, AOR
Mr. Aditya N. Das, Adv.
Mr. Aditya Pratap Singh, Adv.
Mr. Ratan Kumar Choudhuri, AOR
Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, AOR

State of T.N.

Mr. M. Yogesh Kanna, AOR
Mr. S. Partha Sarathi, adv.
Mr. S. Raja Rajeshwaran, Adv.

CPCB

Mr. Avijit Roy, AOR

Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Choudhury, Adv.

Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.
Ms. Ayiala Imti, Adv.

Mr. Vijay Pratap Singh, Adv.
Mr. Sanjeev Prakash Upadhyay, Adv.
Mr. Jayesh K. Unnikrishnan, AOR

Mr. Rajul Shrivastav, Adv.
 Mr. Mohit D. Ram, AOR
 Ms. Monisha Handa, Adv.

Mr. Shivaji M. Jadhav, Adv.
 Mr. Nicholas Choudhury, Adv.
 Mr. Aditya P. Khanna, Adv.
 Mr. Brij Kishor Shah, Adv.
 Ms. Qurratulain, Adv.
 for M/s. S.M. Jadhav & Co., AOR

Mr. Dhananjay Baijal, Adv.
 Mr. T.V.S. Raghavendra Sreyas, AOR
 Ms. Gayatri Gulati Sreyas, Adv.

Ms. Yogmaya Agnihotri, Adv.
 Mr. Rohit K. Singh, AOR

Ms. Radha Rangaswamy, AOR
 Mr. Anil K. Jha, AOR
 Mr. Ashok Mathur, AOR
 Mr. Manish Kumar Saran, AOR
 Mr. Ashwarya Sinha, AOR
 Mr. Ashwani Bhardwaj, AOR

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

We have heard learned counsel for the parties as well as Mr. Gaurav Agrawal, learned Amicus Curiae.

Having regard to the prayers made and in the relevant facts and circumstances of the case which have been set out in the writ petition filed, we are of the view that though several issues arise for consideration of the Court, the first priority should be accorded to the rehabilitation of affected families or families likely to be affected by the ongoing underground fires and subsidence.

The lis of the matter has been pending over 20 years now and though several affidavits have been exchanged, the net result with regard to the ground realities are conspicuously absent or lacking in clarity. In these circumstances, we are of the view that a request should be made to the learned Amicus Curiae to spare some time and go to the concerned places to have a first-hand knowledge of

the position on the ground with regard to the rehabilitation of the affected families or the families likely to be affected. The learned Amicus Curiae has responded positively to the aforesaid suggestions of the Court and has agreed to go to the spot/spots and submit a report within four weeks.

While the learned Amicus Curiae will be free to examine all relevant aspects of the matter, he is requested to primarily concentrate on the number of families that are affected/are likely to be affected and the total number of persons who require rehabilitation. This will be in respect of the areas covered by both BCCL and ECL. Once the aforesaid figures are known and ascertained, the next task will be to ascertain the number of dwelling units that have been constructed. Thereafter, the balance requirement of houses and availability of land will be assessed. Thereafter, the availability of finance and the approximate quantum thereof will also be assessed and laid before the Court.

The learned Amicus Curiae is requested to submit a report in the light of the above, within four weeks from today. We direct all concerned in the Government of India, the Director General of Mines, the BCCL, the ECL, the States of West Bengal and Jharkhand, as well as the Jharia Rehabilitation and Development Authority, Asansole Durgapur Development Authority, to offer all assistance to the learned Amicus Curiae to enable him to complete the task assigned by this court in a satisfactory manner. We also direct the BCCL and ECL to forthwith make available a sum of Rs.3 Lakhs (Rupees Three Lakhs) to the learned Amicus Curiae to enable him to meet immediate and incidental expenses.

List the matter again, along with the report of the learned Amicus Curiae, on 14th August, 2019.

The other aspects of case, i.e, housing and controlling of the underground fires in the mines, diversion of roads, railway-lines and such other issues will be taken up once the report of learned Amicus Curiae on the subject indicated above is received in August.

(Anand Prakash)
Branch Officer

(Sarita Purohit)
AR-cum-PS