

Indian Minerals Mining Co. vs State Of U.P. And Ors. on 23 August, 1984

Equivalent citations: 1984(2)SCALE230, 1984SUPP(1)SCC709, 1984(SUPP)SCC709, 1985(17)UJ93(SC), AIRONLINE 1984 SC 7, (1984) 10 ALL LR 684 (2002) 2 RAJ CRI C 743, (2002) 2 RAJ CRI C 743

Bench: Amarendra Nath Sen, P.N. Bhagwati, Ranganath Misra

ORDER

1. Indian Minerals Mining Co., which holds a mining lease for marble and limestone within the Mussorie belt of the Dehradun District from the U.P. Government has applied to this Court for permission to remove and appropriate the minerals already excavated Order dated August 23, 1984 in Civil Misc. Petition No. 312 of 1984 in Writ Petition No. 8209 of 1983. by it from the leasehold area. The Committee appointed by this Court by order dated January 5, 1984, has reported that in this mine operations have been stopped with effect from August 20, 1983, on the orders of this Court and at the site of the mine 178.35 metric tonne of marble and 42 metric tonne of limestone were lying on January 31, 1984 when the Committee inspected the mine. When quarrying was prohibited, restriction was also imposed on transport of the minerals. The losses has applied for permission for removal of the stock faced at the site on the ground that long storage would adversely affect the material to its prejudice and keeping watch on the 1 stock involves heavy financial burden.

2. Mr. Ramamurthi for the petitioner and Mr. Sibal for the State of U.P. have opposed the application. Mr. Ramamurthi's objection is based on the remakes of the Committee to the following effect :

It appeared to the Committee that some recent excavations had 1 taken place which had led to the accumulation of additional material and relying on this, he contended that the lessee should not be allowed to remove and appropriate materials excavated in violation of the Court's order. He maintained that an application for action for 2 contempt has been filed. That application, if already made, has to be disposed of on its merit. We are of the view that the removal of the material excavated should not be detained on that score. Mr. Sibal objected to removal of the stock of marble on the plea that there was no lease in respect of marble. Mr. Lekhi for the lessee has produced a 2 copy of the lease deed of the year 1980 which covers marble also. The objection on behalf of the State of U.P. has therefore no force.

3. Even if removal and appropriation of the materials to the extent indicated above is to be permitted, we are of the view that it must be strictly regulated and it has to be ensured that under the pretext of 3 removal of the stock further mining is not done. With a view to ensuring that the removal is limited to the quantities specified by the Committee and that no further mining or excavation is done by the lessee, we appoint a Committee consisting of the Director of Geology

(Mines) posted at Dehradun and the Additional District Magistrate 3 of Dehradun. This Committee shall ensure strict compliance of our direction in the matter of removal of the stock referred to above. The entire operation has to be completed within 15 days commencing from August 27, 1984. The lessee shall intimate to the Director of Geology (Mines) on behalf of the Committee its programme of removal 4 and the operation shall be carried out under the control and supervision of the Committee. The loading of the trucks shall take place in the presence of a representative of the committee not below the rank of the Deputy Director of Geology (Mines) and a register shall be caused to be maintained by the Committee in which shall be entered 4 the numbers of the trucks and the quantity of material removed by each truck. The necessary police assistance shall be afforded by the Superintendent of police, Dehradun, as and when requisitioned.

4. A report shall be furnished to this Court by the Committee within one week of completion of the operation. Copies of this order shall 5 be forwarded immediately by the Registry to the Director of Geology (Mines), the Additional District Magistrate and the Superintendent of Police and copies shall also be supplied to Mr. Lekhi for the lessee, Mr. Ramamurthi for the petitioner and Mr. Sibal for the State of U.P.