

Writ Petition (PIL) No.5989/2012

(Badrilal s/o Bapu Singh Dayma & others v. The State of MP & others)

31.10.2012

Shri S.P. Vakte, learned counsel for the petitioners.

Shri Manoj Dwivedi, learned Additional Advocate General and Ms. Mini Ravindran, learned Deputy Government Advocate for the respondents.

Writ Petition (PIL) No.5113/2012

(Dr. Sunilam (Sunil Mishra) v. The State of MP & others)

Shri L.R. Bhatnagar, learned counsel for the petitioner.

Shri Manoj Dwivedi, learned Additional Advocate General and Ms. Mini Ravindran, learned Deputy Government Advocate for the respondents.

ORDER

This order shall govern the disposal of Writ Petition No.9589/2012 and Writ Petition No.5113/2012. For the sake of convenience, the facts are taken from Writ Petition No.5989/2012.

In this petition, which has been filed as Pro Bono Publico, the grievance of the petitioners' is that the State Government has undertaken to construct a Dam namely Sevarkhedi Medium Jalashay Project. According to the petitioners, the site of the Dam is changed so as to give undue benefit to certain land owners. It is also the grievance of the petitioners that geological

survey and scientific research of soil etc. was done at a different site whereas the construction is being now proposed to a place away from the initial site where no such survey or research was conducted. The shifting of Dam site is only to give benefit to certain land owners. It is also the case of the petitioners that no environmental clearance certificate has been obtained from the Central Government, which is necessary before proceeding for construction of the major dam and taking further steps towards it.

The aforesaid grounds raised by the petitioners have been denied by the respondents in their reply.

Rejoinder and reply to rejoinder was also filed by the parties.

During the course of hearing, the petitioners have also alleged that the dam is not a medium project, as has been stated by the respondents, but in fact, it is a major dam project, which requires environmental clearance by the Central Government, in view of the notification issued by the Central Government (Annexure P/13).

Today, when the matter came up for hearing, on the basis of broad consensus arrived at between the parties, we are

inclined to dispose of this petition giving liberty to the petitioners to submit a detail representation with supporting documents before the Principal Secretary, Government of Madhya Pradesh, Water Resources Department, Bhopal on or before 08.11.2012.

The petitioners shall appear before the first respondent – Principal Secretary on **08.11.2012**. The Principal Secretary shall give an opportunity of hearing to the petitioners on that date or any other date, as may be fixed, and shall pass appropriate speaking orders taking into consideration all the grievances as may be raised by the petitioners in their representations.

Let the decision, as aforesaid, be taken by the first respondent as expeditiously as possible preferably on or before 31st December, 2012.

With the aforesaid observations and directions, both the petitions stand disposed of.

C. c. by tomorrow.

(Shantanu Kemkar)
Judge

(Prakash Shrivastava)
Judge