

IN THE HIGH COURT OF SRINAGAR & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) PIL No. 18/2020

Nazir Ahmad Pandit and Ors

...Petitioner(s)/appellant(s)

Through: None

Vs.

Union of India and Ors

...Respondent(s)

Through: Mr. T.M. Shamsi, DSGI., with
Ms. Rehana Qayoom, Advocate, R-1.
Mr. Irshad Ahmad, Advocate, R- 2 and 7.
None for other respondents.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

15.04.2024

1. No one appears on behalf of the petitioners.
2. Be that as it may, considering that it is a Public Interest Litigation (PIL), we have heard learned counsel for the respondents and also perused the materials on record.
3. The reliefs claimed in this Public Interest Litigation (PIL) are as follows: -
 - a. Issue writ of Mandamus, commanding respondents No. 1, 2, 4, 5, 6, 7 and 9 to submit status report before this Hon'ble Court regarding pollution of the Bonar Nallah at Chandagee by dumping construction material and other refuse on the embankments in order to prevent Bonar Nallah from any sort of pollutants/pollution.
 - b. Issue writ of Mandamus, commanding respondents No. 1, 2, 4, 5, 7 and 9 to suitably compensate the residents of the project affected area whose residential houses got damaged due to blasting while constructing KGHP Project.
 - c. Issue writ of Mandamus, commanding respondents No. 1, 2, 4, 5, 7 and 9 to engage the uneducated youth of the project

affected area [Non land occupied] as they have been rendered without any source of livelihood. At the same time respondents No. 1, 2 and 7 be directed to produce all the records before this Hon'ble Court pertaining to the employment/engagement of work force.

- d. Issue writ of Mandamus, commanding respondents No. 1, 2, 3, 4, 5, 7 and 9 to implement their recommendations of the committee formulated to address grievances of the inhabitants of village residing in vicinity of KGHP Project dated 16.12.2015.*
- e. Issue writ of Mandamus, to identify the place where all the dumping material and other refuse cannot be dumped which will not be any way hazardous to the environment and ecology of the area, as the present practice of the dumping material and other refuse on embankments of the Bonar Nallah causes environmental and ecological imbalance.*
- f. Issue writ of Mandamus, commanding respondent No. 1, 2, 4, 5, 7 and 9 to submit forth with stop the operation of stone crusher, which is operating in brazen contravention of air and water pollution norms thereby polluting the environment.*
- g. Issue writ of Mandamus, commanding respondent No. 1, 2, 4, 5, 7 and 9 to submit a detailed account as to the funds which were required to be utilized for over all developed of district as a result of construct KGHP.*
- h. Issue writ of Mandamus, directing respondents 1, 2, 4, 5, 7 and 9 regarding preventive and remedial measures to be taken on war footing so that, project affected area may regain its unsoiled beauty.*

4. The contesting respondents, specifically respondent No. 2 - Chairman & Managing Director, NHPC and respondent No. 7 - General Manager, NHPC, who have been assigned the task of construction of Kishan Ganga, Hydroelectric Project (KGHP), have asserted that the project has been executed with utmost adherence to environmental safeguards and without causing any detrimental impact.

5. In this regard, they have filled an affidavit on 14.04.2022, emphasizing the comprehensive measures taken by the executing agency to ensure the safety of the surrounding environment. Moreover, it is highlighted that on 29.08.2018, M/s HCC deposited Rs. 34,29,900/- as compensation for the damages caused to the structures in villages of Mantrigram. It has been emphasized further in the report that environmental laws have been strictly adhered to, as the Multi-Disciplinary Monitoring Committee on environmental aspect of Kishan Ganga Hydroelectric Project had visited the project sites several times and affirmed that the environmental laws are being complied with.

6. Under the circumstances and in the absence of any specific denial or material indicating a breach of environmental safeguards, we do not deem it necessary to continue with this PIL and accordingly, the same is closed.

7. However, we also make it clear that respondent No. 6, will undertake necessary steps in accordance with the law to ensure that no environmental damage has occurred, and if any damage has occurred, the relevant authorities will take appropriate steps/actions as required by law.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

SRINAGAR
15.04.2024
Junaid