

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>13.06.2023</u>		<p>WPPIL No. 225 of 2021</p> <p><u>Hon'ble Vipin Sanghi, C.J.</u> <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Rakshit Joshi, learned counsel for the petitioner. 2. Mr. B.S. Parihar, learned Standing Counsel with Mr. S.S. Chaudhary, learned Brief Holder for the State. 3. Mr. Rahul Consul and Mr. Vinay Garg, learned counsels for respondent MDDA. 4. Mr. Azmeen Sheikh, learned Standing Counsel for the Union of India. <p>5. On the last occasion, when the matter was heard, our attention has been drawn to the Notification dated 01.02.1989, issued by the Ministry of Environment and Forest, Government of India, in relation to restrictions on location of industries, mining operations and other development activities in the Doon Valley, in the erstwhile State of Uttar Pradesh.</p> <p>6. By the said Notification, the Central Government had imposed restrictions on the enumerated activities in Doon Valley. The enumerated activities were, firstly location, setting of industrial units; secondly Mining; thirdly tourism; fourthly grazing, and; lastly</p>

land use. It was left to the State Department of Tourism to prepare a Tourism Development Plan (TDP) with the approval of the Union Ministry of Environment and Forest. As aforesaid, the purpose of preparation of TDP was to impose restrictions, *inter alia*, in relation to the activity of tourism in the Doon Valley.

7. It has been over 34 years, since the issuance of the Notification dated 01.02.1989, but the tourism development plan has not been prepared by the State Tourism Department.

8. Today, written instructions have been tendered in Court by Mr. Parihar, according to which, the State has no plan of developing a Tourism Development Plan. This situation is completely unacceptable, as the failure on the part of the State Department for Tourism in preparing the TDP defeats the statutory Notification, issued by the Central Government under Section 3(2)(v) of the Environment (Protection) Act, 1986, and Rule 5(3)(d) of the Environment (Protection) Rules, 1986.

9. We direct the Secretary, Tourism, Government of Uttarakhand, to remain

present during the hearing of this petition, on the next date, either physically, or virtually.

10. An affidavit shall also be filed by the State explaining its inaction in preparing the TDP in terms of the Notification dated 01.02.1989, the purpose whereof, as aforesaid, was to place restrictions on tourism activity in the Doon Valley.

11. List the matter on 25.07.2023.

(Rakesh Thapliyal, J.)

13.06.2023

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(Vipin Sanghi, C.J.)

13.06.2023