

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

WRIT PETITION (PIL) NO. 113 OF 2021

14TH JULY, 2021

BETWEEN:

Sangram Singh & othersPetitioners.

And

Union of India & othersRespondents.

Counsel for the Petitioner : Mr. D.K. Joshi.

Counsel for the respondents : Mr. B.P.S. Mer, learned Brief Holder.

Mr. Rakesh Thapliyal, learned Assistant Solicitor General for the Union of India.

Mr. Aditya Pratap Singh, learned counsel for respondent no.6.

Dr. Kartikey Hari Gupta, learned counsel for respondent no.7.

The Court made the following:

JUDGMENT:(per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioners have filed this writ petition for seeking the following reliefs before this Court:-

"a. Direct the respondent No.1 (MoEF& CC) and respondent-State of Uttarahand to revoke the forest clearances and environmental clearances granted prior to February, 2021 to Rishi Ganga and Tapovan-

Vishnugad Hydro Projects since the old clearances have become redundant in the current post-flood scenario.

b. Direct cancellation the Tapovan-Vishnugad and Rishi Ganga Hydro Projects in view of future safety and stability of the terrain and direct respondent No.1 (MoEF& CC) and Ministry of Jalshakti to initiate ecological restoration of the entire watershed area of the Rishi Ganga sub-basin to ensure future stability of the terrain.

c. Direct NTPC and Rishi Ganga Hydro Power Ltd. to ensure compensation for the affected families who have lost one or more member of their family.

d. Direct the State of Uttarakhand to ensure secure and safe rehabilitation of the Raini village along with ecological restoration of the affected areas, the cost of rehabilitation and restoration works of the affected areas may be given by the hydro projects proponents.

e. Direct to fix an accountability of respondents for criminal negligence in continuing the unscientific and harmful construction and operation of hydro power projects in the disaster prone area and that too without any early warning system which caused loss of more than 200 lives. Directions to initiate legal proceedings against the culprits as per the law.

f. Direct the State of Uttarakhand to ban blasting, river-bed mining and stone crushing activities in the entire area of Rishi-Ganga and Dhauri Ganga sub-basin.

g. Direct the respondent No.1 (MoEF &CC) to blacklist NTPC and Rishi Ganga Hydro Project Ltd. from Hydro Power Sector for inflicting irreparable damage to

the local ecology through willful non-compliance and violations of the various environmental norms and recommendations of the Supreme Court expert body.”

2. Petitioner Nos.1, 2 and 3 claim to be the residents of Village Raini (Palla), District Chamoli, and Petitioner Nos.4 and 5 claim to be the residents of Joshimath, District Chamoli. They further claim to be “social activists”. However, there is no piece of evidence produced by these petitioners to establish the fact that they are “social activists”. They have neither mentioned if they had spearhead a social movement, or raised any social issue on any previous occasion, nor have they submitted any evidence to show that they are the part of a Non-Governmental Organization, or a Social Activist Organization. Yet, their prayers are that respondent No.1, the Union of India, Ministry of Environment, Forests & Climate Change, should be directed to revoke the forest clearances and environmental clearances granted prior to February, 2021 to Rishi Ganga and Tapovan-Vishnugarh Hydro Projects. Their other prayer is that the projects which are already under construction should be cancelled by this Court.

3. This petition seems to be a highly motivated petition which has been filed at the behest of an unknown person or entity. The unknown person or entity is merely using the petitioners as a front. Therefore, the petitioners are merely puppets at the hand of an unknown puppeteer.

4. Needless to say, this certainly amounts to abuse the PIL jurisdiction. Therefore, this Court is not convinced with the *bona fide* of this petition. Hence, this petition is dismissed, while imposing costs of Rs.10,000 on each of the petitioner. The petitioners are directed to deposit Rs.10,000/- each before the Registrar General of this Court within a period of two weeks. The said amount shall be transferred into the High Court Advocates' Welfare Fund.

(RAGHVENDRA SINGH CHAUHAN, C.J.)

(ALOK KUMAR VERMA, J.)

Dated: 14th July, 2021

NISHANT