

SL No. 04
12 MAY 2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 04/2025/EZ**



In the matter of;

Budhan Majhi & Ors.

....Applicant.

Versus

The Union of India & Ors.

....Respondents.

**Counter Affidavit on behalf of the Respondent No. 15,
Transdamodar Mining Private Limited.**

INDEX

SL. No.	PARTICULARS	ANNEXURE	PAGE
1.	Counter Affidavit of Respondent No. 15.	—	2-21
2.	Writ Petitions being Nos. WPA(P) 482 OF 2024 and WPA(P) 483 of 2024 without annexure.	R-1	22-144
3.	Order dated January 16, 2025 in Writ Petitions being Nos. WPA(P) 482 OF 2024 and WPA(P) 483 of 2024.	R-2	145-150
4.	Report of enquiry in Connection with the WPA(P) 81 of 2023 dated 20 th December, 2023.	R-3	151-153
5.	Necessary permissions (as available with the answering respondent) obtained for blasting beyond 100 meters from habitation.	R-4	154-157

Filed by:

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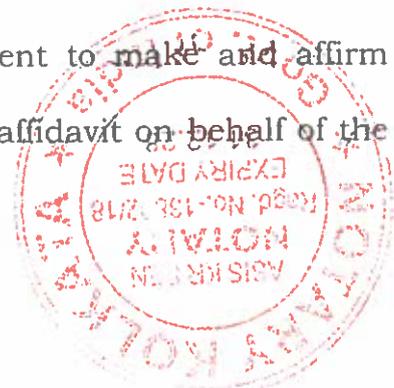
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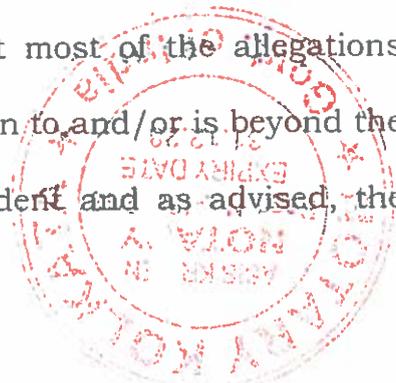
Counter Affidavit on behalf of the respondent no. 15, Transdamodar Mining Private Limited.

I, Anirban Das, son of Asim Kumar Das, aged about 40 years, by faith - Hindu, by Occupation - Service, residing at 126/1, Purba Sinthee Bye Lane, South Dum Dum (M), North 24 Parganas, West Bengal - 700 030, do hereby solemnly affirm and say as follows:-

1. I am the Authorized Signatory of the respondent no. 15 and as such the principal officer thereof. I am well acquainted with the facts and circumstances of the present case. I am duly authorized and/or otherwise competent to make and affirm and do hereby make and affirm this affidavit on behalf of the respondent no. 15.

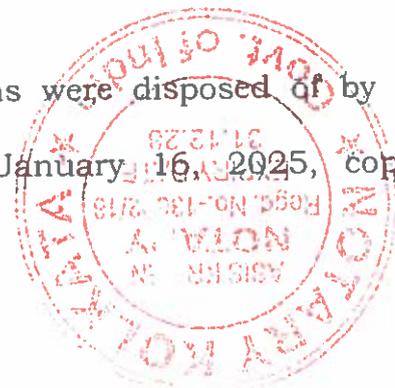


2. The respondent no. 15 has been impleaded as a party respondent in the present proceeding by this Hon'ble Tribunal vide its order dated March 3, 2025. Pursuant to such order, a copy of the petition was served upon the answering respondent. I have perused the said application and I have understood the meaning, contents and purports thereof.
3. The answering respondent i.e. the respondent no. 15 Transdamodar Mining Private Limited is engaged as the Mine Developer and Operator (hereinafter referred to as the "MDO") for The Durgapur Projects Limited (hereinafter referred to as the "DPL"), being the respondent no. 7 in the instant proceedings. The obligations of the answering respondent as the MDO are circumscribed by the Coal Mining Services Agreement entered into by and between the answering respondent and DPL. The answering respondent acts as an operator on behalf of DPL and undertakes all mining & allied activities as per the instruction, direction and overall supervision of DPL in accordance with the terms and conditions stipulated in the said agreement.
4. At the very outset, it is stated that most of the allegations made in the application do not pertain to, and/or is beyond the knowledge of the answering respondent and as advised, the



answering respondent refrains from dealing with such allegations without making any admission with regard thereto.

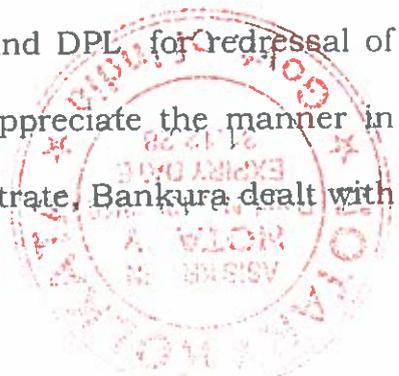
5. Before dealing with the allegations made in the application, the answering respondent states and contends as follows:-
 - a. The present application is not maintainable in law or in facts and is liable to be dismissed in limine with exemplary cost.
 - b. The present petition has been filed by the petitioners inter alia espousing the cause of the villages of Chunpora Village, P.O. and P.S. Barjora, District – Bankura – 722 202, who as per the applicants herein are seriously affected by the Air Environment and Land Pollution due to illegal unauthorized, haphazard and unplanned mining of the said area
 - c. The allegations made in the application is similar to the allegations made in two public interest litigations filed before the Hon'ble High Court at Calcutta, being WPA(P) 482 of 2024 and WPA (P) 483 of 2024. Copies of the writ petitions without Annexure are annexed hereto and collectively marked as Annexure - "R-1".
 - d. Both the aforesaid writ petitions were disposed of by a Judgement and Order dated January 16, 2025, copy



whereof is annexed hereto and marked as Annexure - "R-2".

- e. It is pertinent to mention here that the petitioner no. 1 herein along with others had filed a writ petition, being WPA(P) 81 of 2021 praying for identical reliefs, as prayed for in WPA (P) 482 of 2024 and WPA (P) 483 of 2024. The said writ petition was disposed of by an order dated October 16, 2023. The relevant portion of the order, as quoted in the order dated January 16th, 2025 is set out herein below:-

"1. This public interest litigation concerns the people of Chunpora village, who alleged that on account of illegal and unscientific way of mining activity done by the respondents, the entire population of that village are affected, houses are cracked and the entire area is inundated by water etc. In this regard, representations was submitted on 28,12,2015 to the District Magistrate, Bankura and we are surprised to find that the District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the petitioner to address the authority of WBMDTCL and DPL for redressal of their grievance. We do not appreciate the manner in which the then District Magistrate, Bankura dealt with



the report while issuing the reply dated 13.01.2016. In any event, by efflux of time several other changes would have taken place. Therefore, we direct the District Magistrate, Bankura to immediately send a team of his officers to the area in question and conduct a thorough inspection and such inspection shall be conducted in the presence of the authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.

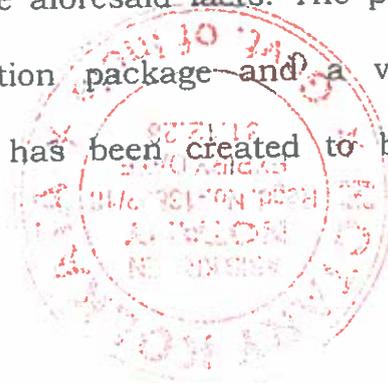
2. With the above observation and direction, this writ petition is disposed of”.

- f. In terms of the said direction, a report was filed dealing with various aspects including structural damages being caused due to blasting in the Mines by Transdamodar Coal Mine. A copy of the report dated December 20, 2023 is annexed hereto and marked as as Annexure - “R-3”.
- g. Some of the salient findings of the report are summarized below:-

- i. Structural response to blast induced ground vibration in the adjoining area of Chunpora Village

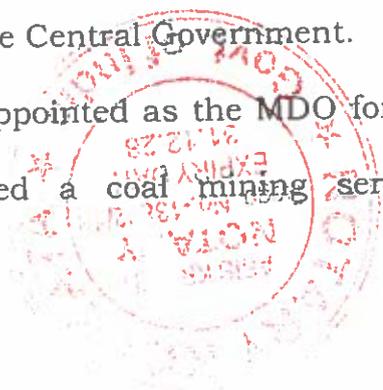


- was examined and it was found that the ground vibration at the adjoining area of Chunpora Village as inducted by blasting did not exceed vibration limits as standardized by the Directorate General of Mines Safety, Directorate of Mining Safety.
- ii. No discharge point of the mined-out water to the marshy land was found.
 - iii. The distance from the blasting zone to the nearest house of Chunpora Village is more than 100 meter as stipulated in clause 3 of the DGMS permissions and conditions.
 - iv. Blasting operations was carried out as per the design enumerated in DGMS permissions and conditions.
 - v. Technical parameters relating to ground vibration with regard to current statutory norms are found to be within permissible limit and there is not enough evidence to support that the blast induced ground vibration caused structural damages in Chunpora Village.
- h. The present application has been filed by the said Budhan Majhi suppressing all the aforesaid facts. The petition is mainly for a rehabilitation package and a veneer of environmental pollution has been created to bring the



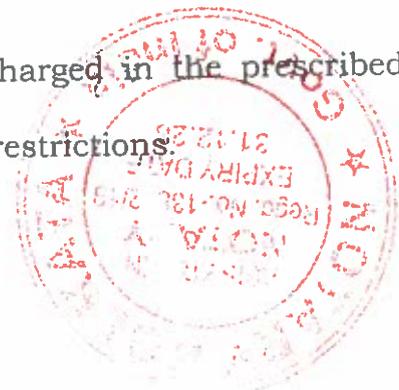
same within the purview of this Hon'ble Tribunal but upon lifting of the veil, it would appear that the present petition is not concerned with the environment and has been filed in an abuse of the process of the law and is a vexatious and speculative litigation.

- i. It is apparent that the allegations made in the application do not make out a case of environmental damage but the allegations ex-facie show that the application has not been filed within the period of limitation as prescribed Section 14 of the National Green Tribunal Act, 2010 (hereinafter referred to as "NGT Act").
 - j. The application is liable to be dismissed with exemplary costs.
6. The facts of the case are set out hereinbelow:-
- a. The Transdamodar Coal Mine located in the Barjora block was initially operated by the West Bengal Mineral Development and Trading Corporation but in view of the Judgment of the Hon'ble Supreme court dated 25.08.2014 and the promulgation of Coal Mines (Special Provisions) Act, 2015, the said mine was re-allocated to DPL in terms of an auction carried out by the Central Government.
 - b. The respondent no. 15 was appointed as the MDO for the mine by DPL, who executed a coal mining services

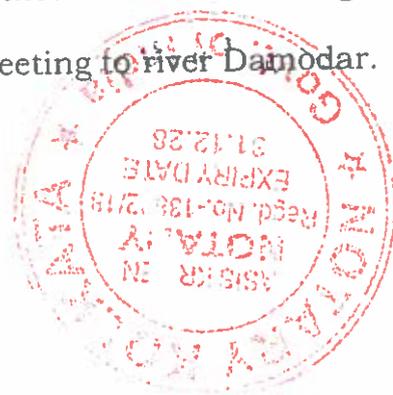


agreement on and from December 14, 2018. The answering respondent craves leave to refer to the said agreement at the time of hearing, if necessary.

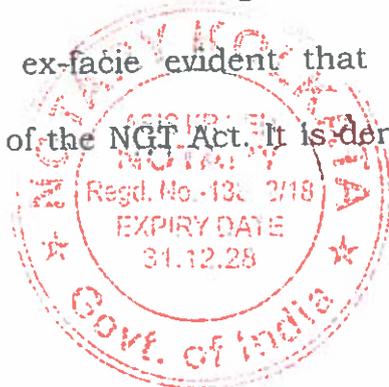
- c. DPL obtained all the necessary permissions and clearances including "Consent to Establish" and "Consent to Operate" from the West Bengal Pollution Control Board and the necessary clearance from the ministry of environment, Forest and Climate Change, Government of India, and also obtained mine opening permission from the appropriate authorities.
 - d. The mine is an open cast mines which requires blasting and for which necessary permissions were also obtained prior to mining.
 - e. Control Blasting Permission were also obtained for blasting beyond 100 meters from habitation. Such permission was given after trial blasting and examination of the reports thereof.
- Copies of the necessary permissions, as available with the answering respondent, are annexed hereto and collectively marked as Annexure - "R-4".
- f. The effluent water waste is discharged in the prescribed manner following the norms and restrictions



- g. The coal which is excavated at the mines are transport to the designated rail head in covered trucks.
- h. It is pertinent to mention that no mining activities are carried on by the answering respondent within 100 meters of Chunpora Village.
7. It is pertinent to mention here that in terms of the order dated 10th January 2025, a report was filed by the fact finding committee. From the said report, it will be apparent that the mining activities are carried out as per prescribed norms. Salient features of the report are summarized below:-
- a. The distance between the current mining site and Chunpora Village is approximately 150 meters and the distance between the current mining site is approximately 180 meters.
- b. The answering respondent has engaged local vendors for transportation and coal is being transported by complying with the necessary conditions.
- c. Mining water is sent for treatment purpose at primary settling tank and is used for gardening and road sprinkling and approximately 10% of treated water is discharged into the local stream and finally meeting to river Damodar.

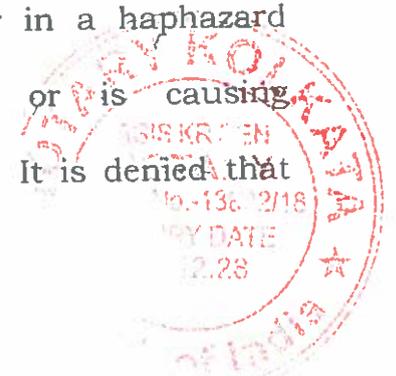


- d. The blasting is carried out as per the prescribed conditions between 10:00 A.M. and 12:00 noon as per the requirement.
8. Therefore, it is apparent from the report of the Fact Finding Committee that there is no illegal mining activity in the vicinity of Chunapora village and the same are being carried out as per the norms and permissions and hence, there is no question of any illegal mining. There is no evidence of any environmental damage and hence on the basis of the Fact Finding Committee constituted by this Hon'ble Tribunal, the application is liable to be rejected.
9. Without prejudice to the aforesaid, the allegations made in the writ petition are dealt with hereunder:
10. With reference to allegations made in paragraphs 1 and 2 of the application, I say that the same are matters of record and save what appears therefrom, allegations to the contrary are denied and disputed.
11. The allegations made in paragraph 3 of the application are denied and disputed. It is denied that the present application comes under the purview of either Section 14 or 15 or 18 or 20 or any other provisions of the NGT Act as alleged or at all. From the allegations, it will be ex-facie evident that the application is beyond the purview of the NGT Act. It is denied

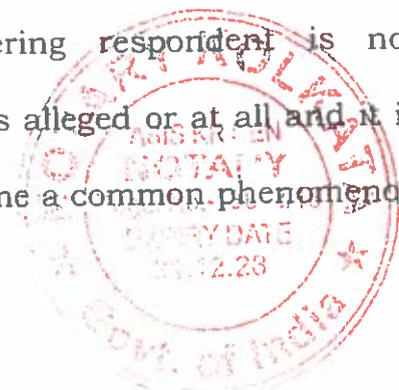


that either the respondent no. 7 or the answering respondent are carrying on any illegal or unauthorized mining activities, as alleged or at all. Hence, the question of causing any air pollution or water pollution or land pollution or environmental pollution for reasons does not and cannot arise. The mining operations are carried on in accordance with law after obtaining the necessary permissions and approvals. It is denied that there is any accumulation of coal residue on road side and hence, the question of causing of pollution by coal residue or transportation of coal does not and cannot arise and allegations to the contrary are denied and disputed.

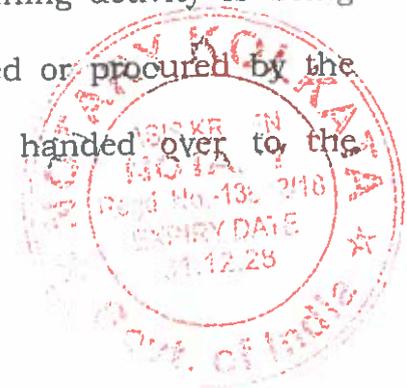
12. The allegations made in paragraphs 4 to 33 of the application are mainly allegations which do not pertain to the answering respondents. It is reiterated that the answering respondent carries on mining activity as per the direction of the respondent no. 7 on land belonging to the respondent no. 7 and it is further reiterated that no mining activities are carried out within 100 meters from Chunpura Village, as alleged. It is apparent that the allegations are ex-facie barred by the laws of limitation, as contained in the NGT Act. It is denied that mining process is going on rampantly or in a haphazard manner or affecting the whole area or is causing environmental hazard, as alleged or at all. It is denied that



any mining activity of the answering respondent is de hors any scheme, as alleged or at all. It is denied that there is any mining activities which can pose a threat to the lives or properties or environment of the inhabitants of Chunpura Village or its vicinity, as alleged or at all. It is denied that there is any "indiscreet" blasting or mining, as alleged or at all and hence, the question of creaks or crevasses coming up in the existing house or building construction or damaging the foundation does not and cannot arise and such allegations are denied and disputed. It is denied that the mining activities has caused any deep cracks or crevasses or affected the foundation as has been sought to be alleged. It is denied that there is any unmethodical or indiscriminate mining, as alleged or at all. The question of public roads suffering any damage or there being any landslide for reasons, as alleged or otherwise does not and cannot arise and are denied and disputed. It is denied that there has been any effect on the basic civic infrastructure or amenity or facility or there has been any blockage of drainage or sewerage system for reasons as alleged or otherwise or at all. It is denied that there is irregular or uncontrolled mining. The answering respondent is not responsible for any water logging as alleged or at all and it is denied that water logging has become a common phenomenon

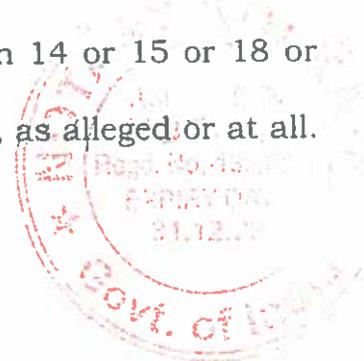


for reasons, as alleged or at all. It is denied that there is any inexpedient mining activity, as alleged or at all and hence, the question of the people of the locality being subjected to the wrath of pollution for reasons as alleged or at all does not and cannot arise and are denied and disputed. It is denied that any agricultural land has been encroached or damaged by the mining activity, as alleged or at all. It is denied that there is any mining activity is carried out in an unauthorized manner, as alleged or at all. There is no issues as alleged by the applicants and the question of the same being corroborated by photographs does not and cannot arise. In any event, the photographs not being supported by any affidavit specifying the location and the time of the pictures by the photographer taking such photographs the same cannot be looked into. It is denied that any activity of or mining by the answering respondent is alleged as alleged or at all. It is pertinent to mention that from the records it appears that out of 694.60 acres, 562.86 acres have already been procured through acquisition and/or direct purchase and remaining 107.78 acres are yet to be acquired and as relief and rehabilitation package is yet to be finalized. The mining activity is being carried on in the land already acquired or procured by the DPL and/or transferred to DPL and handed over to the



answering respondent for carrying out mining activities. It is denied that the inhabitants of Chunpora Village have been affected, as alleged or at all. It is denied that there has been any illegal mining activity. All activities including mining activities and transportation are carried out as per the procedure prescribed by law upon obtaining necessary clearances and approvals as required. It is denied that any waste water from the mines has into the land of the Chunpora Villages. It is denied that the blasting is being done without maintaining any distance from the roads or is causing noise beyond the tolerance level of the human being or is causing any noise pollution, as alleged or at all. The allegations are belied by the report filed by the fact finding committee. It is denied that there is any unplanned or unauthorized mining activity. The allegations in the application are bold, unsubstantiated by evidence and also belied by the report of the fact finding committee. It is apparent that the entire issue is with regard to the rehabilitation or resettlement of the villages which is beyond the scope of this proceedings.

13. The allegations made in paragraph 34 of the application are denied and disputed. It is denied that the present application comes under the purview of either Section 14 or 15 or 18 or 20 or any other provisions of the NGT Act, as alleged or at all.



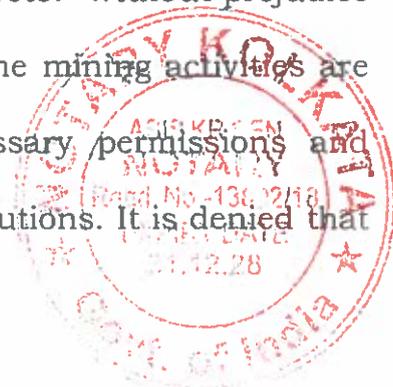
It is denied that there is any unregulated transportation of coal by trucks or dumper or tipper, as alleged or at all. All activities are carried on as per prescribed norms upon obtaining necessary permissions and licences.

14. The allegations made in paragraphs 35, 36, 37, 38, 39 and 40 of the application are denied and disputed. It is denied that there is any indiscriminate use or plying of vehicle as alleged or at all. It is denied that the area is suffering from pollution as a result of such plying, as alleged or at all. It is denied that because of the mining, illegal or unauthorized or otherwise the lives of the inhabitants of the locality or the adjacent locality has become miserable or they are suffering from any respiratory problems for the reasons, as alleged or at all. It is denied that the trucks do not take any precautionary measure or there is leakage of coal dust which contaminate the entire environment or pollutes the vicinity, as alleged or at all. The question of the local inhabitants suffering any pain does not and cannot arise. It is denied that the area has become a polluted area, much less a most polluted area in the State, as alleged or at all. It is denied that there is any leakage of coal dust from the trucks or for that reason coal dust lies on the sides of the road or become a major cause of pollution, as alleged or at all. It is denied that the air quality or the fertility



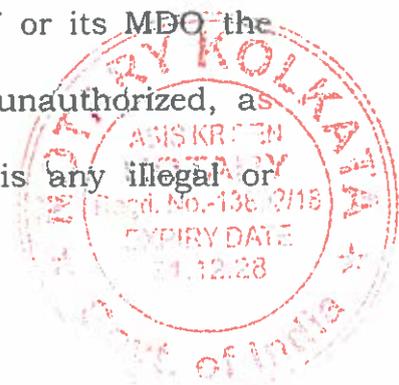
of the land is being damaged or agricultural activities are being affected for reasons, as alleged or otherwise. The activities of the answering respondent are carried on as per the norms of the land and as per law. It is also denied that for reasons attributable to the answering respondent, people of the vicinity are developing air borne disease or pulmonary disease. It is denied that trucks plying with coal do not use proper cover or does not use any cover, as alleged or at all. Allegations to the contrary are denied. It is reiterated that the answering respondent does not indulge in or carry out illegal or unauthorized mining. The allegations made in paragraphs under reply are belied by the report of the fact-finding committee.

15. The allegations made in paragraphs 41, 42, 43, 44, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 81, 82, 83, 84, 85, 86, 87, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110 of the application do not pertain to the answering respondent and are beyond their knowledge and as advised, refrain from deal with the same without making any admission with regard thereto. Without prejudice to the aforesaid, it is stated that all the mining activities are carried out after obtaining all necessary permissions and clearances and taking necessary precautions. It is denied that



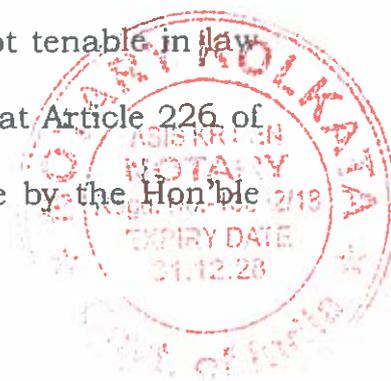
there is any irresponsible or haphazard mining, as alleged or at all. It is denied that the applicants have any cause of action or grievance for approaching this Hon'ble Tribunal and the application discloses none.

16. The allegations made in paragraphs 45, 46 and 47 of the application are denied and disputed. It is denied that any question much less any substantial question relating to environment arise in the present proceeding. It is denied that there is any violation of any statutory environmental obligation either affecting the community at large or individuals, as alleged or at all. It is denied that there has been any damage much less the substantial damage to the public health or hygiene or community health, as alleged or at all. It is denied that there is any source of pollution as enumerated in Section 2(m) of the NGT Act or any other provision, as alleged or at all. It is denied that the instant application has been or can be filed under Section 14 or 15 or 18 or 20 of the NGT Act or any other provisions thereof, as alleged or at all. It is denied that there is any pollution unwarranted or otherwise, as alleged or at all. It is denied that any mining activity of the respondent no. 7 or its MDO the answering respondent herein is illegal or unauthorized, as alleged or at all. It is denied that there is any illegal or



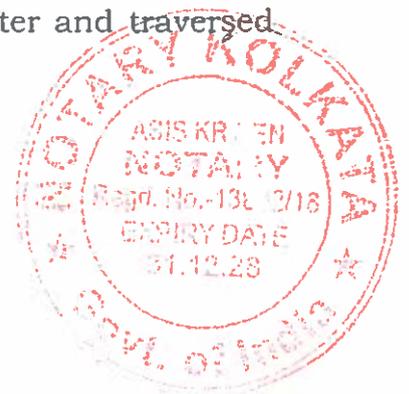
unauthorized or haphazard or unplanned mining, as alleged or at all and hence, the same affecting the inhabitants of Chunpora village does not and cannot arise and are denied and disputed.

17. The allegations made in paragraphs 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 88, 89, 90, 91, 92, 93, 94, 95 and 100 of the application are repetitive in nature and are almost similar and identical to the allegations made elsewhere in the application. To avoid prolixity the answering respondent repeats and reiterates what has been stated hereinabove and save what appears on a true and proper construction thereof, each and every allegations, which is inconsistent therewith and contrary thereto are denied and disputed. It is reiterated that all the mining activities are carried out after obtaining all necessary permissions and clearances and taking necessary precautions. It is stated that there is no unauthorised or illegal or irresponsible or haphazard mining, as alleged or at all. Such allegations are belied by the reports including the report of the Fact Finding Committee and allegations to the contrary are denied and disputed.
18. The grounds set out in paragraph 111 are not tenable in law or in facts, as alleged or at all. It is stated that Article 226 of the Constitution of India are only exercisable by the Hon'ble



High Court. The answering respondent craves leave to make appropriate submissions at the time of hearing in this regard.

19. The allegations made in paragraphs 112, 113, 114, 115, 116 and 117 of the application are denied. It is denied that the mining is going on illegally, as alleged or at all. As the application does not disclose any cause of action or grievance much less cause of action or grievance amenable to this Hon'ble Tribunal, the question of relief and remedy does not and cannot arise and allegations to the contrary are denied and disputed. It is denied that the application is bonafide or made for the ends of justice. It is denied that there is any illegal mining or any violation of the environmental or any other law, as alleged or at all. It is denied that the application has been filed within the period of limitation, as alleged or at all. None of the prayers as prayed for can be granted and the application is liable to be dismissed in limine with exemplary cost.
20. Save as expressly admitted hereinbefore, each and every allegation, contained in the said application, is denied and disputed as if the same are set out hereinafter and traversed seriatim.



21. I submit that in the facts and circumstances of the case, as aforesaid, this Hon'ble Tribunal would be pleased to dismiss and/or reject the application with exemplary cost.

22. The statements made in paragraphs 1 to 4, 19 to 21 are true to my knowledge and those contained in paragraphs 5 to 12 are derived from the records available with me and rests are my respectful submissions before this Hon'ble Court.



Anand Das.

DEPONENT

Prepared in my office.

Abhishek Jain

Advocate.

Solemnly affirmed before me on

this 10th day of May, 2025.

Notary Public.

Solemnly affirmed and declared
before me on this affirmation

Asis Kumar Sen

ASIS KUMAR SEN
City Civil Court, Kolkata
Notary
Reg. No. 13802/18



11 2 MAY 2025

Sagarmay Ghosh

Advocate

Bar Association Room No. 6,
The High Court at Calcutta
Kolkata : 700001Mob : 9433746410/9051010095
e-mail : sagarmayadv@gmail.com**Annexure - R-1'**

22

Speed Post

Dated : 9th January, 2025

Dy. No... 36 (R)...

DATE... 11/01/25...

HR & A Dept./DPL

Diary No. 12 (F)

Date... 11.01.25

Legal Cell / D. P. LTD

To,

1. The Secretary, Ministry of Coal, Government of India, Shastri Bhawan, New Delhi - 110001,
2. The Director General of Mines Safety, Ministry of Labour and Employment, Government of India, Sitarampur Region No. II, Eastern Zone, Post Office - Sitarampur, District - Paschim Bardhaman, Pin - 713359,
3. The Joint Secretary, Commerce and Industries Department, Government of West Bengal, Directorate of Mines and Minerals, having Office at 4, Abanindranath Tagore Sarani, 2nd Floor, Kolkata - 700016,
4. The Chairman cum Managing Director, the West Bengal Mineral Development and Trading Corporation Limited, having Office at 3rd Floor, DJ - 10, WBIIDC Building, DJ Block, Sector - II Salt Lake City, Kolkata - 700091,
5. The Chairman, the Durgapur Projects Limited, having Office at Dr. B.C. Roy Avenue, Durgapur, District - Paschim Bardhaman, Pin - 713201,
6. The District Magistrate, Bankura, having Office at Administrative Building, Bankura Collectorate, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101,
7. The Block Development officer, Barjora Development Block, Post and Police Station - Borjora, District - Bankura, Pin - 722102,
8. The Superintendent of Police, Bankura, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101,
9. The Officer In Charge, Barjora Police Station, Post Office - Bankura, District - Bankura, Pin 722202,

Re : W.P.A.(P) No. 282 of 2024

Rahul Bhui and Others

..... Petitioners.
Versus

The Union of India and Others.

..... Respondents.

Dear Sir(s),

Enclosed please find herewith a copy of the aforesaid Petition together with all annexures in connection with the above mentioned matter which has been filed in the Hon'ble High Court at Calcutta. The said Petition may come up before their Lordship the Hon'ble the Chief Justice T.S.Sivagnanam and Hon'ble Justice Hiranmay Bhattacharyya on 16th January, 2025 and/or any day as the business of the Hon'ble court may permit.

This is for your information and necessary action.

Thanking you.

Yours faithfully,

Sagarmay Ghosh
Advocate 09/01/2025

Encl : As Above.

Dated : 9th January, 2025

Residence and Chamber : Vivekananda Pally, Rabindra Nagar, Dum Dum, Kolkata - 700065



District : Bankura

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA No. 482 of 2024
WPA No. of 2024

In the matter of :

A Petition Under Article 226 of the
Constitution of India;

In the matter of

The Coal Mines (Conservation and
Development) Act, 1974

Subject matter relating to

Public Interest Litigation

Under Group IX 'Sub Group Nil

And

In the matter of

Rahul Bhui and Others

.... Petitioners

Versus

The Union of India and Others

... Respondents

Advocate on Record

Sh. S. Ghosh.

Sagarmay Ghosh

Advocate

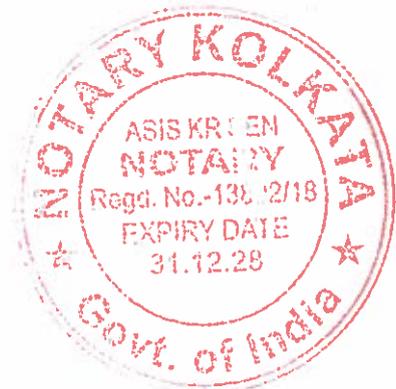
Bar Association Room No.6

High Court, Calcutta

Enrolment No. WB/921/2009

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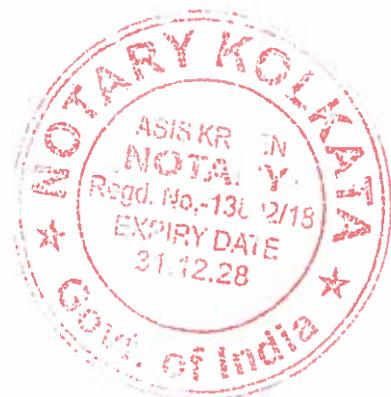


Synopsis of facts

In the year 2003 the process of identification of Lands for the said Coal field project commences and subsequently on 8th November, 2005 Memo issued by the Government, of West Bengal to WBMDTCL for acquisition of lands.

On 2nd December, 2010 a Meeting was held between all the interested parties and on 27th August, 2021 Memo issued by the Director General of Mines Safety to the DPL.

Hence this Writ Petition



In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA (P) No. of 2024

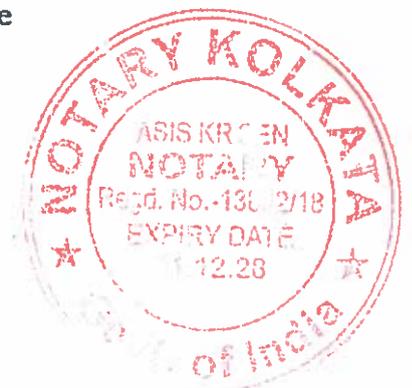
In the matter of :
A Petition Under Article 226 of the
Constitution of India;

And

In the matter of
Rahul Bhui and Others
.... Petitioners
Versus
The Union of India and Others
... Respondents

Index

Sl.	Particulars of Documents	Annexure	Page No.
1.	List of dates		
2.	Points of Law		
3.	Writ Petition		
4.	Photo Copies of the said Memorandum dated 29 th October, 2003 and the decision taken by the Ministry of Commerce and Industry, Government of West Bengal the notification dated 8 th November, 2005 and Memo dated 23.03.2015	P-1 (Collectively)	
5.	Photo copy of the relevant extracts of the minutes of the proceedings dated 2 nd December, 2010 are the		



- relevant Memo dated 27th August,
2021 P-2
(Collectively)
6. Photographs corroborating the P-3
issued (Collectively)
7. Photocopy of the said Memo being
Memo No. 06/IND dated
13/01/2016 P-4
8. Photocopies of some of the
Representations and/or objections P-5
9. Vakalatnama



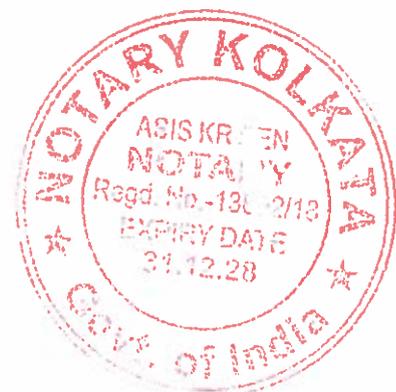
List of Dates & Synopsis of Facts

29th October, 2003

The Joint Secretary to the Government of West Bengal, commerce and Industries Department, vide Memo No. 304-CI-0-/Coal/023/03/MI dated 29.10.2003 intimated the Joint Secretary to the Land AND Land Reforms Department, Government of West Bengal and vide Memo No. 303(3)-CI-O[/Coal/023/03/MI dated 29.10.2003 intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

8th November, 2005

Vide Notification No. 370-CI/o/Coal/01/04/MI dated 8th November, 2005 the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director, WBMDTCL of such decision taken by the Ministry of Commerce



and Industry and requested them to start the Land Acquisition proceedings

5th October, 2010

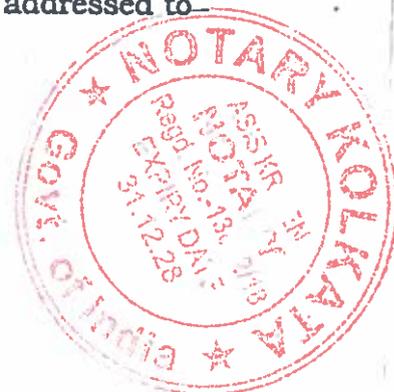
Pursuant to the decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgar, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

2nd December, 2010

A meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

13th January, 2016

By Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura that such grievances are to be addressed to



the Authority of the WBMDTCL and
DPL for their redress.

3rd August, 2022

Petitioners made another
representation to the Block
Development Officer, Barjora
Development Block, Bankura
regarding the matter in hand, but no
positive response thereto has come
out as yet.

Hence this Writ Petition



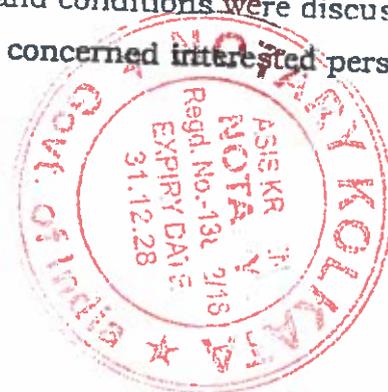
Points of Law

- I. Whether the Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area or not?
- II. Whether in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being or not?
- III. Whether pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for



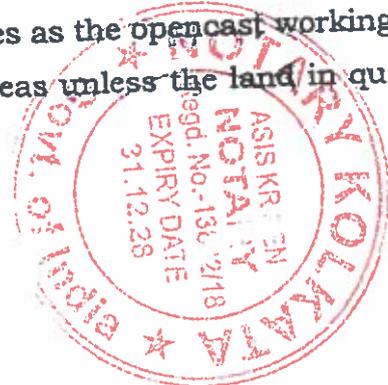
mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields or not?

- IV. Whether the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings or not?
- V. Whether the WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India or not?
- VI. Whether amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package or not?
- VII. Whether various terms and conditions were discussed and agreed upon by the concerned interested persons



and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities or not?

- VIII. Whether the entire area of land comprising the village Chunapara has not at all been acquired as yet or not?
- IX. Whether as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area or not?
- X. Whether as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village or not?
- XI. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question

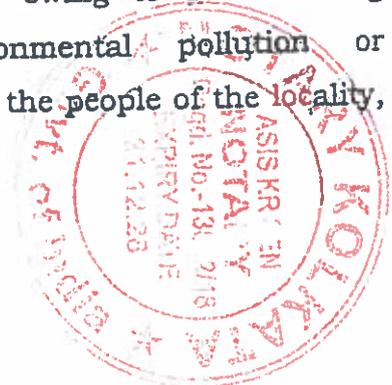


has been acquired by the M/S Durgapur Projects Limited or not?

- XII. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained or not?
- XIII. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations or not?
- XIV. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting or not?



- XV. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village untill the same is shifted beyond the danger zone of blasting or not?
- XVI. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands or not?
- XVII. Whether as per the schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as opportunity of employment to be provided to the land losers or not?
- XVIII. Whether as per the schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers or not?
- XIX. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality,



District Administration shall take immediate steps to mitigate or eliminate the same or not?

- XX. Whether out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area or not?
- XXI. Whether Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large or not?
- XXII. Whether owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations or not?
- XXIII. Whether the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a



consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality or not?

XXIV. Whether perennial water logging has become a common phenomenon in the said locality or not?

XXV. Whether due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities or not?

XXVI. Whether agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner or not?

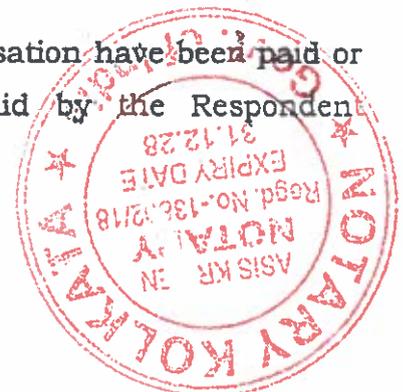
XXVII. Whether the Petitioners have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area or not?

XXVIII. Whether the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not



use, utilize or even enjoy the same for their own way or not?

- XXIX. Whether the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation or not?
- XXX. Whether blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village or not?
- XXXI. Whether the consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well or not?
- XXXII. Whether the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties or not?
- XXXIV. Whether the access of the Petitioners to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire or not?
- XXXV. Whether no damage compensation have been paid or even thought of to be paid by the Respondent



Authorities inspite of being otherwise well aware of the entire situation or not?

XXXVI. Whether the Petitioners unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases or not?

XXXVI. Whether series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear or not?

XXXVI. Whether the Petitioner like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have almost lost their residence, now are losing their livelihood and may loss their lives in near future or not?

XXXVII. Whether the futures of the Petitioners have been ruined due to such illegal and unauthorized mining activities by some of the Respondent Authorities with the active support and patronage of the other Respondent Authorities or not?

XXXVIII. Whether the Respondent Authorities refused and/or rejected to act in accordance with law or not?



XXXIX. Whether the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Petitioners as Guaranteed by the Constitution of India or not?

XL. Whether the Petitioners being common people and unfortunate inhabitants of the said village may be feel cheated when finds that they are not getting justice due to the acts and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice or not?



Through:
Sd. S. Ghosh.
A. K. Dasgupta

40

District - Bankura

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. (P) No. 482 of 2024

In the matter of
A Petition under Article 226 of the
Constitution of India

And

- In the matter of
1. Rahul Bhui, son of Fatik Chandra Bhui, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
 2. Dukhamay Maji, son of Late Amulya Maji, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
 3. Purnima Karar, wife of Ashis Karar residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,



4. Sandhya Maji, son of Amulya Maji,
residing at Village - Chunpora, Post
Office and Police Station - Barjora,
District - Bankura - 722202,
5. Tapasi Das, wife of Manabendra Das,
residing at Village - Shalgara, Post
Office and Police Station - Barjora,
District - Bankura - 722202,
6. Anil Karar, son of Gokul Karar,
residing at Village - Chunpora, Post
Office and Police Station - Barjora,
District - Bankura - 722202,
- Petitioners

Versus

1. The Union of India, service through
the Secretary, Ministry of Coal,
Government of India, Shastri Bhawan,
New Delhi - 110001,
2. The Director General of Mines Safety,
Ministry of Labour and Employment,
Government of India, Sitarampur
Region No. II, Eastern Zone, Post
Office - Sitarampur, District -
Paschim Bardhaman, Pin - 713359,



3. The Joint Secretary, Commerce and Industries Department, Government of west Bengal, Directorate of Mines and Minerals, having Office at 4, Abanindranath Tagore Sarani, 2nd Floor, Kolkata - 700016,
4. The West Bengal Mineral Development and Trading Corporation Limited, service through the Chairmen - Cum - Managing Director, having Office at 3rd Floor, DJ - 10, WBIIDC Building, DJ Block, Sector - II Salt Lake City, Kolkata - 700091,
5. The Durgapur Projects Limited, service through the Chairman, having Office at Dr. B.C. Roy Avenue, Durgapur, District - Paschim Bardhman, Pin - 713201,
6. The District Magistrate, Bankura, having Office at Administrative Building, Bankura Collectorate, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101,
7. The Block Development officer, Barjora Development Block, Post and



Police Station - Borjora, District -
Bankura, Pin - 722102,

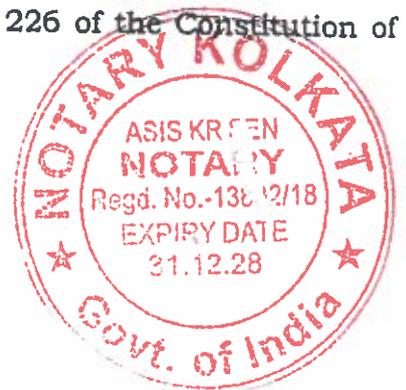
8. The Superintendent of Police,
Bankura, Post Office and Police
Station - Bankura, District - Bankura,
Pin - 722101,
9. The Officer In Charge, Barjora Police
Station, Post Office - Bankura,
District - Bankura, Pin 722202,
..... Respondents

To,
The Hon'ble T. S. Sivagnanam, Chief Justice and His
Companion Justices of the said Hon'ble Court.

The humble petition of the
Petitioner above named

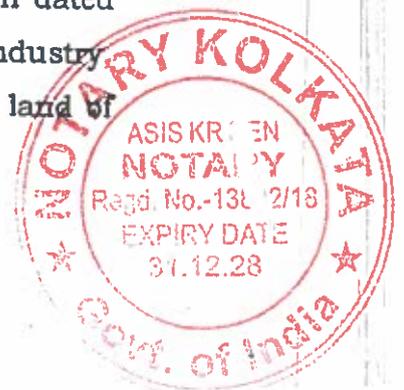
Most Respectfully Showeth

1. The Petitioners above named are peace loving and law abiding citizens of India and permanently residing at the address stated in the cause title hereinabove, which is within the Appellate side jurisdiction of this Hon'ble Court, thus, the Petitioner is entitles to invoke the Writ jurisdiction under Article 226 of the Constitution of



India and grievances of the petitioner against the Respondents is amenable to the Writ jurisdiction of this Hon'ble Court.

2. The Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area, being members of a group and/or large number of such concerned and affected people the instant Public Interest Litigation is being filed under Article 226 of the Constitution of India.
3. The Respondents above named are the State as defined under Article 12 of the Constitution of India hence, the Writ remedy can be invoked by the Petitioners against the above named Respondents.
4. The Petitioners state that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, vide Memo No. 304-CI-0-/Coal/023/03/MI dated 29.10.2003 intimated the Joint Secretary to the Land AND Land Reforms Department, Government of West Bengal and vide Memo No. 303(3)-CI-O[/Coal/023/03/MI dated 29.10.2003 intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.
5. The Petitioners state that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry Government of West Bengal the State acquired the required land of



about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

6. The Petitioners state that subsequently, vide another Notification No. 370-CI/o/Coal/01/04/MI dated 8th November, 2005 the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director West Bengal Mineral Development and Trading Corporation Limited (hereinafter referred to as WBMDTCL) of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings. The issues went up to the Hon'ble Supreme Court of India regarding such allotment of Coal Block amongst others.

7. The Petitioners state that thereafter, certain development cropped up and subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said Durgapur Projects Limited (hereinafter referred to as DPL) in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India.

Copies of the said Memorandum dated 29th October, 2003 and the decision taken by the Ministry of Commerce and Industry, Government of West Bengal the notification dated 8th November 2005 and Memo dated 23.03.2015 are annexed hereto and collectively marked with the letter "P-1".

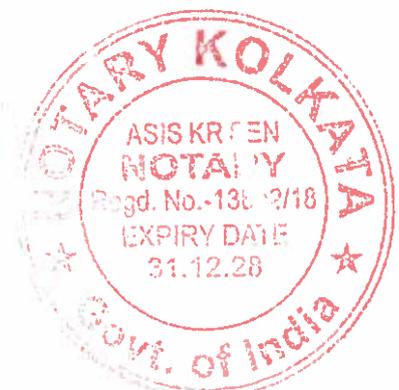


8. The Petitioners state that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately on 2nd December, 2010 a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

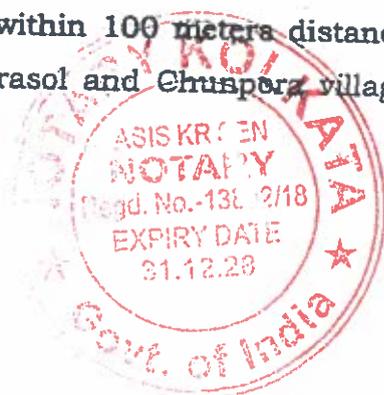
9. The Petitioners state that in the said rehabilitation and resettlement packages, various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities, however, nothing significant was done thereafter, and substantial portion of the proposed land acquisition was also held up.

10. The Petitioners states that the entire area of land comprising the village Chunapara has not at all been acquired as yet.

11. The Petitioners states that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area, some of those are -



- i) Not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village.
- ii) The opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.
- iii) No blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.
- iv) Owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.
- v) No blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.
- vi) No blasting shall be done within 100 meters distance from the structure of Bhirkasol and Chunpora village

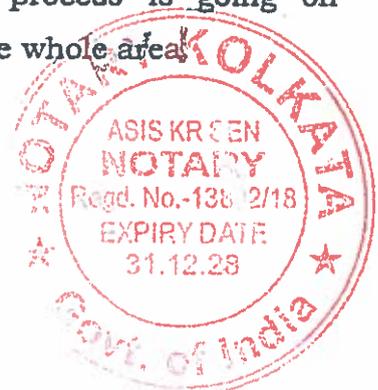


untill the same is shifted beyond the danger zone of blasting.

- vii) Any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.
- viii) Opportunity of employment to be provided to the land losers.
- ix) Compensation to be paid to the affected agricultural labourers.
- x) Owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.

Copy of the relevant extracts of the minutes of the proceedings dated 2nd December, 2010 are the relevant Memo dated 27th August, 2021 in respect of the above are annexed hereto and collectively marked as Annexure "P-2"

12. The Petitioners state that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.



13. The Petitioners state that the Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.

14. The Petitioners state that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.

15. The Petitioners state that apart from the above the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.

16. The Petitioners state that perennial water logging has become a common phenomenon in the said locality.

17. The Petitioners state that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.



18. The Petitioners state that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.

Photographs corroborating the issued stated herein above are attached herewith and collectively marked as Annexure "P-3".

19. The Petitioners raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.

20. The Petitioners state that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.

21. The Petitioners state that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.

22. The Petitioners state that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.



23. The Petitioners state that as a consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well. The situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties. Their access to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire.

24. The Petitioners state and reiterate that no damage compensation have been paid or even thought of to be paid by the Respondent Authorities inspite of being otherwise well aware of the entire situation, the villagers of Chunpora have neither got any benefit of the Rehabilitation and Resettlement packages as has been promised to them nor were they given any employment in the Respondent organisations and/or under their control and management as envisaged in the scheme since their lands have not been formally acquired under the law as yet, though indiscreet mining is otherwise going on all around their vicinity, making their lives hell.

25. The Petitioners state that whenever they unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases. Ventilating all these grievances, the Petitioners have caused to make series of representations before the Respondent Authorities stating all the facts and problems which the people of the those villages are facing, but all were in vain.

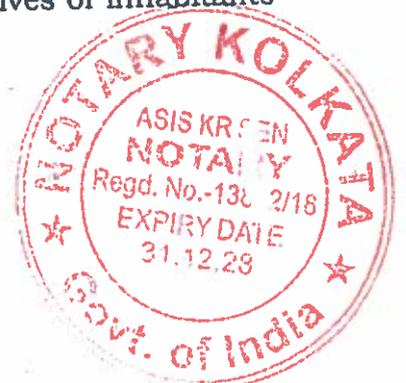


26. The Petitioners state that in terms of the said Agreement dated 2nd December, 2010 the District Administration is under an obligation to take steps to mitigate and eliminate such grievances and inconveniences of the local people, however, to the utter dismay, by Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura being the Respondent No. 6 herein that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.

Photocopy of the said Memo being Memo No. 06/IND dated 13/01/2016 is annexed hereto and marked with the letter "P-4".

27. The Petitioners state that series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear. The predicament is aggravating day by day. In the circumstances, the Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura being the Respondent No. 7 herein on 3rd August, 2022 regarding the matter in hand, but no positive response thereto has come out as yet.

28. The Petitioners state that the Respondent WBMDTCL and DPL being the Respondent Nos. 4 and 5 herein above are continuing with their rampant haphazard mining forcefully under the active indulgence of the local and District Administrative Authorities without paying any heed to the bonafide objections and grievances of the Public at large particularly of Chunpora village and thereby showing a thumb to the Rule of Law making the lives of inhabitants of the said village disastrous.

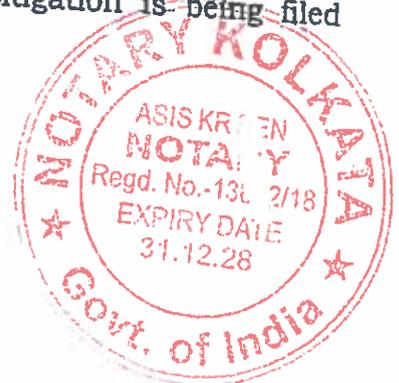


Photocopies of some of the Representations and/or objections are annexed hereto and collectively marked with the letter "P-5".

29. The Petitioners state that despite such apparent unplanned and unauthorized mining operations and activities depriving the local residents of their lives and properties and despite violating the safety measures and the agreed package for rehabilitation essential for the purpose of implementation of such projects and subsistence of the repeated objections and representations made by the Petitioners in respect thereof the Respondents Authorities have not taken any efficacious steps in respect thereof.

30. The Petitioners state that the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent Authority in spite the kind intervention by this Hon'ble Court.

31. The Petitioners submits that they are espousing the cause of local thousands of inhabitants of the Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area, being members of a group and/or large number of such concerned and affected people and therefore, the instant Public Interest Litigation is being filed under Article 226 of the Constitution of India.

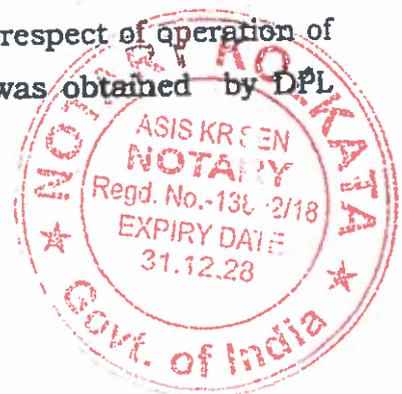


32. The Petitioners submits that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

33. The Petitioners submit that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

34. The Petitioners submit that subsequently, vide another Notification the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings.

35. The Petitioners submit that thereafter, certain development cropped up and subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL



through auction from the nominated Authority, Ministry of Coal, Government of India.

36. The Petitioners submit that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately on 2nd December, 2010 a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

37. The Petitioners submit that in the said rehabilitation and resettlement packages, various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities, however, nothing significant was done thereafter, and substantial portion of the proposed land acquisition was also held up.

38. The Petitioners submit that the entire area of land comprising the village Chunapara has not at all been acquired as yet.

39. The Petitioners submit that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent



Authorities before initiation and during the process of mining in the said area.

40. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village.

41. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.

42. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.

43. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of



such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.

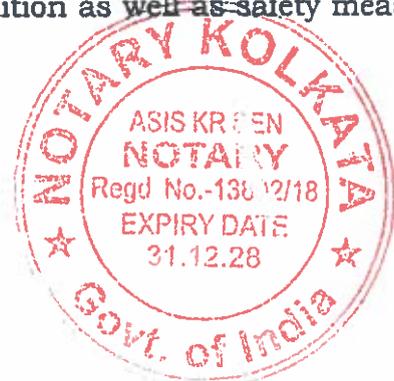
44. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.

45. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village until the same is shifted beyond the danger zone of blasting.

46. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.

47. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as opportunity of employment to be provided to the land losers.

48. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure



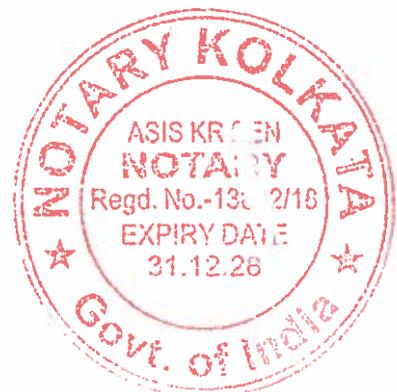
has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers.

49. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.

50. The Petitioners submit that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.

51. The Petitioners submit that Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.

52. The Petitioners submit that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.



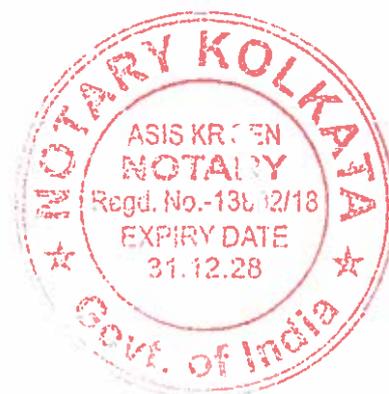
53. The Petitioners submit that apart from the above the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.

54. The Petitioners submit that perennial water logging has become a common phenomenon in the said locality.

55. The Petitioners submit that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.

56. The Petitioners submit that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.

57. The Petitioners submit that they have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.



58. The Petitioners submit that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.

59. The Petitioners submit that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.

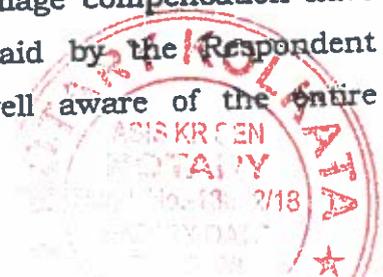
60. The Petitioners submit that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.

61. The Petitioners submit that as a consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well.

62. The petitioners submit that the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties.

63. The Petitioners submit that their access to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire.

64. The Petitioners submit that no damage compensation have been paid or even thought of to be paid by the Respondent Authorities inspite of being otherwise well aware of the entire



situation, the villagers of Chunpora have neither got any benefit of the Rehabilitation and Resettlement packages as has been promised to them nor were they given any employment in the Respondent organisations and/or under their control and management as envisaged in the scheme since their lands have not been formally acquired under the law as yet, though indiscreet mining is otherwise going on all around their vicinity, making their lives hell.

65. The Petitioners submit that whenever they unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases.

66. The Petitioners submit that in terms of the said Agreement dated 2nd December, 2010 the District Administration is under an obligation to take steps to mitigate and eliminate such grievances and inconveniences of the local people, however, to the utter dismay, by Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura being the Respondent No. 6 herein that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.

67. The Petitioners submit that series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear.

68. The Petitioners submit that the predicament is aggravating day by day. In the circumstances, the Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura being the Respondent No. 7 herein on



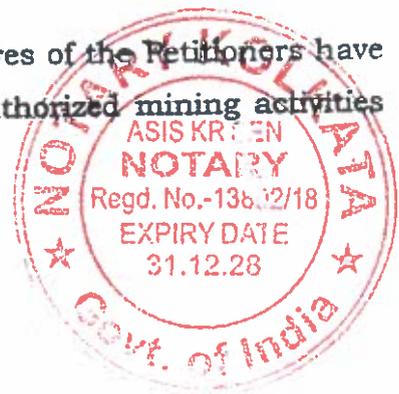
3rd August, 2022 regarding the matter in hand, but no positive response thereto has come out as yet.

69. The Petitioners submit that the Respondent WBMDTCL and DPL being the Respondent Nos. 4 and 5 herein above are continuing with their rampant haphazard mining forcefully under the active indulgence of the local and District Administrative Authorities without paying any heed to the bonafide objections and grievances of the Public at large particularly of Chunpora village and thereby showing a thumb to the Rule of Law making the lives of inhabitants of the said village disastrous.

70. The Petitioners submit that despite such apparent unplanned and unauthorized mining operations and activities depriving the local residents of their lives and properties and despite violating the safety measures and the agreed package for rehabilitation essential for the purpose of implementation of such projects and subsistence of the repeated objections and representations made by the Petitioners in respect thereof the Respondents Authorities have not taken any efficacious steps in respect thereof.

71. The Petitioners submit that they like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have almost lost their residence, now are losing their livelihood and may loss their lives in near future.

72. The Petitioners submit that the futures of the Petitioners have been ruined due to such illegal and unauthorized mining activities



by some of the Respondent Authorities with the active support and patronage of the other Respondent Authorities.

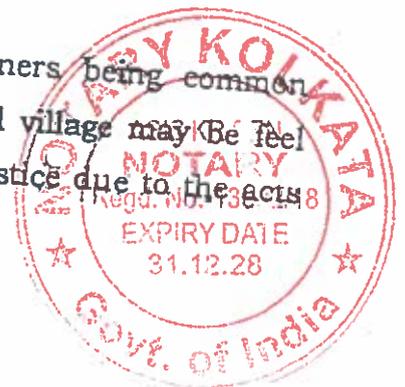
73. The Petitioners submit that the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent Authority in spite the kind intervention by this Hon'ble Court.

74. The Petitioners submit that the Authorities concerned sat tight over the issue since long and ignored and/or failed to consider the prayer of the Petitioners sympathetically and resolve the problem which is dereliction of duties and acted arbitrarily and with blatant violation of Principal of Natural Justice.

75. The Petitioners submit that the Respondent Authorities refused and/or rejected to act in accordance with law.

76. The Petitioners submit that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Petitioners as Guaranteed by the Constitution of India.

77. The Petitioners submit that the Petitioners being common people and unfortunate inhabitants of the said village may feel cheated when finds that they are not getting justice due to the acts

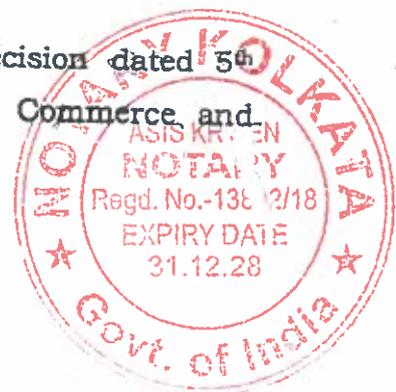


and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice.

78. Being aggrieved by and dissatisfied with the acts of discrimination meted out to the Petitioners, by the Respondents the petitioner begs to move this Hon'ble Court under Article 226 of the Constitution of India on the following amongst other

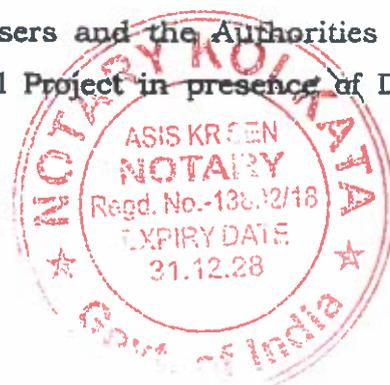
Grounds

- I. For that the Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area.
- II. For that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.
- III. For that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and



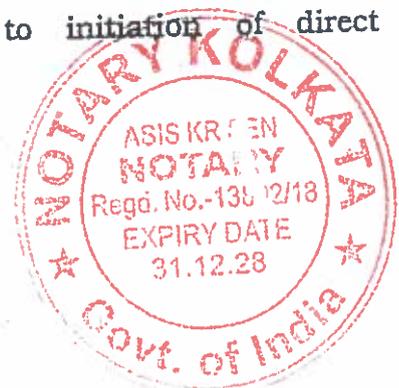
Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

- IV. For that subsequently, the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings.
- V. For that subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India.
- VI. For that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District



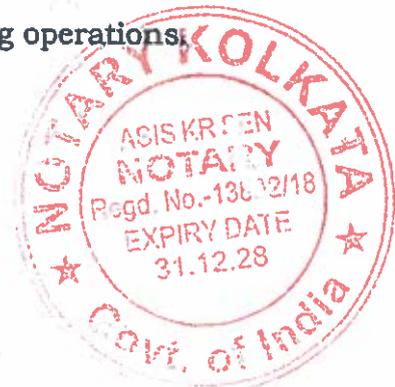
Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

- VII. For that various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities.
- VIII. For that the entire area of land comprising the village Chunapara has not at all been acquired as yet.
- IX. For that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area.
- X. For that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct



purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village.

- XI. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.
- XII. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.
- XIII. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.



- XIV. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.
- XV. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village untill the same is shifted beyond the danger zone of blasting.
- XVI. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.
- XVII. For that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as opportunity of employment to be provided to the land losers.
- XVIII. For that as per the said schemes of the Coal mines project one term and condition as well as safety



measure has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers.

- XIX. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.
- XX. For that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.
- XXI. For that said Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.

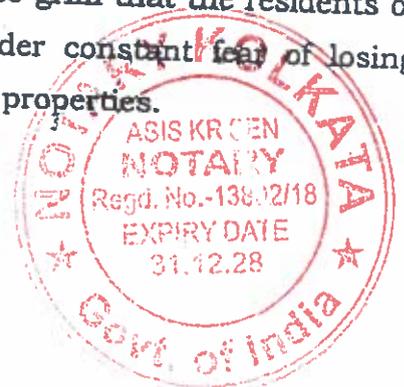


- XXII. For that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.
- XXIII. For that the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.
- XXIV. For that perennial water logging has become a common phenomenon in the said locality.
- XXV. For that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.
- XXVI. For that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.
- XXVII. For that the Petitioners have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project



have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.

- XXVIII. For that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.
- XXIX. For that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.
- XXX. For that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.
- XXXI. For that the consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well.
- XXXII. For that the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties.



79. The Petitioners have no other effective remedy for redressal of their grievances and the relief as prayed for if granted will be full and complete.

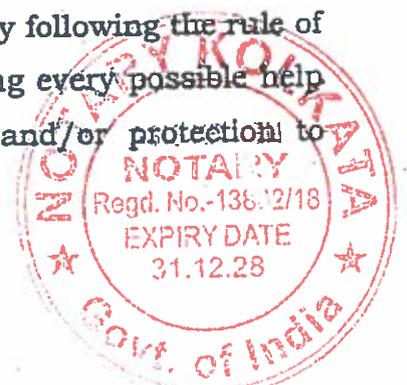
80. The Petitioners submit that in the facts and circumstances of the instant case, any and/or further demand of justice would be mere idle formalities.

81. The records of the case are lying outside the Original side jurisdiction of this Hon'ble Court but within the Appellate side jurisdiction of this Hon'ble Court and as such this Hon'ble Court is empowered to try and adjudicate it.

82. The instant application is bonafide and made for ends of justice.

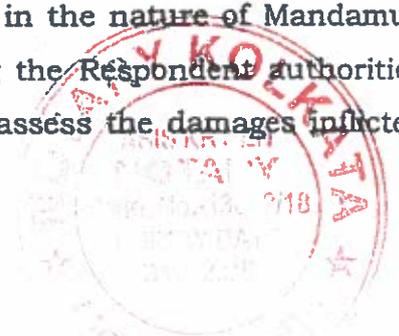
Under the circumstances the Petitioners most humbly pray that Your Lordship may be graciously pleased to

- a) Grant leave to the Petitioners to move this Application in Public interest as Public interest litigation, and
- b) Issue a writ in the nature of Mandamus commanding the Respondent authorities to act in accordance with provisions of the law and to act by following the rule of equality by extending every possible help and/or assistance and/or protection to



the Petitioners to live their life and enjoy their respective property peacefully without any disturbance and/or obstruction, and

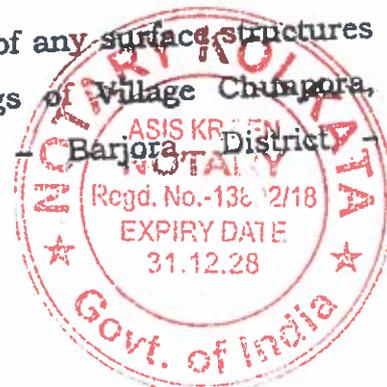
- c) ✓ Issue a writ in the nature of Mandamus commanding the Respondent authorities particularly the WBMDTCL and DPL to cause to implement the resettlement and rehabilitation package for the inhabitants of Village - Chunpora, Police Station - Barjora, District - Bankura, strictly in terms of the agreed settlement dated 2nd December, 2010 forthwith in a holistic manner, and
- d) Issue a writ in the nature of Mandamus commanding the Respondent authorities to provide and secure adequate supportive civic amenities and facilities to the inhabitants of the said Village - Chunpora, Police Station - Barjora, District - Bankura for their living therein the said Village till they are otherwise completely made to be resettled and rehabilitated, and
- e) Issue a writ in the nature of Mandamus commanding the Respondent authorities to cause to assess the damages inflicted



upon the lives and properties of the inhabitants of the said Village - Chunpora, Police Station - Barjora, District - Bankura, owing to such rampant, haphazard and/or illegal mining and to compensate them reasonably and justifiably in accordance with Law within a stipulated period of time as may be fixed by this Hon'ble Court and submit a report of compliance, and

f) Issue a writ in the nature of Mandamus commanding the Respondent authorities to consider and dispose of the Petitioners' representations in a positive and pragmatic manner in accordance with law, within a stipulated period of time as fixed by this Hon'ble Court, and submit a report of compliance, and

g) An ad-interim order of injunction restraining the Respondent Authorities specifically the Respondent Nos. 4 and 5 and their men, agents, employees, servants and/or subordinates from carrying on with their mining activities within 100 feet of any surface structures and/or buildings of Village Chunpora, Police Station - Barjora, District -



Bankura till disposal of the instant Application, and

- h) Issue a writ in the nature of Certiorari directing the Respondents to certify and transmit the records of this case to this Hon'ble court, so that conscionable justice may be administered thereby, and
- i) Issue a Rule NISI in terms of prayers made herein above, and
- j) Make the said Rule absolute on hearing the causes shown or if no cause is shown and/or to pass such other or further order or orders as to Your Lordship may seem fit and proper, and
- k) Grant costs, and
- l) Any other order or orders and further order or orders as your Lordship seem fit and proper.

And the petitioners, as in duty bound, shall ever pray.



Affidavit

I Rahul Bhui, aged about 25 years, son of Late Fatik Chandra Bhui, by Nationality - Indian, by faith - Hindu, by occupation - Business, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura, Pin - 722202 do hereby solemnly affirm and declare as follows -

1. That I am the Petitioner No. 1 to this Writ Petition and as such well conversant with the facts and circumstances out of which this petition arises and sui juris to affirm this affidavit for myself and also for and on behalf of the Other Petitioners having been duly authorized and empowered by them to do so.

2. That the statements made in paragraphs 1, 2, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28 and 29 of the foregoing application are true to my knowledge and those made in paragraphs 3, 4, 5, 6, 10, 12, 26 and 30 are derived from my information which I verily believe to be true and the rests are my humble submission before this Hon'ble Court.

S/D. R. Bhui'

Prepared in my office

S/D. S. Ghosh.

Advocate

Enrolment No. WB/921/2009

Mob : 9433746410 / 9051010095

Email ID : sagarmayadv@gmail.com

Deponent is known to me

Sumati Mandal. (M-11)

Clerk to Mr. B. Neogi

Advocate

Solemnly affirmed before me

This the 19th day of October, 2024

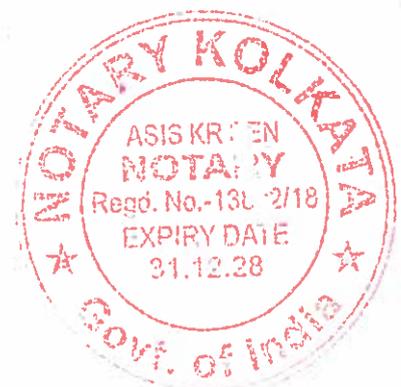
Commissioner

I certify that all

Annexures are legible.

S/D. S. Ghosh.

Advocate



Sagarmay Ghosh

255

CR 20-194 Dt-13.1.25

Advocate



Bar Association Room No 6
The High Court at Calcutta
Kolkata - 700001

Mob : 9433746410/9051010095
e-mail : sagarmayadv@gmail.com

Case No. 14(F)
Date: 13.01.2025

DUM (Legal)
For information & n/a Ph.
13/01/2025
Speed Post

77 Dy. No. 142(R)
DATE 13/01/25
HS & S Dept. Dt
Dated - 9th January, 2025

1. The Secretary, Ministry of Coal, Government of India, Shastri Bhawan, New Delhi - 110001.
2. The Director General of Mines Safety, Ministry of Labour and Employment, Government of India, Sitarampur Region No. II, Eastern Zone, Post Office - Sitarampur, District - Paschim Bardhaman, Pin - 713359.
3. The Joint Secretary, Commerce and Industries Department, Government of West Bengal, Directorate of Mines and Minerals, having Office at 4, Abanindranath Tagore Sarani, 2nd Floor, Kolkata - 700016.
4. The Chairman cum Managing Director, the West Bengal Mineral Development and Trading Corporation Limited, having Office at 3rd Floor, DJ - 10, WBHDC Building, DJ Block, Sector - II Salt Lake City, Kolkata - 700091.
5. The Chairman, the Durgapur Projects Limited, having Office at Dr. B.C. Roy Avenue, Durgapur, District - Paschim Bardhaman, Pin - 713201.
6. The District Magistrate, Bankura, having Office at Administrative Building, Bankura Collectorate, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101.
7. The Block Development officer, Barjora Development Block, Post and Police Station - Barjora, District - Bankura, Pin - 722102.
8. The Superintendent of Police, Bankura, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101.
9. The Officer In Charge, Barjora Police Station, Post Office - Bankura, District - Bankura, Pin 722202.

Re : W.P.A.(P) No 483 of 2024
 Budhan Maji and Others
 Petitioners
 Versus
 The Union of India and Others
 Respondents.

Dear Sir(s),
 Enclosed please find herewith a copy of the aforesaid Petition together with all annexures in connection with the above mentioned matter which has been filed in the Hon'ble High Court at Calcutta. The said Petition may come up before their Lordship the Hon'ble the Chief Justice T.S.Sivagnanam and Hon'ble Justice Hiranmay Bhattacharyya on 16th January, 2025 and/or any day as the business of the Hon'ble court may permit.

This is for your information and necessary action.
 Thanking you.

Yours faithfully,
 Advocate

Encls - As Above.
 Dated : 9th January, 2025

Residence and Chamber : Vivekananda Pally, Rabindra Nagar, Dum, Kolkata



District : Bankura

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA (P) No. 483 of 2024
WPA No. 483 of 2024

In the matter of :

A Petition Under Article 226 of the
Constitution of India;

In the matter of

The Coal Mines (Conservation and
Development) Act, 1974

Subject matter relating to

Public Interest Litigation

Under Group IX Sub Group Nil

And

In the matter of

Budhan Maji and Others

... Petitioners

Versus

The Union of India and Others

... Respondents

Advocate on Record

Sd. S. Ghosh.

Sagarmay Ghosh

Advocate

Bar Association Room No.6

High Court, Calcutta

Enrolment No. WB/921/2009

Mob : 9433746410/ 9051010095

Email - sagarmayadv@gmail.com



79

Short List of Dates

Year 2003

Identification of Lands for the said Coal project commences.

8th November, 2005

Memo issued by the Government of West Bengal to WBMDTCL for acquisition of lands.

2nd December, 2010

Meeting held between all the interested parties

27th August, 2021

Memo issued by the Director General of Mines Safety to the DPL

Year 2023

Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) filed

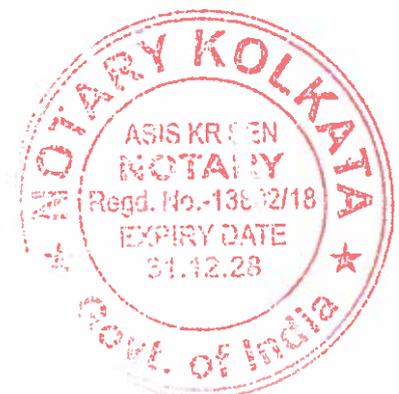
16th October 2023

Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) Disposed of

21st November, 2023

Order dated 16th October, 2023 communicated to the District Magistrate Bankura but not results thereof.

Hence this Writ Petition



Synopsis of facts

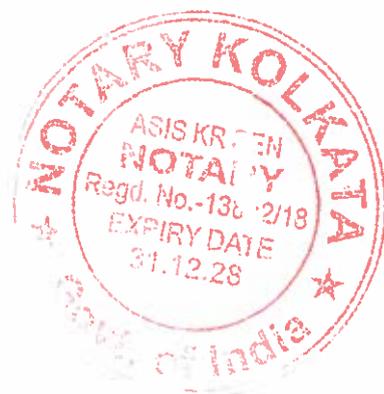
In the year 2003 the process of identification of Lands for the said Coal field project commences and subsequently on 8th November, 2005 Memo issued by the Government of West Bengal to WBMDTCL for acquisition of lands.

On 2nd December, 2010 a Meeting was held between all the interested parties and on 27th August, 2021 Memo issued by the Director General of Mines Safety to the DPL.

In the year 2023 a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) filed in the Hon'ble High Court at Calcutta and on 16th October 2023 said Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) Disposed of

On 21st November, 2023 Order dated 16th October, 2023 communicated to the District Magistrate Bankura but not results thereof.

Hence this Writ Petition



District : Bankura

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA (P) No. 483 of 2024

In the matter of :

A Petition Under Article 226 of the
Constitution of India;

And

In the matter of
Budhan Maji and Others
.... Petitioners

Versus

The Union of India and Others
... Respondents

Index

Sl.	Particulars of Documents	Annexure	Page No.
1.	List of dates		I - 111
2.	Points of Law		I - XI
3.	Writ Petition		1 - 48
4.	Photo Copies of the said Memorandum dated 29 th October, 2003 and the decision taken by the Ministry of Commerce and Industry, Government of West Bengal the notification dated 8 th November, 2005 and Memo dated 23.03.2015	P-1 (Collectively)	49-54
5.	Photo copy of the relevant extracts of the minutes of the proceedings		



- dated 2nd December, 2010 are the relevant Memo dated 27th August, 2021 P-2 (Collectively) 55-62
6. Photographs corroborating the issued P-3 (Collectively) 63-70
7. Photocopy of the said Memo being Memo No. 06/IND dated 13/01/2016 P-4 71
8. Photocopies of some of the Representations and/or objections P-5 72-78
9. Photocopy of the Order dated 16th October, 2023 obtained from the Official server of this Hon'ble Court P-6 79-80
10. Photocopy of the letter communicating the solemn order dated 16th October, 2023 along with consignment track report P-7 (Collectively) 81-82
- 11 Vakalatnama



List of Dates & Synopsis of Facts

29th October, 2003

The Joint Secretary to the Government of West Bengal, commerce and Industries Department, vide Memo No. 304-CI-0-/Coal/023/03/MI dated 29.10.2003 intimated the Joint Secretary to the Land AND Land Reforms Department, Government of West Bengal and vide Memo No. 303(3)-CI-O{/Coal/023/03/MI dated 29.10.2003 intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

8th November, 2005

Vide Notification No. 370-CI/o/Coal/01/04/MI dated 8th November, 2005 the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director, WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings



5th October, 2010

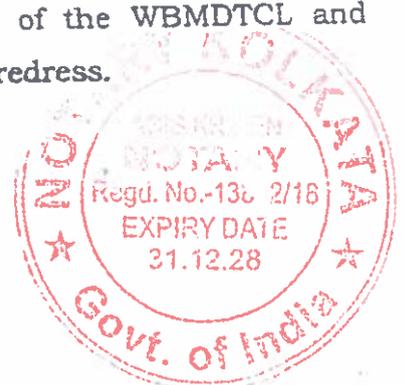
Pursuant to the decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

2nd December, 2010

A meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

13th January, 2016

By Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.



3rd August, 2022

Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura regarding the matter in hand, but no positive response thereto has come out as yet.

Year 2023

Petitioners filed and moved a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others)

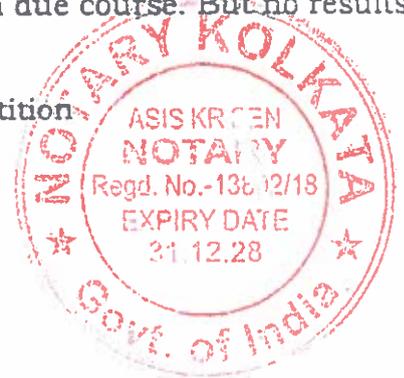
16th October, 2023

The Petition disposed of by Their Lordships the Hon'ble Chief Justice T.S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya

21st November, 2023

The said solemn order passed in the said Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) was duly communicated by the Petitioners through their learned Advocate and dispatched the same through speed post which was duly served upon the District Magistrate, Bankura in due course. But no results thereof.

Hence this Writ Petition

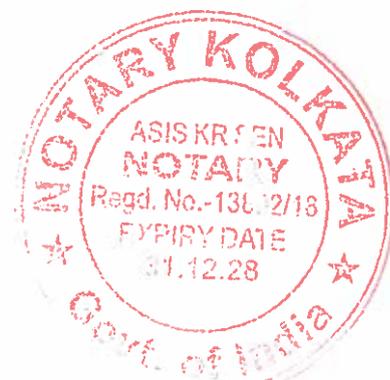


Points of Law

- I. Whether the Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area or not?

- II. Whether in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being or not?

- III. Whether pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for



- mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields or not?
- IV. Whether the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings or not?
- V. Whether the WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block. which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India or not?
- VI. Whether amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package or not?
- VII. Whether various terms and conditions were discussed and agreed upon by the concerned interested persons



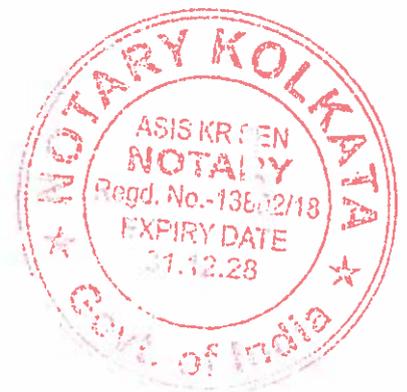
and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities or not?

- VIII. Whether the entire area of land comprising the village Chunapara has not at all been acquired as yet or not?
- IX. Whether as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area or not?
- X. Whether as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village or not?
- XI. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question

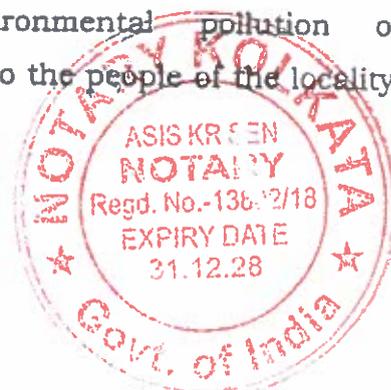


has been acquired by the M/S Durgapur Projects Limited or not?

- XII. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained or not?
- XIII. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations or not?
- XIV. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting or not?



- XV. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village until the same is shifted beyond the danger zone of blasting or not?
- XVI. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands or not?
- XVII. Whether as per the schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as opportunity of employment to be provided to the land losers or not?
- XVIII. Whether as per the schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers or not?
- XIX. Whether as per the schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality,



District Administration shall take immediate steps to mitigate or eliminate the same or not?

- XX. Whether out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area or not?
- XXI. Whether Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large or not?
- XXII. Whether owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations or not?
- XXIII. Whether the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a



consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality or not?

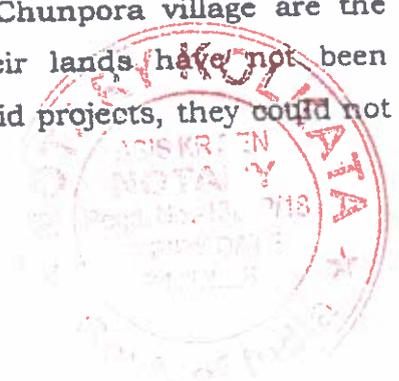
XXIV. Whether perennial water logging has become a common phenomenon in the said locality or not?

XXV. Whether due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities or not?

XXVI. Whether agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner or not?

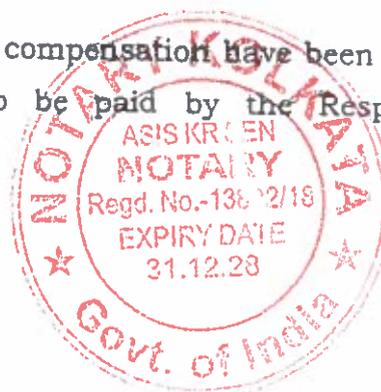
XXVII. Whether the Petitioners have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area or not?

XXVIII. Whether the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not



use, utilize or even enjoy the same for their own way or not?

- XXIX. Whether the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation or not?
- XXX. Whether blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village or not?
- XXXI. Whether the consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well or not?
- XXXII. Whether the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties or not?
- XXXIV. Whether the access of the Petitioners to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire or not?
- XXXV. Whether no damage compensation have been paid or even thought of to be paid by the Respondent



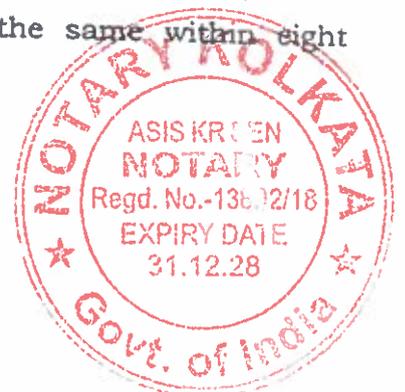
Authorities inspite of being otherwise well aware of the entire situation or not?

XXXVI. Whether the Petitioners unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases or not?

XXXVI. Whether series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear or not?

XXXVII. Whether the Petitioners filed and moved a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) inter alia stating all the relevant facts and circumstances in the Hon'ble High Court at Calcutta or not?

XXXVIII. Whether this Hon'ble Court pleased to direct the District Magistrate, Bankura to immediately send a team of his Officers to the area in question and conduct a through inspection and such inspection shall be conducted in the presence of the Authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight



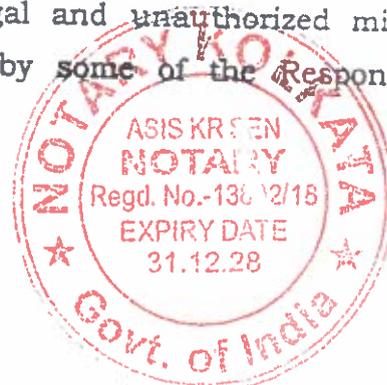
weeks from the date of conclusion of the inspection or not?

XXXIX. Whether the said solemn order was duly communicated by the Petitioners through their learned Advocate or not?

XL. Whether the Petitioner like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have almost lost their residence, now are losing their livelihood and may loss their lives in near future or not?

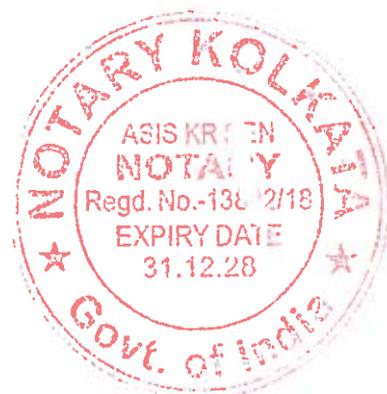
XLI. Whether the futures of the Petitioners have been ruined due to such illegal and unauthorized mining activities by some of the Respondent Authorities with the active support and patronage of the other Respondent Authorities or not?

XLII. Whether the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent



Authority in spite the kind intervention by this Hon'ble Court or not?

- XLIII. Whether the Authorities concerned sat tight over the issue since long and ignored and/or failed to consider the prayer of the Petitioners sympathetically and resolve the problem which is dereliction of duties and acted arbitrarily and with blatant violation of Principal of Natural Justice or not?
- XLIV. Whether the Respondent Authorities refused and/or rejected to act in accordance with law or not?
- XLV. Whether the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Petitioners as Guaranteed by the Constitution of India or not?
- XLVI. Whether the Petitioners being common people and unfortunate inhabitants of the said village may be feel cheated when finds that they are not getting justice due to the acts and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice or not?



District - Bankura

Through: Ghosh.
Sd/-
97

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. (P) No. 483. of 2024

In the matter of
A Petition under Article 226 of the
Constitution of India

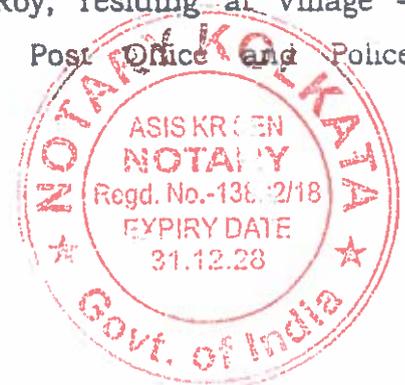
And

In the matter of

1. Budhan Maji, son of Late Amulya Maji, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
2. Baranasi Maji, son of Late Aswini Maji, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
3. Prasanta Maji, son of Late Amulya Maji, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,



4. Chittaranjan Maji, son of Baranasi Maji, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
5. Sudan Bhui, son of Late Balaram Bhui, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
6. Rabilochan Karar, son of Late Pankhi Karar, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
7. Dilip Karar, son of Late Gopal Karar, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
8. Prabhat Mondal, son of Late Ananda Mondal, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura - 722202,
9. Satish Chandra Roy, son of Late Kalipada Roy, residing at Village - Chunpora, Post Office and Police



Station - Barjora, District - Bankura -
722202,

10.

Sanjoy Kumar Roy, son of Late
Kalipada Roy, residing at Village -
Chunpora, Post Office and Police
Station - Barjora, District - Bankura -
722202,

.... Petitioners

Versus

1. The Union of India, service through
the Secretary, Ministry of Coal,
Government of India, Shastri Bhawan,
New Delhi - 110001,
2. The Director General of Mines Safety,
Ministry of Labour and Employment,
Government of India, Sitarampur
Region No. II, Eastern Zone, Post
Office - Sitarampur, District -
Paschim Bardhaman, Pin - 713359,
3. The Joint Secretary, Commerce and
Industries Department, Government of
west Bengal, Directorate of Mines and
Minerals, hab=ving Office at 4,
Abanindranath Tagore Sarani, 2nd
Floor, Kolkata - 700015,



4. The West Bengal Mineral Development and Trading Corporation Limited, service through the Chairmen - Cum - Managing Director, having Office at 3rd Floor, DJ - 10, WBIIDC Building, DJ Block, Sector - II Salt Lake City, Kolkata - 700091,
5. The Durgapur Projects Limited, service through the Chairman, having Office at Dr. B.C. Roy Avenue, Durgapur, District - Paschim Bardhman, Pin - 713201,
6. The District Magistrate, Bankura, having Office at Administrative Building, Bankura Collectorate, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101,
7. The Block Development officer, Barjora Development Block, Post and Police Station - Borjora, District - Bankura, Pin - 722102,
8. The Superintendent of Police, Bankura, Post Office and Police Station - Bankura, District - Bankura, Pin - 722101,



9. The Officer In Charge, Barjora Police Station, Post Office - Bankura, District - Bankura, Pin 722202,

..... Respondents

To,
The Hon'ble T. S. Sivagnanam, Chief Justice and His Companion Justices of the said Hon'ble Court.

The humble petition of the
Petitioner above named

Most Respectfully Showeth

1. The Petitioners above named are peace loving and law abiding citizens of India and permanently residing at the address stated in the cause title hereinabove, which is within the Appellate side jurisdiction of this Hon'ble Court, thus, the Petitioner is entitles to invoke the Writ jurisdiction under Article 226 of the Constitution of India and grievances of the petitioner against the Respondents is amenable to the Writ jurisdiction of this Hon'ble Court.

2. The Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area, being members of a group and/or large number of such concerned and affected people



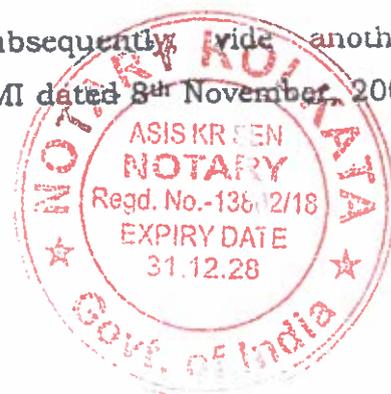
the instant Public Interest Litigation is being filed under Article 226 of the Constitution of India.

3. The Respondents above named are the State as defined under Article 12 of the Constitution of India hence, the Writ remedy can be invoked by the Petitioners against the above named Respondents.

4. The Petitioners state that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, vide Memo No. 304-CI-0-/Coal/023/03/MI dated 29.10.2003 intimated the Joint Secretary to the Land AND Land Reforms Department, Government of West Bengal and vide Memo No. 303(3)-CI-O[/Coal/023/03/MI dated 29.10.2003 intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

5. The Petitioners state that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

6. The Petitioners state that subsequently vide another Notification No. 370-CI/o/Coal/01/04/MI dated 8th November, 2005

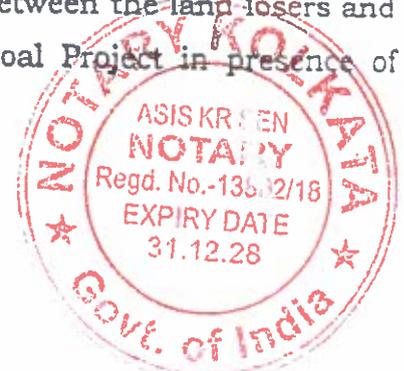


the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director West Bengal Mineral Development and Trading Corporation Limited (hereinafter referred to as WBMDTCL) of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings. The issues went up to the Hon'ble Supreme Court of India regarding such allotment of Coal Block amongst others.

7. The Petitioners state that thereafter, certain development cropped up and subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said Durgapur Projects Limited (hereinafter referred to as DPL) in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India.

Copies of the said Memorandum dated 29th October, 2003 and the decision taken by the Ministry of Commerce and Industry, Government of West Bengal the notification dated 8th November, 2005 and Memo dated 23.03.2015 are annexed hereto and collectively marked with the letter "P-1".

8. The Petitioners state that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately on 2nd December, 2010 a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of



District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

9. The Petitioners state that in the said rehabilitation and resettlement packages, various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities, however, nothing significant was done thereafter, and substantial portion of the proposed land acquisition was also held up.

10. The Petitioners states that the entire area of land comprising the village Chunapara has not at all been acquired as yet.

11. The Petitioners states that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area, some of those are -

- i) Not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpura and Bhirkasol village.



- ii) The opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.
- iii) No blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.
- iv) Owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.
- v) No blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.
- vi) No blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village until the same is shifted beyond the danger zone of blasting.
- vii) Any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.



- viii) Opportunity of employment to be provided to the land losers.
- ix) Compensation to be paid to the affected agricultural labourers.
- x) Owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.

Copy of the relevant extracts of the minutes of the proceedings dated 2nd December, 2010 are the relevant Memo dated 27th August, 2021 in respect of the above are annexed hereto and collectively marked as Annexure "P-2"

12. The Petitioners state that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.

13. The Petitioners state that the Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.



107

14. The Petitioners state that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.

15. The Petitioners state that apart from the above the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.

16. The Petitioners state that perennial water logging has become a common phenomenon in the said locality.

17. The Petitioners state that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.

18. The Petitioners state that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.

Photographs corroborating the issued stated herein above are attached herewith and collectively marked as Annexure "P-3".

19. The Petitioners raised objections and made several representations in respect of such illegal and unauthorized activities,



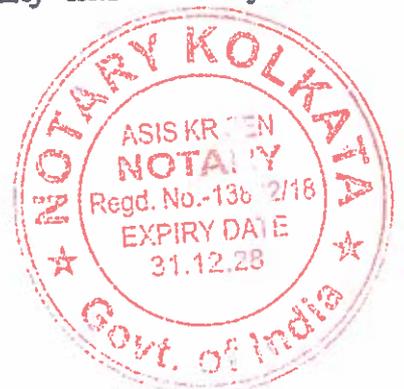
but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.

20. The Petitioners state that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.

21. The Petitioners state that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.

22. The Petitioners state that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.

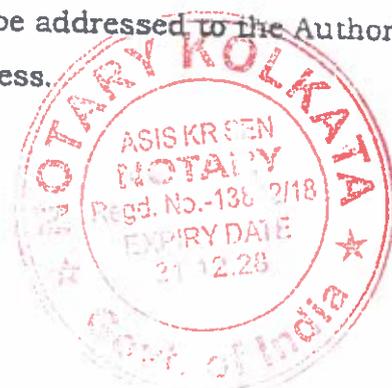
23. The Petitioners state that as a consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well. The situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties. Their access to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire.



24. The Petitioners state and reiterate that no damage compensation have been paid or even thought of to be paid by the Respondent Authorities inspite of being otherwise well aware of the entire situation, the villagers of Chunpora have neither got any benefit of the Rehabilitation and Resettlement packages as has been promised to them nor were they given any employment in the Respondent organisations and/or under their control and management as envisaged in the scheme since their lands have not been formally acquired under the law as yet, though indiscreet mining is otherwise going on all around their vicinity, making their lives hell.

25. The Petitioners state that whenever they unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases. Ventilating all these grievances, the Petitioners have caused to make series of representations before the Respondent Authorities stating all the facts and problems which the people of the Chunpora village are facing, but all were in vain.

26. The Petitioners state that in terms of the said Agreement dated 2nd December, 2010 the District Administration is under an obligation to take steps to mitigate and eliminate such grievances and inconveniences of the local people, however, to the utter dismay, by Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura being the Respondent No. 6 herein that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.



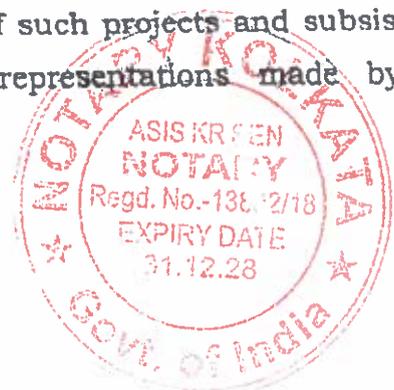
Photocopy of the said Memo being Memo No. 06/IND dated 13/01/2016 is annexed hereto and marked with the letter "P-4".

27. The Petitioners state that series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear. The predicament is aggravating day by day. In the circumstances, the Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura being the Respondent No. 7 herein on 3rd August, 2022 regarding the matter in hand, but no positive response thereto has come out as yet.

28. The Petitioners state that the Respondent WBMDTCL and DPL being the Respondent Nos. 4 and 5 herein above are continuing with their rampant haphazard mining forcefully under the active indulgence of the local and District Administrative Authorities without paying any heed to the bonafide objections and grievances of the Public at large particularly of Chunpora village and thereby showing a thumb to the Rule of Law making the lives of inhabitants of the said village disastrous.

Photocopies of some of the Representations and/or objections are annexed hereto and collectively marked with the letter "P-5".

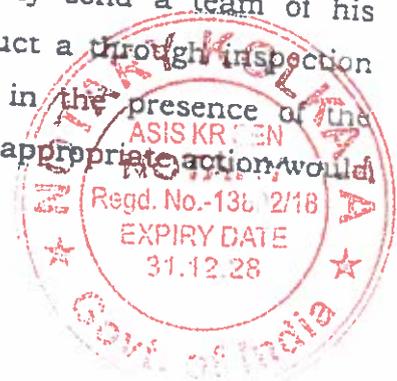
29. The Petitioners state that despite such apparent unplanned and unauthorized mining operations and activities depriving the local residents of their lives and properties and despite violating the safety measures and the agreed package for rehabilitation essential for the purpose of implementation of such projects and subsistence of the repeated objections and representations made by the



Petitioners in respect thereof the Respondents Authorities have not taken any efficacious steps in respect thereof.

30. The Petitioners state that having no other alternatives they filed and moved a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) inter alia stating all the relevant facts and circumstances in the Hon'ble High Court at Calcutta. Petitioners crabs leave to submit the copy of the said Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) as and when your Lordships so desire.

31. The Petitioners state that the matter came up for hearing before Their Lordships the Hon'ble Chief Justice T.S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya on 16th October, 2023 and their Lordship were pleased to observed that In this regard, representations was submitted on 28.12.2015 to the District Magistrate, Bankura and their lordships recorded their surprise to find that the District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the Petitioner to address the Authority of WBMDTCL and DPL for redressal of their grievance. Their Lordships also observed that they do not appreciate the manner in which the then District Magistrate of Bankura dealt with the report while issuing the reply dated 13.01.2016. their Lordship were also observed that by efflux of time several other changes would have taken place. Therefore, their Lordships were pleased to direct the District Magistrate, Bankura to immediately send a team of his Officers to the area in question and conduct a through inspection and such inspection shall be conducted in the presence of the Authorities of DPL. Based on the inspection appropriate action would



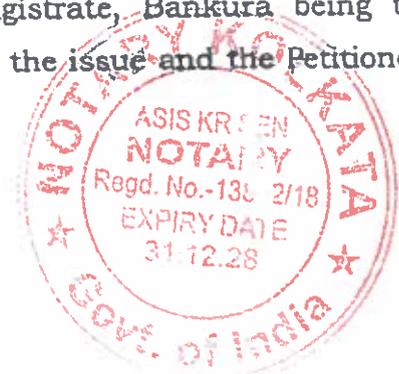
be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection. With the said observations and directions their Lordships were pleased to dispose of the said Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others).

Photocopy of the said Order obtained from the Official server of this Hon'ble Court is annexed hereto and marked with the ward "P-6".

32. The Petitioners state that the said solemn order passed by Their Lordships the Hon'ble Chief Justice T.S. Sivagnanam and the Hon'ble Justice Hiranmay Bhattacharyya on 16th October, 2023 in the said Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) was duly communicated by the Petitioners through their learned Advocate on 21st November, 2023 and dispatched the same through speed post which was duly served upon the District Magistrate, Bankura being the Respondent No. 6 in due course.

Photocopy of the said letter communicating the solemn order dated 16th October, 2023 along with consignment track report is annexed hereto and collectively marked with the letter "P-7".

33. The Petitioners state that since then the matter is pending consideration and no such tangible results have come out, the Authorities including the District Magistrate, Bankura being the Respondent No. 6 herein sat tight over the issue and the Petitioners

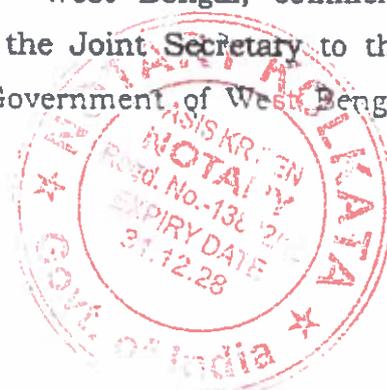


like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have almost lost their residence, now are losing their livelihood and may loss their lives in near future. Their futures have been ruined due to such illegal and unauthorized mining activities by some of the Respondent Authorities with the acuve support and patronage of the other Respondent Authorities.

34. The Petitioners state that the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent Authority in spite the kind intervention by this Hon'ble Court.

35. The Petitioners submits that they are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area, being members of a group and/or large number of such concerned and affected people and therefore, the instant Public Interest Litigation is being filed under Article 226 of the Constitution of India.

36. The Petitioners submits that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and



intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

37. The Petitioners submit that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.

38. The Petitioners submit that subsequently, vide another Notification the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings.

39. The Petitioners submit that thereafter, certain development cropped up and subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India.



40. The Petitioners submit that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately on 2nd December, 2010 a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.

41. The Petitioners submit that in the said rehabilitation and resettlement packages, various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities, however, nothing significant was done thereafter, and substantial portion of the proposed land acquisition was also held up.

42. The Petitioners submit that the entire area of land comprising the village Chunapara has not at all been acquired as yet.

43. The Petitioners submit that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area.

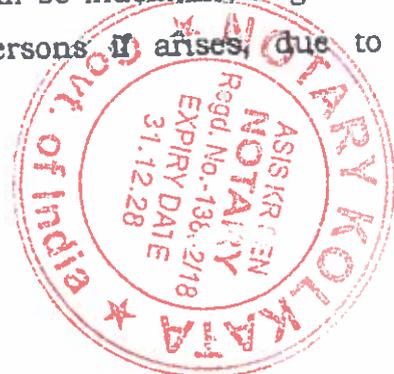


44. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village.

45. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.

46. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.

47. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.



48. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.

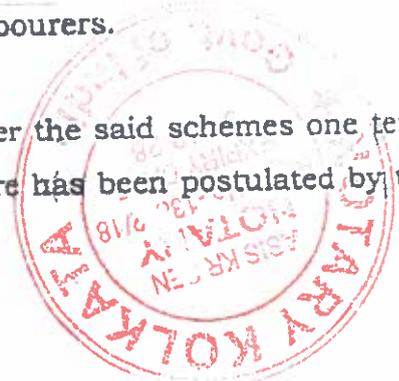
49. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village until the same is shifted beyond the danger zone of blasting.

50. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.

51. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as opportunity of employment to be provided to the land losers.

52. The Petitioner submits that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers.

53. The Petitioner submits that as per the said schemes one term and condition as well as safety measure has been postulated by the



Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.

54. The Petitioners submit that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.

55. The Petitioners submit that Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.

56. The Petitioners submit that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.

57. The Petitioners submit that apart from the above the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular



and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.

58. The Petitioners submit that perennial water logging has become a common phenomenon in the said locality.

59. The Petitioners submit that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.

60. The Petitioners submit that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.

61. The Petitioners submit that they have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.

62. The Petitioners submit that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.



63. The Petitioners submit that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.

64. The Petitioners submit that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.

65. The Petitioners submit that as a consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well.

66. The petitioners submit that the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties.

67. The Petitioners submit that their access to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire.

68. The Petitioners submit that no damage compensation have been paid or even thought of to be paid by the Respondent Authorities inspite of being otherwise well aware of the entire situation, the villagers of Chunpora have neither got any benefit of the Rehabilitation and Resettlement packages as has been promised to them nor were they given any employment in the Respondent organisations and/or under their control and management as envisaged in the scheme since their lands have not been formally



acquired under the law as yet, though indiscreet mining is otherwise going on all around their vicinity, making their lives hell.

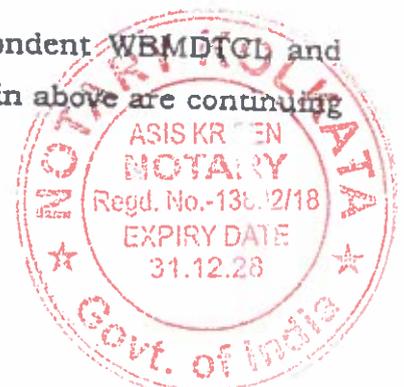
69. The Petitioners submit that whenever they unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases.

70. The Petitioners submit that in terms of the said Agreement dated 2nd December, 2010 the District Administration is under an obligation to take steps to mitigate and eliminate such grievances and inconveniences of the local people, however, to the utter dismay, by Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura being the Respondent No. 6 herein that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.

71. The Petitioners submit that series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear.

72. The Petitioners submit that the predicament is aggravating day by day. In the circumstances, the Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura being the Respondent No. 7 herein on 3rd August, 2022 regarding the matter in hand, but no positive response thereto has come out as yet.

73. The Petitioners submit that the Respondent WBMDTCL and DPL being the Respondent Nos. 4 and 5 herein above are continuing



with their rampant haphazard mining forcefully under the active indulgence of the local and District Administrative Authorities without paying any heed to the bonafide objections and grievances of the Public at large particularly of Chunpora village and thereby showing a thumb to the Rule of Law making the lives of inhabitants of the said village disastrous.

74. The Petitioners submit that despite such apparent unplanned and unauthorized mining operations and activities depriving the local residents of their lives and properties and despite violating the safety measures and the agreed package for rehabilitation essential for the purpose of implementation of such projects and subsistence of the repeated objections and representations made by the Petitioners in respect thereof the Respondents Authorities have not taken any efficacious steps in respect thereof.

75. The Petitioners submit that having no other alternatives they filed and moved a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) inter alia stating all the relevant facts and circumstances in the Hon'ble High Court at Calcutta.

76. The Petitioners submit that this Hon'ble Court was pleased to observe that representations was submitted on 28.12.2015 to the District Magistrate, Bankura and the said District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the Petitioner to address the Authority of WBMDTCL and DPL for redressal of their grievance.



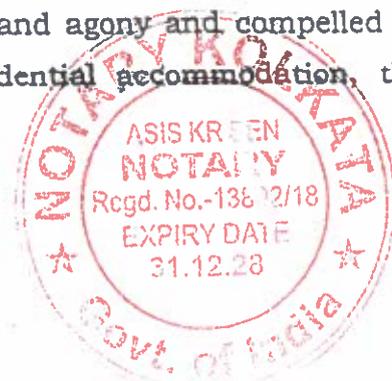
77. The Petitioners submit that this Hon'ble Court further recorded that they do not appreciate the manner in which the then District Magistrate of Bankura dealt with the report while issuing the reply dated 13.01.2016.

78. The Petitioners submit that this Hon'ble Court was pleased to observe that by efflux of time several other changes would have taken place and therefore, pleased to direct the District Magistrate, Bankura to immediately send a team of his Officers to the area in question and conduct a through inspection and such inspection shall be conducted in the presence of the Authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.

79. The Petitioners submit that the said solemn order was duly communicated by the Petitioners through their learned Advocate on 21st November, 2023 and dispatched the same through speed post which was duly served upon the District Magistrate, Bankura being the Respondent No. 6 in due course.

80. The Petitioners submit that since then the matter is pending consideration and no such tangible results have come out, the Authorities including the District Magistrate, Bankura being the Respondent No. 6 herein sat tight over the issues.

81. The Petitioners submit that they like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have



almost lost their residence, now are losing their livelihood and may loss their lives in near future.

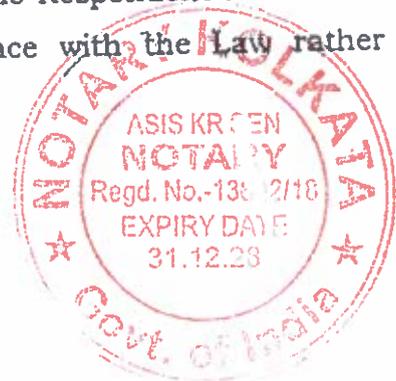
82. The Petitioners submit that the futures of the Petitioners have been ruined due to such illegal and unauthorized mining activities by some of the Respondent Authorities with the active support and patronage of the other Respondent Authorities.

83. The Petitioners submit that the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent Authority in spite the kind intervention by this Hon'ble Court.

84. The Petitioners submit that the Authorities concerned sat tight over the issue since long and ignored and/or failed to consider the prayer of the Petitioners sympathetically and resolve the problem which is dereliction of duties and acted arbitrarily and with blatant violation of Principal of Natural Justice.

85. The Petitioners submit that the Respondent Authorities refused and/or rejected to act in accordance with law.

86. The Petitioners submit that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted



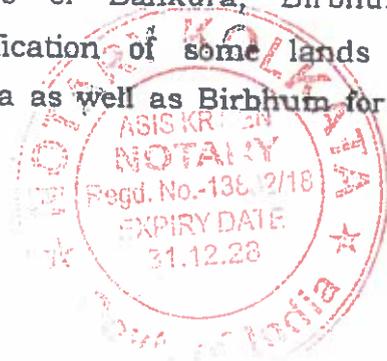
arbitrarily and thereby violated the Fundamental Rights of the Petitioners as Guaranteed by the Constitution of India.

87. The Petitioners submit that the Petitioners being common people and unfortunate inhabitants of the said village may be feel cheated when finds that they are not getting justice due to the acts and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice.

88. Being aggrieved by and dissatisfied with the acts of discrimination meted out to the Petitioners, by the Respondents the petitioner begs to move this Hon'ble Court under Article 226 of the Constitution of India on the following amongst other

Grounds

- I. For that the Petitioners are espousing the cause of local thousands of inhabitants of the Chunpora Village, who are like the Petitioners seriously affected by the illegal, unauthorized, haphazard and unplanned mining the coal in the said area.
- II. For that in the year 2003, the Joint Secretary to the Government of West Bengal, commerce and Industries Department, intimated the Joint Secretary to the Land and Land Reforms Department, Government of West Bengal and intimated the District Magistrates of Bankura, Birbhum and Purulia for identification of some lands in the Districts of Bankura as well as Birbhum for mining

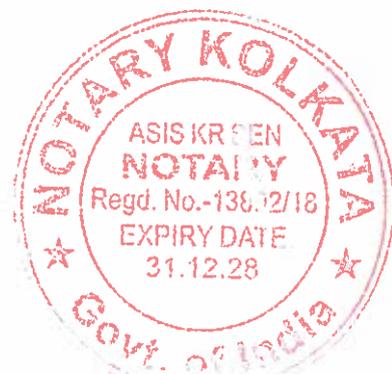


for mining of coal and thereby directed restriction and settlement and/or transfer of such lands for the time being.

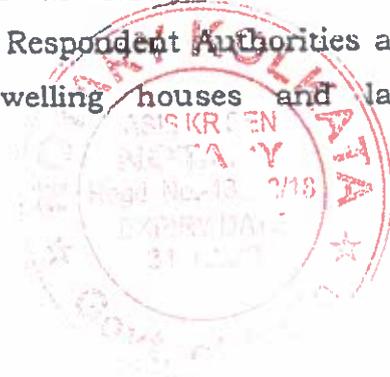
- III. For that pursuant to the said decision dated 5th October, 2010 by the Ministry of Commerce and Industry, Government of West Bengal the State acquired the required land of about 697 acres of land lying and situated at Seven Mouzas namely Sitarampur, Shalgara, Kishoripur, Jaysinghapur, Ronalejora, Bhagabanpur, Raghunathpur, Paharpur and Kriishnananagar in the District of Bankura for mining Coal at Trans Damodar Sector Coal Block under Ranigunj Coal Fields.
- IV. For that subsequently, the Joint Secretary to the Commerce and Industries Department, the Government of West Bengal intimated the Managing Director WBMDTCL of such decision taken by the Ministry of Commerce and Industry and requested them to start the Land Acquisition proceedings.
- V. For that subsequently, the said WBMDTCL was appointed as the advisor-cum-mining agents of said DPL in respect of operation of the said Trans Damodar Coal Block, which was obtained by DPL through auction from the nominated Authority, Ministry of Coal, Government of India.



- VI. For that amidst acquisition proceedings having been initiated, talks went on for rehabilitation of the affected persons in respect of the said project and the rehabilitation and resettlement package was revised a couple of times and ultimately a meeting was held between the land losers and the Authorities of the Trans Damodar Coal Project in presence of District Magistrate Bankura, whereby and where under a final shape was given to the said rehabilitation and resettlement package.
- VII. For that various terms and conditions were discussed and agreed upon by the concerned interested persons and/or stakeholders regarding acquisition of lands upon giving due, adequate and just compensation and employment to the land losers and even providing for resettlement of them prior to the starting of any mining activities.
- VIII. For that the entire area of land comprising the village Chunapara has not at all been acquired as yet.
- IX. For that as per the schemes of the Coal mines project various terms and conditions as well as safety measures have been postulated by the Respondent Authorities which were/are to be followed and/or undertaken by the competent Authorities before initiation and during the process of mining in the said area.

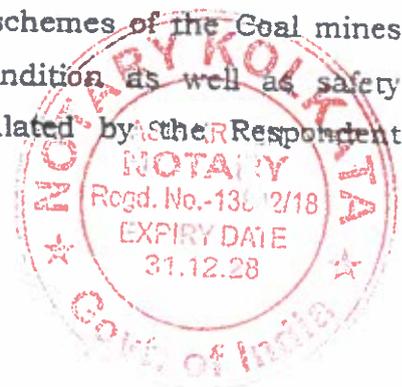


- X. For that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as not to initiate and/or undertake any mining activities or infrastructural development pertaining thereto prior to initiation of direct purchase of alternative lands for resettlement of the residents of Chunpora and Bhirkasol village.
- XI. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as the opencast working shall not be extended in areas unless the land in question has been acquired by the M/S Durgapur Projects Limited.
- XII. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting for removal of overburden or for extraction of coal is permitted within 100 meters of any structure and/or building not belonging to the Authorities of M/S Durgapur Projects Limited (hereinafter called and referred to as the DPL) or any public road, unless permission as required under the Law is obtained.
- XIII. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owners of structures, dwelling houses and lands not



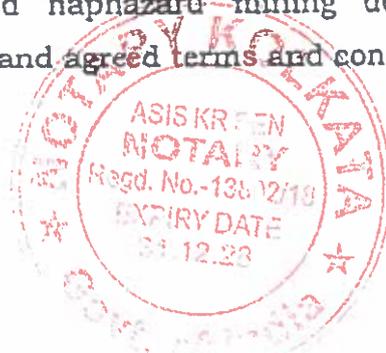
belonging to the DPL and habitants and/or occupants of such dwelling and/or building shall be indemnified against damage of property and/or injury to persons if arises, due to mining operations.

- XIV. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the State Highway No. 9 until the same is shifted beyond the danger zone of blasting.
- XV. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as no blasting shall be done within 100 meters distance from the structure of Bhikrasol and Chunpora village until the same is shifted beyond the danger zone of blasting.
- XVI. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as any displaced families shall each be provided with 550 square feet of built up houses on 2 kathas of developed lands.
- XVII. For that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent



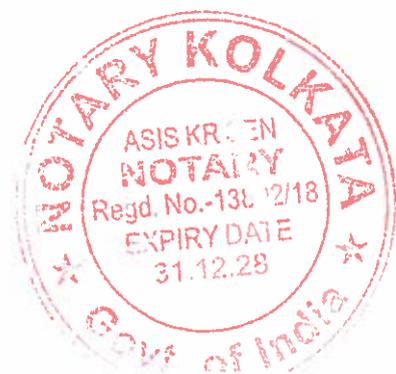
Authorities as opportunity of employment to be provided to the land losers.

- XVIII. For that as per the said schemes of the Coal mines project one term and condition as well as safety measure has been postulated by the Respondent Authorities as Compensation to be paid to the affected agricultural labourers.
- XIX. For that as per the said schemes one term and condition as well as safety measure has been postulated by the Respondent Authorities as owing to such mining activities if any environmental pollution or inconvenience is caused to the people of the locality, District Administration shall take immediate steps to mitigate or eliminate the same.
- XX. For that out of 697 acres of land which was proposed to be acquired only about 282.45 acres of land has admittedly been acquired till date, the process of acquisition in respect of the balance amount of land is being held up for an indefinite period of time but the mining process is going on rampantly in a haphazard manner affecting the whole area.
- XXI. For that said Chunpora village constitute of land under Mauza- Shalgara, and no portion of land of such Mauza has yet been acquired. However, such irresponsible and haphazard mining de-hors the relevant scheme and agreed terms and conditions has

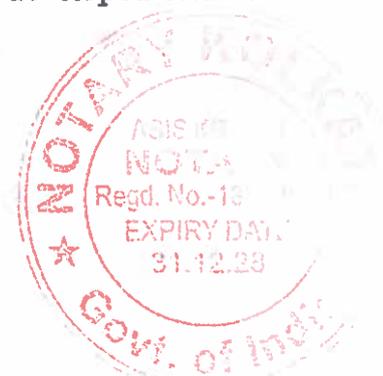


posed a serious threat to the lives and properties of the inhabitants of the Chunpora Village and its vicinity at large.

- XXII. For that owing to indiscreet blasting and mining, deep creaks and crevasses are regularly coming up in the existing houses and building constructions of the area damaging them at their foundations.
- XXIII. For that the Public roads of the area have also been made to suffer serious damages and landslides owing to such unplanned, unmethodical indiscriminate mining. Basic civic infrastructures, amenities and facilities of the locale are also largely affected as a consequences of such irregular and uncontrolled mining, resulting thereby almost complete blockage of drainage and sewerage system of the said locality.
- XXIV. For that perennial water logging has become a common phenomenon in the said locality.
- XXV. For that due to lack of resettlement and rehabilitation, the people of the said locality are also being seriously subjected to the wrath of pollution owing to such inexpedient mining activities.
- XXVI. For that agricultural lands are going damaged or otherwise encroached upon by mining activities in unauthorized manner.



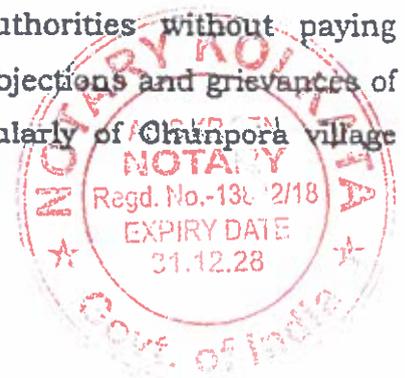
- XXVII. For that the Petitioners have raised objections and made several representations in respect of such illegal and unauthorized activities, but such illegal and unauthorized mining operations of the said project have been going on affecting the entire earmarked area notwithstanding only few acres of land having been actually an officially acquired out of their total 697 acres of proposed land acquisition, thereby gravely affecting the people of the local area.
- XXVIII. For that the residents of Chunpora village are the most affected, though their lands have not been lawfully acquired for the said projects, they could not use, utilize or even enjoy the same for their own way.
- XXIX. For that the agricultural lands of the said village are getting waterlogged with waste water coming out of the mines for which it has become impossible to utilise such lands for the purpose of cultivation.
- XXX. For that the blasting in the mines are regularly being carried out without following the norms and as close as within 200 feet of the residential areas of Chunpora village.
- XXXI. For that the consequences of such unplanned and haphazard mining and blasting, most of the residential houses have developed cracks and some of them collapsed as well.



- XXXII. For that the situation is so grim that the residents of the village are living under constant fear of losing their lives as well as their properties.
- XXXIV. For that the access of the Petitioners to the public roadways has also been seriously affected and the entire locality has virtually become a quagmire.
- XXXV. For that no damage compensation have been paid or even thought of to be paid by the Respondent Authorities inspite of being otherwise well aware of the entire situation.
- XXXVI. For that he villagers of Chunpora have neither got any benefit of the Rehabilitation and Resettlement packages as has been promised to them nor were they given any employment in the Respondent organisations and/or under their control and management as envisaged in the scheme since their lands have not been formally acquired under the law as yet, though indiscreet mining is otherwise going on all around their vicinity, making their lives hell.
- XXXVII. For that the Petitioners unitedly put efforts to protest against such deprivation and unplanned mining activities, they are being threatened of dire consequences and intimidated by implicating them in false criminal cases.



- XXXVIII. For that in terms of the said Agreement dated 2nd December, 2010 the District Administration is under an obligation to take steps to mitigate and eliminate such grievances and inconveniences of the local people, however, to the utter dismay, by Memo dated 13th January, 2016 it was communicated from the Office of the District Magistrate, Bankura being the Respondent No. 6 herein that such grievances are to be addressed to the Authority of the WBMDTCL and DPL for their redress.
- XXXIX. For that series of Representations were subsequently made before the WBMDTCL and DPL as well, but no fruitful result did bear.
- XL. For that the predicament is aggravating day by day. In the circumstances, the Petitioners made another representation to the Block Development Officer, Barjora Development Block, Bankura being the Respondent No. 7 herein on 3rd August, 2022 regarding the matter in hand, but no positive response thereto has come out as yet.
- XLI. For that the Respondent WBMDTCL and DPL being the Respondent Nos. 4 and 5 herein above are continuing with their rampant haphazard mining forcefully under the active indulgence of the local and District Administrative Authorities without paying any heed to the bonafide objections and grievances of the Public at large particularly of Chhinpora village

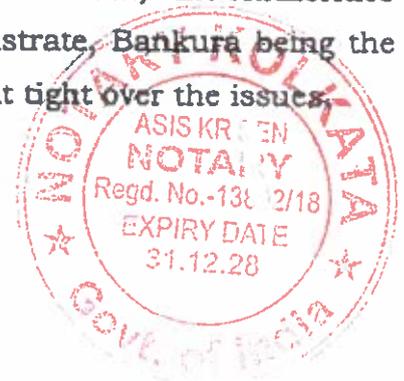


and thereby showing a thumb to the Rule of Law making the lives of inhabitants of the said village disastrous.

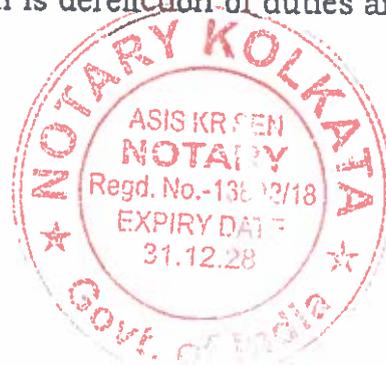
- XLII. For that despite such apparent unplanned and unauthorized mining operations and activities depriving the local residents of their lives and properties and despite violating the safety measures and the agreed package for rehabilitation essential for the purpose of implementation of such projects and subsistence of the repeated objections and representations made by the Petitioners in respect thereof the Respondents Authorities have not taken any efficacious steps in respect thereof.
- XLIII. For that the Petitioners filed and moved a Writ Petition being WPA (P) No.81 of 2023 (Re. Budhan Maji and Others Vs. the Union of India and Others) inter alia stating all the relevant facts and circumstances in the Hon'ble High Court at Calcutta.
- XLIV. For that this Hon'ble Court was pleased to observe that representations was submitted on 28.12.2015 to the District Magistrate, Bankura and the said District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the Petitioner to address the Authority of WBMDTCL and DPL for redressal of their grievance.



- XLV. For that this Hon'ble Court further recorded that they do not appreciate the manner in which the then District Magistrate of Bankura dealt with the report while issuing the reply dated 13.01.2016
- XLVI. For that this Hon'ble Court was pleased to observe that by efflux of time several other changes would have taken place and therefore, pleased to direct the District Magistrate, Bankura to immediately send a team of his Officers to the area in question and conduct a through inspection and such inspection shall be conducted in the presence of the Authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.
- XLVII. For that the said solemn order was duly communicated by the Petitioners through their learned Advocate on 21st November, 2023 and dispatched the same through speed post which was duly served upon the District Magistrate, Bankura being the Respondent No. 6 in due course.
- XLVIII. For that the matter is pending consideration and no such tangible results have come out, the Authorities including the District Magistrate, Bankura being the Respondent No. 6 herein sat tight over the issues.



- XLIX. For that the Petitioner like other thousands of inhabitants suffering their pain and agony and compelled to live in starvation in their volatile residential accommodation, they have almost lost their residence, now are losing their livelihood and may loss their lives in near future.
- XLX. For that the futures of the Petitioners have been ruined due to such illegal and unauthorized mining activities by some of the Respondent Authorities with the active support and patronage of the other Respondent Authorities.
- XLXI. For that the Respondent Authorities unable and/or failed to redress the problem in question sympathetically rather sat tight over the issue in question, the Respondent Authority completely ignored the rehabilitation and resettlement issue of the affected persons rather encourage the wrongdoers to escalate the pain and agony of the thousands sufferers of such illegal and unauthorized mining activities perpetrated by some of the Respondent Authority in spite the kind intervention by this Hon'ble Court.
- XLXII. For that the Authorities concerned sat tight over the issue since long and ignored and/or failed to consider the prayer of the Petitioners sympathetically and resolve the problem which is dereliction of duties and



acted arbitrarily and with blatant violation of Principal of Natural Justice.

XLXIII. For that the Respondent Authorities refused and/or rejected to act in accordance with law.

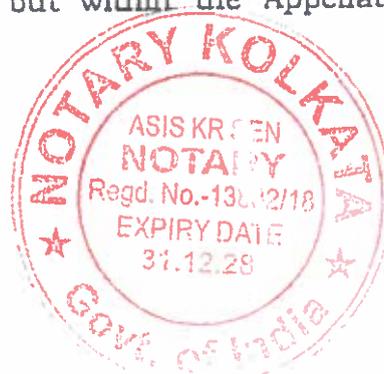
XLXIV. For that the Respondent Authorities failed and/or unable to act in accordance with the Law rather acted arbitrarily and thereby violated the Fundamental Rights of the Petitioners as Guaranteed by the Constitution of India.

XLXV. For that the Petitioners being common people and unfortunate inhabitants of the said village may be feel cheated when finds that they are not getting justice due to the acts and approach of some the instrumentalities of the state actually who are entrusted with the duty to do the justice.

89. The Petitioners have no other effective remedy for redressal of their grievances and the relief as prayed for if granted will be full and complete.

90. The Petitioners submit that in the facts and circumstances of the instant case, any and/or further demand of justice would be mere idle formalities.

91. The records of the case are lying outside the Original side jurisdiction of this Hon'ble Court but within the Appellate side



jurisdiction of this Hon'ble Court and as such this Hon'ble Court is empowered to try and adjudicate it.

92. The instant application is bonafide and made for ends of justice.

Under the circumstances the Petitioners most humbly pray that Your Lordship may be graciously pleased to

- a) Grant leave to the Petitioners to move this Application in Public interest as Public interest litigation, and
- b) Issue a writ in the nature of Mandamus commanding the Respondent authorities to act in accordance with provisions of the law and to act by following the rule of equality by extending every possible help and/or assistance and/or protection to the Petitioners to live their life and enjoy their respective property peacefully without any disturbance and/or obstruction, and
- c) Issue a writ in the nature of Mandamus commanding the District Magistrate Bankura, directing him to submit the inspection Report (if any), which has been conducted by the team of his



140

Officers in the area in question in presence of the Authorities of the DPL in terms of solemn Order dated 16th October, 2023 passed in the WPA (P) No. 81 of 2023 (Re. Budhan Maji and Others VS. Union of India and Others) and/or submit the action taken report on the basis of such inspection forthwith in the Hon'ble High Court at Calcutta, and

- d) Issue a writ in the nature of Mandamus commanding the Respondent authorities to cause to conduct a through enquiry afresh over the unplanned, rampant and haphazard mining of coal pertaining to the Trans Damodar Coal Projects by the WBMDTCL under the DPL and to take necessary action against the same strictly in accordance with law within a stipulated period of time and submit a report with such time frame as fixed by your Lordships, and
- e) Issue a writ in the nature of Mandamus commanding the Respondent authorities particularly the WBMDTCL and DPL to cause to implement the resettlement and rehabilitation package for the inhabitants of Village - Chunpora, Police Station - Barjora, District - Bankura, strictly in



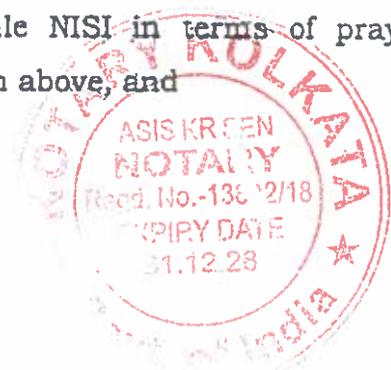
terms of the agreed settlement dated 2nd December, 2010 forthwith in a holistic manner, and

- f) Issue a writ in the nature of Mandamus commanding the Respondent authorities to provide and secure adequate supportive civic amenities and facilities to the inhabitants of the said Village - Chunpora, Police Station - Barjora, District - Bankura for their living therein the said Village till they are otherwise completely made to be resettled and rehabilitated, and
- g) Issue a writ in the nature of Mandamus commanding the Respondent authorities to cause to assess the damages inflicted upon the lives and properties of the inhabitants of the said Village - Chunpora, Police Station - Barjora, District - Bankura, owing to such rampant, haphazard and/or illegal mining and to compensate them reasonably and justifiably in accordance with Law within a stipulated period of time as may be fixed by this Hon'ble Court and submit a report of compliance, and



142

- h) Issue a writ in the nature of Mandamus commanding the Respondent authorities to consider and dispose of the Petitioners' representations in a positive and pragmatic manner in accordance with law, within a stipulated period of time as fixed by this Hon'ble Court, and submit a report of compliance, and
- i) An ad-interim order of injunction restraining the Respondent Authorities specifically the Respondent Nos. 4 and 5 and their men, agents, employees, servants and/or subordinates from carrying on with their mining activities within 100 feet of any surface structures and/or buildings of Village Chunpora, Police Station - Barjora, District - Bankura till disposal of the instant Application, and
- j) Issue a writ in the nature of Certiorari directing the Respondents to certify and transmit the records of this case to this Hon'ble court, so that conscionable justice may be administered thereby, and
- k) Issue a Rule NISI in terms of prayers made herein above, and



- l) Make the said Rule absolute on hearing the causes shown or if no cause is shown and/or to pass such other or further order or orders as to Your Lordship may seem fit and proper, and
- m) Grant costs, and
- n) Any other order or orders and further order or orders as your Lordship seem fit and proper.

And the petitioners, as in duty bound, shall ever pray.



Affidavit

I Budhan Maji, aged about 49 years, son of Late Amulya Maji, by Nationality - Indian, by faith - Hindu, by occupation - Business, residing at Village - Chunpora, Post Office and Police Station - Barjora, District - Bankura, Pin - 722202 do hereby solemnly affirm and declare as follows -

1. That I am the Petitioner No. 1 to this Writ Petition and as such well conversant with the facts and circumstances out of which this petition arises and sui juris to affirm this affidavit for myself and also for and on behalf of the Other Petitioners having been duly authorized and empowered by them to do so.

2. That the statements made in paragraphs 1, 2, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32 and 33 of the foregoing application are true to my knowledge and those made in paragraphs 3, 4, 5, 6, 10, 12, 26 and 34 are derived from my information which I verily believe to be true and the rests are my humble submission before this Hon'ble Court.

Sd. B. Maji

Prepared in my office

Sd. S. Ghosh.

Deponent is known to me

Sumati Mandalal

Clerk to Mr. B. Neogi

Advocate

Enrolment No. WB/921/2009

Mob : 9433746410 / 9051010095

Email ID : sagarmayadv@gmail.com

Advocate

Solemnly affirmed before me

This the 19th day of October, 2024

Sd.

Commissioner

I certify that all

Annexures are legible.

Sd. S. Ghosh.

Advocate



16.01.2025
Item Nos.11-12
gd/ssd

WPA(P)/482/2024
RAHUL BHUI AND ORS.
VS
UNION OF INDIA AND ORS.
with
WPA(P)/483/2024
BUDHAN MAJI AND ORS.
VS
THE UNION OF INDIA AND ORS.

Mr. Sagarmay Ghosh
..for the Petitioners.

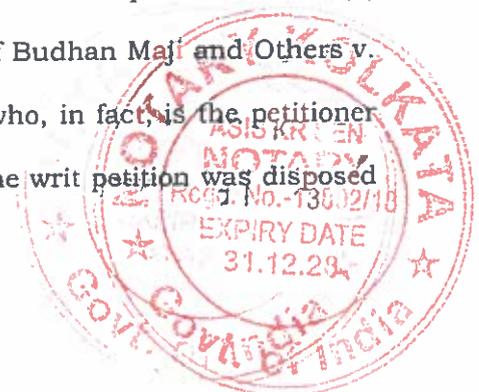
Mr. Sujit Sankar Koley
..for DPL.

Mr. Sanjay Saha.
MrRaju Mondal
..for the Respondent No.4.

1. In both the public interest writ petitions the petitioners seek for implementation of the resettlement and rehabilitation package for the inhabitants and secure adequate support to civic communities etc.

2. According to the petitioners, the residents are entitled to these measures on account of the fact that they are being affected by illegal mining activities within 100 ft. from the structures and buildings in the village in question.

3. More or less an identical prayer was made by way of another public interest writ petition in WPA(P) 81 of 2023 in the matter of Budhan Maji and Others v. Union of India & Others, who, in fact, is the petitioner in WPA(P) 483 of 2024. The writ petition was disposed



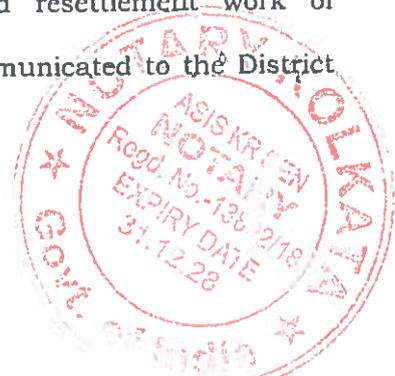
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of by order dated 16.10.2023 by passing the following order:

"1. This public interest litigation concerns the people of Chunpora village, who alleged that on account of illegal and unscientific way of mining activity done by the respondents, the entire population of that village are affected, houses are cracked and the entire area is inundated by water etc. In this regard, representations was submitted on 28.12.20215 to the District Magistrate, Bankura and we are surprised to find that the District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the petitioner to address the authority of WBMDTCL and DPL for redressal of their grievance. We do not appreciate the manner in which the then District Magistrate, Bankura dealt with the report while issuing the reply dated 13.01.2016. In any event, by efflux of time several other changes would have taken place. Therefore, we direct the District Magistrate, Bankura to immediately send a team of his officers to the area in question and conduct a thorough inspection and such inspection shall be conducted in the presence of the authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.

2. With the above observation and direction, this writ petition is disposed of."

4. The learned advocate for the Durgapur Projects Limited has submitted that a copy of a report which has been drawn wherein certain suggestions have also been put forth, namely, rehabilitation and resettlement work of the dwellers of Chunpora village should be expedited; detailed progress of the demographic study related to rehabilitation and resettlement work of Chunpora village will be communicated to the District



147

Authority by the mine management, department of Durgapur Projects Limited.

5. Thus, it appears that certain action has been taken pursuant to the orders passed in the earlier writ petition which was filed by the petitioner in WPA(P) 483 of 2024.

6. Therefore, we dispose of these writ petitions by directing the officials of the Durgapur Projects Limited to forward the demographic study report relating to rehabilitation and resettlement work of Chunpora village to the District Magistrate, Bankura within a period of three weeks from the date of receipt of the server copy of this order and upon receipt of the said report, the District Magistrate shall take steps that have been recommended pursuant to the inspection which was made and ensure that the rehabilitation and resettlement work of the dwellers of Chunpora village is expedited preferably within a period of six months from the date on which the order is communicated to the District Magistrate.

(T. S. SIVAGNAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYA, J.)



16.01.2025
Item Nos.11-12
gd/ssd

WPA(P)/482/2024
RAHUL BHUI AND ORS.
VS
UNION OF INDIA AND ORS.
with
WPA(P)/483/2024
BUDHAN MAJI AND ORS.
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..for the Petitioners.

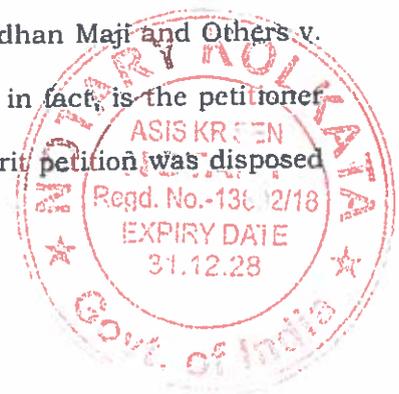
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2. According to the petitioners, the residents are entitled to these measures on account of the fact that they are being affected by illegal mining activities within 100 ft. from the structures and buildings in the village in question.

3. More or less an identical prayer was made by way of another public interest writ petition in WPA(P) 81 of 2023 in the matter of Budhan Maji and Others v. Union of India & Others, who, in fact, is the petitioner in WPA(P) 483 of 2024. The writ petition was disposed



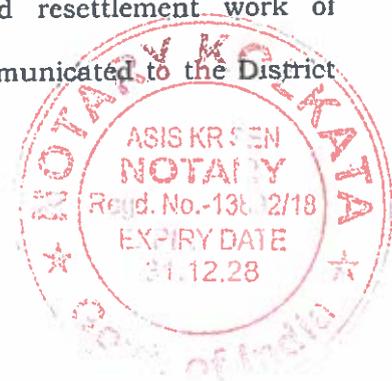
149

of by order dated 16.10.2023 by passing the following order:

“1. This public interest litigation concerns the people of Chunpora village, who alleged that on account of illegal and unscientific way of mining activity done by the respondents, the entire population of that village are affected, houses are cracked and the entire area is inundated by water etc. In this regard, representations was submitted on 28.12.2015 to the District Magistrate, Bankura and we are surprised to find that the District Magistrate by a cryptic one line reply dated 13.01.2016 directed to the petitioner to address the authority of WBMDTCL and DPL for redressal of their grievance. We do not appreciate the manner in which the then District Magistrate, Bankura dealt with the report while issuing the reply dated 13.01.2016. In any event, by efflux of time several other changes would have taken place. Therefore, we direct the District Magistrate, Bankura to immediately send a team of his officers to the area in question and conduct a thorough inspection and such inspection shall be conducted in the presence of the authorities of DPL. Based on the inspection appropriate action would be initiated by the District Magistrate or in the event he has made any recommendation to any other authority, shall recommend the same within eight weeks from the date of conclusion of the inspection.

2. With the above observation and direction, this writ petition is disposed of.”

4. The learned advocate for the Durgapur Projects Limited has submitted that a copy of a report which has been drawn wherein certain suggestions have also been put forth, namely, rehabilitation and resettlement work of the dwellers of Chunpora village should be expedited; detailed progress of the demographic study related to rehabilitation and resettlement work of Chunpora village will be communicated to the District



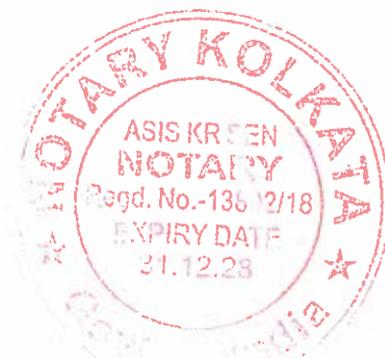
Authority by the mine management, department of Durgapur Projects Limited.

5. Thus, it appears that certain action has been taken pursuant to the orders passed in the earlier writ petition which was filed by the petitioner in WPA(P) 483 of 2024.

6. Therefore, we dispose of these writ petitions by directing the officials of the Durgapur Projects Limited to forward the demographic study report relating to rehabilitation and resettlement work of Chunpora village to the District Magistrate, Bankura within a period of three weeks from the date of receipt of the server copy of this order and upon receipt of the said report, the District Magistrate shall take steps that have been recommended pursuant to the inspection which was made and ensure that the rehabilitation and resettlement work of the dwellers of Chunpora village is expedited preferably within a period of six months from the date on which the order is communicated to the District Magistrate.

(T. S. SIVAGNAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)



REPORT OF ENQUIRY IN CONNECTION WITH THE WPA (P) 81 OF 2023 AND IN THE MATTER OF BUDHAN MAJI & ORS VS. UNION OF INDIA & ORS OF TRANS-DAMODAR COAL MINE OF M/S DURGAPUR PROJECTS LIMITED (DPL).

As per the directive received from the Office of the District Magistrate and Collector, Bankura, the undersigned, along with other district and block officials, jointly inspected the damaged houses of Chunpora Village, Raghunathpur, Mouza-Salgara, P.S.-Barjara and concerned coal mining project site and its adjoining areas on 20th December 2023 in presence of mine officials of M/s DPL.

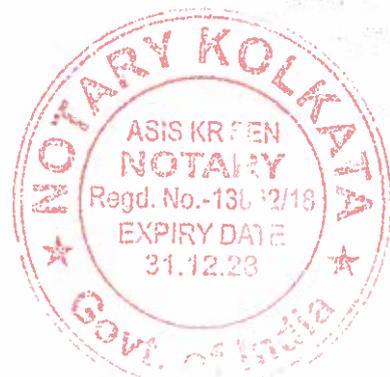
This report will address concerns raised by nearby villagers regarding structural damages to their houses attributed to ground vibrations induced by blasting activities at the Trans Damodar Coal Mine.

Findings of the site visit:

a) Monitoring of Ground Vibration:

The main purpose of the enquiry was to observe the structural response to blast-induced ground vibration in the adjoining area of Chunpora village. Particle velocity in the ground is globally used in practice for the assessment of blast-induced damage to structures since it is the best criterion for evaluating blast vibration in terms of its potential to cause damage. The magnitude of vibration in terms of "Peak Particle Velocity (PPV)" was recorded at about 100m distance from the blasting zone in respect of every blasting operation under taken in the project by the Blasting Officer of M/s DPL. PPV was recorded by using a Vibrometer during inspection. The value of recorded PPV was 1.585 mm/s at a dominant excitation frequency of 6.6 Hz; whereas the threshold limit is 5mm/s as per clause no. 9 of DGMS permission issued by Director of Mines Safety, Sitarampur Region II, Eastern Zone Sitampur, West Bengal vide letter no. 010963/EZ/Sitarampur Region No. II/Permrelax/2021/193930, dated 27/08/2021 and valid for 5 years. Recorded PPV data of the last two months was studied and all are within permissible limits.

From the foregoing, it transpires that as available records the ground vibration at the adjoining area of the project i.e. Chunpora village as induced by blasting did not exceed the safe vibration limit as standardized by DGMS.



b) Structural Inspection at Chunpora village & site visit to mine water discharge point:

We visited some houses in Chunpora village including the houses of the petitioners and found cracks developed in the walls, roofs & floors of the houses. Villagers reported disturbances due to vibrations during blasting activities and also expressed concerns about the long-term impact on their well-being and properties. No discharge point of mined-out water to the marshy land adjacent to the Chunpora village was found.

i) Distance from the blasting zone to the nearest house of Chunpora village is more than 100m as stipulated in clause no. 3 of DGMS permission & conditions.

ii) Blasting operation was carried out as per the design enumerated in DGMS blasting permission & conditions.

General Observation:

While doing the enquiry relevant documents were examined, and the matter was discussed with statutory mine personnel of M/s DPL. Technical parameters related to ground vibration with respect to current statutory norms are found to be within permissible limits; hence, there isn't enough evidence to support the argument that blast-induced ground vibration caused structural damages at Chunpora Village.

During the visit to the affected structures of Chunpora village, it was also found that the minor cracks in the majority houses, which are not very old and most of the significant cracks were noticed in the older and abandoned structures. Thus, there is no sufficient reason to believe that the claimed structural damages were caused by blast-induced ground vibration.

To channel the water from the marshy area next to Chunpora village, Hume pipes were installed beneath the culvert of the proposed transportation route.

Suggestions put forward:

a) Rehabilitation and resettlement work of the dwellers of Chunpora village should be expedited.

b) Detailed progress of the demographic study related to rehabilitation and resettlement work of Chunpora village will be communicated to the District Authority by the mine management of M/s DPL.



Santan Mahato 20/12/2023

SANATAN MAHATO
MINING OFFICER
IN-CHARGE OF PURULIA ZONE
DIRECTORATE OF MINES & MINERALS
GOVT. OF WEST BENGAL

Dipankar
20/12/23

MINE MANAGER
Trans Damodar Coal Mine
The Durgapur Projects Limited

Subhan Jyoti Chowdhury
S.I. of Police
Barjora P.C.
20/12/2023

[Signature]
20/12/23
SAFETY OFFICER
TRANS DAMODAR COAL MINE
THE DURGAPUR PROJECTS LIMITED

[Signature]
AMITAVA DAS
20/12/23

SAFETY OFFICER
Trans Damodar Coal Mine
The Durgapur Projects Limited

Jaydeb Kar 20/12/2023
Assistant Land Acquisition Officer
Bankura.

Asst. Land Acquisition Officer
BANKURA

Chayan Kundu
20.12.23

Industrial Dev. Officer
Barjora Dev. Block

[Signature]
08/01/2024
AGENT

Trans Damodar Coal Mine
The Durgapur Projects Limited

[Signature]
20/12/23
Officer-in-Charge
(Mines & Minerals)
D.L.&L.R. Office
Bankura

3/ Page Bankura



8/27/2021

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Annexure - 'R-4'

भारत सरकार
Govt. of India
श्रम एवं रोजगार विभाग
Ministry of Labour & Employment
सामान्य सुरक्षा महाविभागे कार्यालय
Directorate-General of Mines Safety



154

NO: 010963|EZ|Sitarampur Region No.II|Pennrelax|2021|193930

Date: 27/08/2021

From

Director of Mines Safety, SITARAMPUR REGION NO.II Region, EASTERN ZONE SITARAMPUR WEST BENGAL

To

SHRI KANCHAN CHAKRABORTY

The Durgapur Projects Limited, Administrative Building, Durgapur, Paschim Bardhaman, West Bengal - 713201
The Durgapur Projects Limited, Administrative Building, Durgapur, Paschim Bardhaman, West Bengal - 713201

Sub: Permission under Regulation 196(3) of the Coal Mines Regulations, 2017 to conduct deep hole blasting on regular basis within 500m but beyond 100m of surface structures not belonging to the owner at Transdamodar Coal Mine of M/s Durgapur Projects Limited - renewal thereof.

Sir,

Please refer to your online application Ref. No.193930 and offline letter No. DPL/TDCM/2021/142. Dated 07.08.2020 on the above subject, scientific study report vide Ref. No. CNP/3835/2013-14, dated August, 2014 conducted by CIMFR, Dhanbad, Plan No. TDCM/WP(Blasting)/2020/01, dated 07.08.2020 and document(s) enclosed therewith.

The matter has since been considered on the basis of the information furnished by you & shown on the accompanying plans. In exercise of the powers conferred on the Chief Inspector of Mines (also designated as Director-General of Mines Safety) under Regulation 196(3) of the Coal Mines Regulations, 2017 and by virtue of the authorization granted to the undersigned by the Chief Inspector of mines (also designated as Director-General of Mines Safety) under Section 6(1) of the Mines Act, 1952, I, hereby, permit you to conduct controlled deep hole blasting on regular basis within 500m but beyond 100m of surface structures not belonging to the owner in the area as shown along the points A-B-C....Z-A1-B1.....Z1-A2-B2-C2-A, on the above plan at Transdamodar Coal Mine of M/s. Durgapur Projects Limited, subject to strict compliance of following conditions:

- 1.0 The opencast workings shall not be extended in areas unless the land in question has been acquired by M/s. Durgapur Projects Limited and is under the possession of the management.
- 2.0 No working shall be extended within 45m of structures/buildings not belonging to M/s. Durgapur Projects Limited, or any public road, unless permission, as required under the provisions of Regulation 119(1) of the Coal Mines Regulations, 2017, has been obtained from this Directorate.
- 3.0 No blasting for removal of overburden or for extraction of coal shall be done within 100 metres of any surface structures/buildings not belonging to M/s Durgapur Projects Limited. The restricted zone from the nearest dwelling/structure, not belonging to management, shall be clearly demarcated on the plans as well as on the ground by conducting actual surveys.
- 4.0 No working shall be extended within 15m of any river/jore/nalla/water-courses and the entire ground lying within 15m of such river, nallah or jore shall be filled up and consolidated and raised to a R.L. which is at least 3.0m above the known highest flood level of the river/ nallah/ jore.
- 5.0 (a) Operations connected with Drilling, Charging, Stenming and Blasting of deep holes shall be placed under overall charge of an Assistant Manager, holding at least first Class Manager's Certificate of Competency granted under Coal Mines Regulations, 2017, who shall supervise the said operations in accordance with the

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guidelines and directives issued by the Manager.

(b) Notwithstanding anything contained in the Coal Mines Regulations, 2017, preparation of charges, charging and stemming of deep-holes shall be carried out under the personal supervision of an Overman trained in controlled blasting techniques, who shall fire the shots himself.

6.0 The manager shall follow the blast design for charging pattern of holes in overburden benches, keeping in view the recommendations made by CIMFR, Dhanbad vide project No. CNP/3835/2013-14, dated August, 2014.

7.0 Blast design, explosive charge per hole, per round shall be followed as below:

Distance of Holes from surface structures (m)	Bench Height (m)	Dia of Holes (mm)	Hole Depth (m)	Burden (m)	Spacing (m)	Top stemming Column (m)	Max. Explosive charge per hole (kg)	Max. Explosive charge per round (kg)
100-200	5.0-6.0	160	5.0-6.0	3.5-4.0	4.5-5.5	2.5 to 2.8	35	1050
200-300	5.0-6.0	160	5.0-6.0	3.5-4.0	4.5-5.5	2.5 to 2.8	45	2250
300-500	5.0-6.0	160	5.0-6.0	3.5-4.0	4.5-5.5	2.5 to 2.8	60	4200

8.0 The blasting personnel shall be entrusted in controlled-blasting techniques, and shall also monitor the blast-induced ground vibrations, at dwellings/structures not belonging to M/s Durgapur Projects Limited, with every blast. For the purpose, required instrument, triggered by geo-phone and capable of giving digital output, shall solely be made & kept available at the mine. Monitoring of peak particle velocity, noise level and of the dominant frequency shall be done with each round of deep-hole shots fired.

9.0 (a) Peak particle velocity of blast-induced ground vibrations, at dwellings/structures not belonging to M/s Durgapur Projects Limited measured with every blast as per guidelines of DGMS Circular (Tech) No. 07 of 1997, shall not exceed 5mm/sec.

(b) Prior of blasting, each hole shall be muffled by old wire rope screen of 1.28m x 1.2m and 25mm Mesh, each overlapping by 0.3m and loaded with atleast 4 sand bags each containing not less than 30 kgs of sand so as to ensure that flying rock does not come beyond 10m of the place of blast.

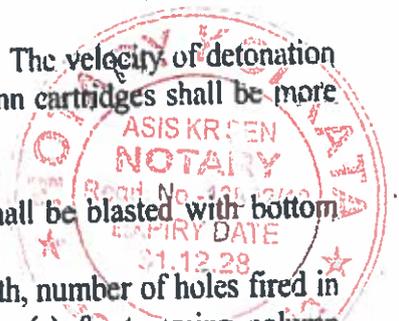
(c) The cartridge density of explosives shall be in the range of 1.05 to 1.25 g/cm³. The velocity of detonation of prime cartridges shall be less than 3700m/s. The velocity of detonation of column cartridges shall be more than 3300 m/s.

(d) ~~Electronic detonators or equivalent initiation device shall be used for each blast.~~

(e) The sub-grade drilling shall be 0.50m for a blast hole depth of 6.0m and shall be blasted with bottom initiation.

10.0 A proper record of blast parameters like spacing & burden of holes, hole depth, number of holes fired in the round, charge/hole, charge/delay, and charge/round, length of explosive column(s) & stemming column length(s), initiation pattern (with proper sketches wherever called for), manner of muffling, results of ground vibration observed (ppv, frequency & air over pressure) and distance upto which flying fragments resulting out of blasting projected, shall also be kept maintained in a bound paged book with each round of deep-hole shots fired. The records shall be duly signed by the Blasting Officer and countersigned by the Manager of the mine.

11.0 In case, with any of the deep-hole rounds fired, the peak particle velocity of ground vibrations resulting out of blasting is observed to be more than 5mm/second at dwellings/structures not belonging to M/s Durgapur Projects Limited, blasting operations shall be discontinued and this Directorate shall informed immediately. The blasting operations connected with this permission shall not be resumed unless express permission in writing is



8/27/2021

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accorded by this Directorate afresh.

12.0 The manager shall fix the time of blasting, and the same shall be circulated to all concerned, including to mine officials/supervisors in control/supervising operations and to habitants of structures and dwellings, not belonging to M/s Durgapur Projects Limited. The timings shall also be conspicuously posted on the notice board.

13.0 Code of practice for blasting shall be framed by the Manager, which shall strictly be followed.

14.0 Blasting shall be done during daylight hours only.

15.0 Two-way communication by wireless or walkie-talkie sets shall be provided to the Assistant Manager in charge of blasting, shot-firer, and to the assistants of the shot-firer. The sets, including mobile phones in possession of blasting personnel, if any, shall remain switched-off during handling and charging of explosives.

16.0 Before shots are charged, stemmed and fired, sufficient warning by siren or other suitable means shall be given to warn persons within a radius of 500m, including to the habitants of structures and dwellings, not belonging to M/s Durgapur Projects Limited.

17.0 Guards shall be posted to ensure that no person inadvertently enters the danger zone, and to ensure that all persons within the danger zone have taken proper shelter.

18.0 All precautions under Regulation 196(2) shall be observed during blasting within 500m from the any road.

19.0 No blasting shall be done within 100m distance from the State Highway No.9, until the same is shifted beyond danger zone of blasting.

20.0 No blasting shall be done within 100m distance from the structures of Bhirkasol & Chunpara Village and private factories not belonging to M/s Durgapur Projects Limited, until the same are shifted beyond danger zone of blasting.

21.0 One or more substantially built shelters shall be provided into the mine and the shot-firer, along with his assistants, if any, shall take adequate shelter, before firing the shots.

22.0 In case of fire in benches, precautions laid down in Gazette Notification No.G.S.R.986(E) dated 01.10.2018, published in the Gazette of India dated 04.10.2018, Part II, Section 3(i) issued under Regulation 202 of the Coal Mines Regulations, 2017 for conducting blasting in fire areas in an opencast coal mine, which shall be strictly adhere to.

23.0 Owners of structures and dwellings and land, not belonging to M/s Durgapur Projects Limited, and habitants/ occupants of such dwellings/buildings shall be indemnified against damage to property/injury to persons, if any, arising out of mining operations.

24.0 Except where otherwise provided for in this permission, all provisions of the Coal Mines Regulations, 2017, relating to opencast workings, use of explosives and machineries, etc., and shall be strictly complied with.

25.0 Please note that, this permission is subject to the following additional conditions –

25.1 In the event of any change in the circumstances connected with this permission / exemption which is likely to endanger the life of persons employed in the mine or the mine, the mining operations for which this permission has been granted shall be stopped forthwith and intimation thereof shall be sent to this Directorate.

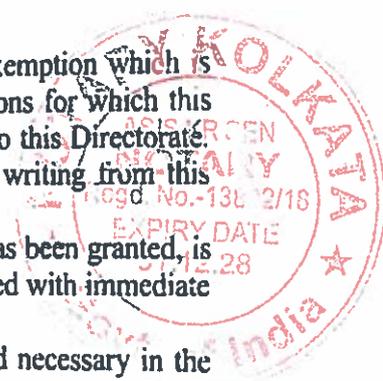
The said mining operation shall not be resumed without express and fresh permission in writing from this Directorate.

25.2 If at any time any one of the conditions, subject to which this permission/exemption has been granted, is violated or not complied with, this permission/exemption shall be deemed to have been revoked with immediate effect.

25.3 This permission/exemption may be amended or withdrawn at any time if considered necessary in the interest of safety and is being issued under Regulation 196(3) of the Coal Mines Regulations, 2017, only, without prejudice to any other provisions of law which may be or may become applicable at any time.

25.4 This Directorate shall be informed as soon as the mining operations are commenced in accordance with the above permission/exemption. Intimation about completion of the mining operations should also be sent promptly and in any case not later than one month thereof.

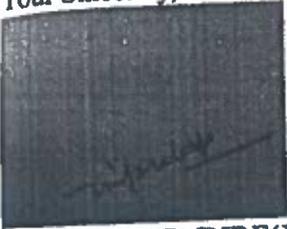
25.5 This permission is being issued specifically under the Regulations mentioned above and without prejudice to any other provisions of law, which may be or may become applicable at any time.



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26.0 Unless renewed, this permission shall be valid for a period of 05 (Five) years from the date of issue of this letter.

Your Sincerely,



VIR . PRATAP (DIRECTOR - SITARAMPUR REGION NO.II)

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BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.
04/2025/EZ

In the matter of;

Budhan Majhi & Ors.

....Applicant.

Versus

The Union of India & Ors.

....Respondents.

**Counter Affidavit on behalf of the
respondent no. 15, Transdamodar
Mining Private Limited.**

ABHISHEK JAIN

Advocate

7B, Kiran Shankar Roy Road,
Room No.3B, C and D, 3rd Floor,
Kolkata- 700001

E-mail-abheejaïn21@gmail.com

Contact No.-9831487549

Enroll No. F/1710/2015/18

EXPIRY DATE
31.12.28

