



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 19276/2023

Dr. Gulabing Purohit S/o Samarting Ji Purohit, Aged About 67
Years, R/o Purohit Vas, Suthar Seri, Pindwara, District Sirohi,
Rajasthan.

-----Petitioner

Versus

1. Rajasthan State Pollution Control Board, Through Its
Member Secretary, Jhalana Industrial Area, Jhalana
Dungari, Jaipur, Rajasthan.
2. Regional Officer, Rajasthan State Pollution Control Board,
Regional Office Plot No. 68 Shanti Nagar, Main Highway
Road, Sirohi, Rajasthan.
3. The District Collector, Sirohi, Rajasthan.
4. Unit Head, M/s Ultra Tech Nathdwara Cement Limited
(Nathdwara Cement Limited (Nathdwara Cement Works)
Village Thandiberi And Sabela Tehsil Pindwara, District
Sirohi, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Vikram Singh Bhati
For Respondent(s) : Mr. Sajjan Singh Rathore

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
Order

REPORTABLE

Judgment Reserved on : 09/02/2024

Judgment Pronounced on : 20/02/2024

1. The present writ petition has been filed with the prayer of
quashing the Notice dated 09.11.2023 to restrain the respondents
from holding public hearing on 15.12.2023 at Truck Parking Yard,
Ultra Tech Nathdwara Cement Limited, Amli Road Tehsil Pindwara,
District Sirohi at 12:00 pm and to hold fresh public hearing at
public place for environmental clearance for expansion of
respondent No.4 Unit.
2. Brief facts giving rise to the present writ petition are that the
respondent No.2- Regional Officer, Rajasthan State Pollution



Control Board, Sirohi published a notice dated 09.11.2023 (Annex.2) in the newspaper informing that a public hearing for the purpose of environmental clearance for expansion in limestone production capacity is scheduled to be held on 15.12.2023 at Truck Parking Yard, Ultratech Nathdwara Cement Ltd., Amli Road Tehsil Pindwara, District Sirohi. The petitioner along with other villagers submitted a representation before the respondent Nos.2 & 3 requesting that the public hearing for environmental clearance scheduled to be held on 15.12.2023 may be postponed and the same may be held at a public place in close proximity of village Thandiberi instead of private place i.e. Truck Parking Yard, Ultratech Nathdwara Cement Ltd., Pindwara. Since the request in the representation of the petitioner was not acceded to, hence the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that since there are two projects located at different locations i.e. one at Thandiberi Limestone Mine (ML No.7/94) and second at Amli Lime Stone Mine (ML No.6/94), thus, the public hearing should have been conducted in the near vicinity of the two sites. The learned counsel submitted that for the two projects, which are located at Thandiberi Limestone Mine and Amli Stone Mine, the public hearing could not have been taken place at a common place i.e. Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Nathdwara, Tehsil Pindwara district Sirohi. He further submitted that the purpose of public hearing is defeated if the same had held at a common place for two projects and the same being not in the close proximity of the two projects.



4. Learned counsel for the petitioner also submitted that the petitioner during public hearing has submitted written objection mentioning therein that the public hearing is not being conducted at Gram Panchayat/ Mining site/close proximity of mining site and the public hearing was conducted at a distance of 7-8 kms. from the project.

5. Learned counsel further submitted that since the public hearing took place at Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Nathdwara, Tehsil Pindwara District Sirohi, therefore, the villagers of Thandiberi were deprived of their rights to participate in the public hearing. To buttress his contentions, learned counsel for the petitioner relied upon a judgment rendered in ***Utkarsh Mandal Vs. Union of India decided by the Delhi High Court reported in 2009 SCC Online Del 3836.***

6. Learned counsel for the petitioner, therefore, prayed that the writ petition may be allowed and the respondents may be directed to hold fresh public hearing in the close proximity of village Thandiberi.

7. *Per contra*, the learned counsel for the respondents submitted that as per Gazette Notification dated 14.09.2006, the public consultation was undertaken in its true letter and spirit. He submitted that the public hearing was done at Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Nathdwara, Tehsil Pindwara District Sirohi, which was in close proximity to both the sites where the upcoming expansion projects are located.

8. The learned counsel for the respondents submitted that the petitioner himself was present at the time of public hearing at



Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Nathdwara, Tehsil Pindwara District Sirohi. The learned counsel further submitted that a number of persons who are residing in the close proximity of the villages located in Thandiberi were present and participated in the public hearing.

9. Learned counsel for the respondents submitted that the public hearing was conducted at Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Nathdwara, Tehsil Pindwara District Sirohi for the villagers who are residents of village Thandiberi and Subela at 12:00 p.m. and a number of persons from these two villages attended the public hearing. He further submitted that the villagers from the villages Amli and Malap of Pindwara Tehsil attended the public hearing at 11:00 am. The learned counsel for the respondents submitted that the word used in the Gazette Notification dated 14.09.2006, under the heading **"Public Consultation"** prescribes that a public hearing at the site or **"in its close proximity"** is required to be carried out in the manner prescribed in the Appendix IV for ascertaining the Concerns of local affected persons and the place where the public hearing took place was in close proximity of both the places where the upcoming projects are located and not only this, the villagers from both the places have attended the public hearings which were scheduled at different time periods on the location mentioned above. He, therefore, prayed that the writ petition is liable to be dismissed.

10. I have considered the submissions and have gone through the relevant record of the case including the Notification dated 14.09.2006.



11. The controversy involved in the present case is that when there are more than two projects located in different locations but in close proximity, can the public hearing be conducted at a common place? In the present case, since both the projects are situated nearby to each other and in close proximity to the place where public hearing had taken place, the mandate of Notification dated 14.09.2006 had been fulfilled. The distance between the boundaries of the two mines is 875.77 Mtrs. and the distance of Thandiberi Mines from the place of public hearing is 4.99 kms. and the distance between place of public hearing and Amli Mines is around 1.76 kms. The respondents keeping in mind the suitable place i.e. at Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Tehsil Pindwara kept a common place of public hearing for the two projects but at different timings. The public hearing for the project Amli Lime Stone Mine was held at 11:00 am and the villagers of Amli and Malap have participated in the public hearings. Whereas, for the project which is located at Thandiberi Limestone Mine, the villagers from Thandiberi and Subela have attended the public hearing which took place at 12:00 pm. It is also the fact that the petitioner along with other villagers have attended the public hearing which was held at Truck Parking Yard, Ultra Tech Nathdwara Cement Ltd., Amli Road, Tehsil Pindwara. Since the geographic location of the place of hearing was in close proximity of both the places, therefore, the respondents thought it proper to hold the meeting at Truck Yard but at different timings. The action of the respondents in holding the public hearing at a common place is not barred under the Notification dated 14.09.2006 or any other law. In the opinion of



this Court, the mandate under the heading "**Public Consultation**" of the Notification dated 14.09.2006 is that a public hearing shall take place at the site or "**in its close proximity**" districtwise so that the concerns of the local affected persons can be taken into account.

12. Since there is nothing on record to show that the place where the public hearing has taken place was not in the close proximity of the two projects, in the opinion of this Court, the purpose of public hearing for public consultation is duly achieved, even if it had been held at a common place for two projects. The place where the public hearing took place was admittedly in the close proximity of both the projects and the villagers of Thandiberi and Subela participated in the public hearing and more particularly when the petitioner also attended/participated in the public hearing, he cannot agitate the cause for a public hearing at different place.

13. In the considered opinion of this Court, the intention of the Legislature is to provide public hearing to the persons of the nearby area in which the project is being set up/expended and the place of hearing should be near the project area so that the persons who are living in the close proximity can address their concerns, but, the residents of the nearby area cannot insist upon for holding a public hearing at a particular place. Since in the present case, the public hearing was conducted in the close proximity of two projects at different timings and the same was attended by the villagers/persons of the two areas including the petitioner, therefore, the object, for which the public hearing has been mandated, has been achieved in this case.



14. The judgment relied upon by learned counsel for the petitioner has no application in the facts and circumstances of the present case.

15. In view of the discussions made above, the present writ petition is bereft of any merit and, the same is hereby dismissed.

(VINIT KUMAR MATHUR),J

/Anil/-