

Umesh Giri Vs. The Union of India and Ors

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Court : Jharkhand

Decided On : May-07-2015

Appellant : Umesh Giri

Respondent : The Union of India and Ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(PIL) No. 3345 of 2014
Umesh Giri, Son of Late Krishna Giri, Resident of Mugma More, Post Office-Mugma More, Police Station-Nirsa, District-Dhanbad Petitioner Versus 1. The Union of India 2. The Ministry of Coal, through its Secretary, Room No. 321, A-Wing, Shastri Bhawan, Post Office & Police Station-Shashtri Bhawan, District-New Delhi 3. The Coal India Limited, through its Chief Managing Director, Koyla Bhawan, 10 Netaji Subhash Road, Post Office & Police Station- Netaji Subhash Road, Kolkata, West Bengal 4. The Eastern Coal Field Limited, through its Chief Managing Director, Mugma Area, Mugma, Post Office-Mugma Area, Mugma, Post Office-Mugma More, Police Station-Nirsa, District-Dhanbad.

5. The Bharat Cocking Coal Limited, through its Chief Managing Director, Koyla Bhawan, Koyla Nagar, Dhanbad, Post Office & Police Station-Dhanbad, District Dhanbad 6. The Central Coalfields Limited, through its Chief Managing Director, Koyla Bhawan, Koyla Nagar, Dhanbad, Post Office & Police Station- Dhanbad, District Dhanbad 7. The State of Jharkhand 8. The Chief Secretary, Government of Jharkhand, Project Buildnig, Dhurwa, Post Office & Police Station-Dhurwa, District Ranchi 9. The Director General of Police, Jharkhand, Police Headquarter,

Dhurwa, Post Office & Police Station-Dhurwa, District-Ranchi 10. The Department of Personnel & Training, Government of India, North Block-04, 3rd Floor, Old JNU Campus, New Mehrauli Road, Post Office & Police Station-Mehrauli Road, District -New Delhi 11. The Central Bureau of Investigation, C.G.O. Complex, Lodi Road, Post Office & Police Station-Lodi Road, District-New Delhi Respondents -----
CORAM: HON'BLE MR. JUSTICE D.N. PATEL HON'BLE MR. JUSTICE RATNAKER BHENGRA ----- For the Petitioner: Mr. Rajiv Kumar For the Respondents: J.C. to A.G. M/s Rajesh Lala (For Respondent No.5) Arpit Kumar -----
th 06/Dated 7 May, 2015 Per D.N.Patel,J.

1. This writ petition has been preferred with the following prayers: (i) For issuance of an appropriate writ (s)/order (s) and /or direction (s) particularly a writ in the nature of mandamus commanding upon the respondents to constitute a special investigating team consisting of Members of Central Bureau of Investigation, Central Industrial Security Force, State Police and local officials of Bharat Coking Coal Limited, Central Coalfields Limited, and Eastern Coal 2 Field Limited to stop the illegal coal trading which is consistently going on with the active support of senior police officers including Superintendent of Police, Dhanbad, Members of Local Police Station of Dhanbad District and they are being supported by the present Hon'ble Minister namely Rajendra Prasad Singh, his son and some of his close ones whose name has figured in the local newspapers. (ii) For, issuance of an appropriate writ (s)/order (s) and/or direction(s) particularly a writ in the nature of mandamus commanding upon the respondents especially respondent no.11 Central Bureau of Investigation, to investigate the cases registered by the local police regarding theft of coal and the cases are being hushed up due to active connivance of Hon'ble Minister named above, his son, senior police officers and close ones of the Present Hon'ble Minister, so that it can be verified as to how and to what extent the theft of coal is being conducted where entire police machineries, politicians and local goons are participating in the loot of national property. (iii) For, issuance of an appropriate writ(s)/order(s) and/or direction (s) particularly a writ in the nature of mandamus commanding upon the respondents to submit a report as to how many persons have died due to an accident in the already close mines where due to active connivance of the local coal mafias, the coal is being taken out illegal carried out of bicycle 1000's in number everyday to the local close

factories and from there the coal is being siphoned out to various destination including the Banaras Bazaar (Mandi) which is operated by the mafia elements of Uttar Pradesh and Jharkhand. (iv) For, issuance of an appropriate writ (s)/ order (s) and /or direction (s) particularly a writ in the nature of mandamus commanding upon the respondents to explain before this Hon'ble Court as to which extent the task force constituted by the State Government has acted which is headed by the Deputy Commissioner, Superintendent of Police, Deputy Collector, District Mining Officer, District Forest Officer, One of the Member of Pollution Control Board and District Transport Officer and also submit the report which discloses their effective monitoring, so that it may be known to the people of Jharkhand as to which extent these 7 (seven) members committee/task force has been active to control the illegal trade of coal. (v) for, issuance of an appropriate writ (s)/order (s) and/or direction (s) particularly a writ in the nature of mandamus commanding upon the respondents especially Department of Personnel & Training (DOPT) to direct the Central Bureau of Investigation to take up the investigation of illegal transportation of coal from illegal coal mines to already closed factories to Banaras and elsewhere and also to track down the persons who are involved in the illegal transportation of coal and the persons who are sitting on the top as a Minister like Rajendra Prasad Singh, the Present Hon'ble Minister of Energy and Health, his son and others. (vi) For, issuance of an appropriate writ (s)/order(s) and /or direction(s) particularly a writ in the nature of mandamus commanding upon the respondents to submit the status report of various cases registered in various Police Station in Dhanbad District and the list of the convicted people in illegal theft of coal as the entire coal business is being monitored by coal mafia illegal, causing loss of national wealth to the tune of 1000's of crores every year where police officers, mining officers, transport department and the ministers are receiving money by one way or another. (vii) For, issuance of an appropriate writ (s)/order (s) and/or 3 direction(s) particularly a writ in the nature of mandamus commanding upon the respondents especially the State Government i.e. the Director General of Police to protect the life of the present petitioner who has done enough homework in finding out ways to track down the coal mafia and get them booked under the various loss of the land. (viii) For, issuance of any other appropriate relief or relief(s) as your Lordships may deem fit & proper in the facts

& circumstance of this case for doing conscionable justice to the petitioner.

2. Counsel appearing for the petitioner submitted that illegal trade of coal is going on and an Ex-Minister of the State of Jharkhand, in connivance of high ranking officers of the State Administration, is involved in the said illegal trade. Therefore, respondents may be directed to constitute a Special Task Force for stoppage of the illegal trade of coal.

3. It is submitted by counsel for the State that Special Task Force at district level has already been constituted and this fact also finds a mention in Annexure 8 to the writ petition itself. This Task Force is working and it is taking actions against illegal trade of coal as and when required. It is further submitted by the counsel for the State that looking to the nature of the prayers made in the petition, it appears that this is not a public interest litigation because this petitioner has alleged against one Ex-Minister of the State of Jharkhand in this matter and the said allegations are also general and vague in nature. Moreover, this petitioner is also one of the accused persons named in a First Information Report, which is Annexure 13 to this writ petition. In the said First Information Report, it has been alleged against the petitioner that he is involved in the illegal trade of coal and Chargesheet has also been filed in the said case. It is submitted that this petition is not at all a public interest litigation and it is filed either to save the skin of the petitioner or to level allegations against particular persons due to some personal grudge and therefore, this petition may not be entertained by this court.

4. Having heard counsel for both side and looking to the facts and circumstances of the case we see no reason to entertain this writ petition mainly for the following reasons: Reasons : (I) Looking to the prayers made in this writ petition, it appears that this is not a public interest litigation at all as several vague and general allegations have been levelled against some particular person. (II) First Information Report has been lodged against this -4- petitioner at Nirsa Thana, Dhanbad. Said F.I.R. is at Annexure 13 to the memo of this petition and on perusal of Annexure 13, it appears that this petitioner is also involved in illegal trade of coal. Thus, it appears that this petition has been preferred by the petitioner to save his skin from prosecution as he is also one of them, who are involved in the illegal

trade of coal. (III) It appears from the facts of the case that now a Task Force for the coal area has already been appointed (as per Annexure 8 to the Memo of the petition) to check the illegal trade of coal.

5. As a cumulative effect of the aforesaid facts and reasons, there is no substance in this public interest litigation, which is accordingly dismissed. (D.N.Patel, J.) (Ratnaker Bhengra, J.) s.m. f

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