

Bandu Sitaramji Dhotre And Another vs Union Of India, Thr. Secy. Ministry Of ... on 23 February, 2026

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Bench: Anil S. Kilor

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

SUO MOTU PUBLIC INTEREST LITIGATION NO.07 OF 2026
The Hon'ble Court on its Motion

vs.

Union of India, Thr. Secretary Ministry of Environmental Forest & Climate Change, New
Delhi and ors.

WITH

PUBLIC INTEREST LITIGATION NO.14 OF 2026

Bandu Sitaramji Dhotre, Chandrapur and anr.

vs.

Union of India, Thr. Secretary Ministry of Environmental Forest & Climate Change, New
Delhi and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

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Shri Gopal G. Mishra, Amicus Curiae in SMPIL/07/2026
Smt Smita Singalkar, Advocate with Shri Asim Sarode, Advocate
PIL/14/2026
Shri Kartik Shukul, Deputy Solicitor General of India for resp
in SMPIL/07/2026 and for respondent Nos.1 and 2 in PIL/14/2026
Shri D. V. Chouhan, Senior Advocate and Government Pleader wit
Assistant Government Pleader for respondent Nos.2, 3, and 6 in
and for respondent Nos.3, 7 and 9 in PIL/14/2026.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 23rd February, 2026 The issue involved in these petitions relates to grant of 35.94 hectare of forest land for opencast mining in Lohardongri Iron Block, Tah. Bramhapuri, District Chandrapur in Tiger Corridor.

2. Shri Gopal Mishra, learned Amicus Curiae has drawn attention of this Court to certain paragraphs of the recommendations of 3- member Committee under the Chairmanship of CCF, Chandrapur formed as per the decision of State Board of Wildlife meeting held on 16/10/2023 vide letter of

Principal Chief Conservator of Forest (Wildlife), Government of Maharashtra held on 23/10/2023.
The relevant paragraphs of the recommendations are as under :

" Pursuant to the directions of the SBWL, the three committee 2 103-PIL-14-26,07-26.odt members along with the DyCF Brahmapuri and ACT (Tendu) Brahmapuri conducted site visits of the proposed area on 28 October 2023 and 18 November 2023. During the site visit Shri Ganesh Manekar, was present as a representative of the project proponent from Sunflag Iron and Steel Company Ltd. Further to this, for a more detailed report, more information was gathered by the Committee.

It was observed that the project proponent has demanded a biodiversity rich area of 35.94 ha. of Reserved Forest having 18024 trees. The area is home to flagship species, Tiger and Leopard among others. The core activity of the project i.e. mining of iron ore and ancillary activities like construction of road, transportation etc are going to have large scale negative impacts on the ecology of the area.

Specially, the proposed Lohardongri mine is proposed in the heart of the dense forests of Brahmapuri forest division, adjacent to Ghodajhari Wildlife Sanctuary; and is located in crucial tiger corridor connecting the source population of tigers in Tadoba Andhari Tiger Reserve to the Bramhapuri-Gadchiroli landscape and to the northern tiger bearing forests.

This forest is home to more than 60 tigers and other wild species of flora and fauna, making it more valuable than may protected areas. The fragmentation of this landscape due to development project (Irrigation projects, canals, road widening, other linear infrastructure) has already resulted in boxing the large carnivores and forcing them to co-exist with people; leading to the highest level of human-large carnivore conflict and quantum of monetary compensation paid in recent times.

Any mining in this forest will cause irreversible damage to the environment and wildlife, loss of a large tree cover, immense pollution to the air and water. Forest fragmentation will increase the human-large carnivore conflict and will increase the treats to humans, habitat and wildlife.

The proposed Lohardongri open cast mine will require digging to 54 mts, is said to have an annual output of only 1.1 million tonnes through the entire 12 years period. The proposed mine offers employment opportunities for just 120 individuals locally, only 32 permanent staff, and ore available is barely 1.1 lakh tonnes annually. There is no study of the zone of influence around 3 103-PIL-14-26,07-26.odt the 35.73 hectares of the mine. Additional forest area will need to be cleared for 600 meters length of the 6 meter wide road required for the transportation of the ore.

The damage to the habitat, tree cover, wildlife & water sources; the health risks to locals by pollutants; the threat of increased conflict to local people, the efforts to mitigate conflict and the amount of conflict compensation paid by the State for exceeds the proposed benefits of the mine. Therefore the project is not recommended. "

Shri Mishra, learned Amicus argued that if the above referred paragraphs are read together, in the normal circumstances, there will be no recommendation as noted in the last paragraph which reads thus :

" However, if the National Board of Wildlife is considering the proposal, the project should only be reviewed on the grounds of sustainability, cost-benefit ratio and maintaining integrity of wildlife corridors. It should only be considered if the entire forest area of 34673.67 ha. (as proposed in the attached map) from Ghodazari to the Ekara conservation reserve (including its notified area) is secured for wildlife by notifying it as a wildlife Sanctuary. Also, the area of the actual mine, after the lease period should be included in the proposed sanctuary. "

3. Shri Asim Sarode, learned counsel for the petitioners in PIL/14/2026 reiterated the submission of Shri Mishra, learned Amicus and submits that the damage will be irreversible. He submits that such permission should not be granted and for this purpose he has drawn attention of this Court to the Minutes of Meeting of State Level Expert Appraisal Committee dated 29/01/2026 which is at record page 86 (Annexure-M). The Recommendations and Decision of the Committee which are at page 88 read thus :

" In view of the non-compliance with the provisions of MoEF& CC Office Memorandum dated 08.06.2022 regarding validity and sequencing of baseline data and public consultation, and considering that the Public Hearing relied upon by the Project Proponent is expired and not conducted pursuant to a valid ToR, the Committee is of the opinion that the proposal is inappropriate

4 103-PIL-14-26,07-26.odt for amendment in terms of Reference and recommends for rejection.

Decision : Recommended for rejection.

4. Considering the above referred points which prima facie do not support such permission, we issue notice to the respondents, returnable on 23/03/2026.

5. Shri D. V. Chouhan, learned Senior Counsel and Government Pleader assisted by Shri N. S. Rao, learned Assistant Government Pleader waives service of notice for respondent Nos.2, 3 and 6 in SMPIL/07/2026 and for respondent Nos.3, 7 and 9 in PIL/14/2026.

6. Shri Kartik Shukul, learned Deputy Solicitor General of India waives service of notice for respondent Nos.1, 5 and 7 in SMPIL/07/2026 and for respondent Nos.1 and 2 in PIL/14/2026.

7. The petitioners are permitted to serve the other respondents by private mode, in addition to the regular mode of service and file an affidavit by next date, failing which the petitioners shall deposit costs of Rupees Five Hundred with the 'Public Welfare Account' bearing No.129712010001014, IFSC Code UBINo812978, Union Bank of India, Branch High Court, Civil Lines, Nagpur.

8. Office objections(s), if any, shall be removed before the next date.

(Raj D. Wakode, J.)

Asmita

Signed by: Smt. Asmita A. Bhandakkar
Designation: PS To Honourable Judge
Date: 24/02/2026 17:11:29