

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 1411 of 2026

Birendar Kumar Oraon, aged about 27 years, S/o Soma Uraon, R/o Tetariyakhad, Basiya, Latehar, P.O. & P.S. Latehar, Dist-Latehar, Jharkhand-829202. Petitioner

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, Office at: Jharkhand Mantralaya, Project Bhawan, Dhurwa, Ranchi - 834004, Jharkhand.
3. The Pollution Control Board through its Member Secretary, Pollution Control Board, Township Administration Building, HEC Complex, P.O & P.S.-Dhurwa, Ranchi 834004, Jharkhand.
4. The Member Secretary, Pollution Control Board, Township Administration Building, HEC Complex, P.O & P.S.-Dhurwa, Ranchi 834004, Jharkhand
5. The Deputy Commissioner, P.O. / P.S. Latehar, District Latehar, Jharkhand.
6. The Superintendent of Police, P.O. / P.S. Latehar, District Latehar, Jharkhand.
7. The General Manager (Tech), CCL, HQ. P.O. GPO, P.S.- Kotwali, Dist-Ranchi, Jharkhand.
8. The General Manager (CMC), CCL, HQ. P.O. GPO, P.S.- Kotwali, Dist- Ranchi, Jharkhand.
9. The General Manager (M & S) CCL, HQ. P.O. GPO, P.S.- Kotwali, Dist- Ranchi, Jharkhand.
10. The Project Officer, Tetariyakhad OCP, Rajhara Area, Central Coalfields Ltd, P.O- GPO, P.S- Kotwali, Dist- Ranchi, Jharkhand.
11. M/s Pranab Naman Minerals Pvt. Ltd., Flat No. 102, B-Block, Green Park Apartment, Bariatu, P.O/P.S.- Bariatu, Ranchi-834009.

... Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner: Mr Rajeeva Kumr, Advocate
Ms Niteshwari Kumari, Advocate
For the State: Mr Piyush Chitresh, A.C. to A.G.
For the CCL: Mr Amit Kumar Das, Advocate
For the PCB: None.

04/Dated: 11.05.2026

1. Heard Mr Rajeev Kumar who appears with Ms. Niteshwari Kumari, learned counsel for the petitioner, Mr Piyush Chitresh, the learned A.C.

to A.G. appearing the respondent nos. 1, 2, 5 and 6, and Mr Amit Kumar Das, the learned counsel for respondent nos. 7 to 10.

2. Through this petition, which is filed in purported public interest, the petitioner seeks the following substantive reliefs: -

(a) For the directions to the respondents, especially the respondent no. 7 to 10 to stop the fire which has engulfed a huge stalk of coal located in the Tetariyakhad OCP, Rajhara area, Central Coalfield Ltd. and is causing enormous pollution and unbreakable emission of gases, causing air pollution (Sulphur Dioxide, Nitrogen Dioxide, Carbon Monoxide, Carbon Dioxide, etc.).

(b) For the directions upon the respondent no. 3 and 4 to curb fire of coal dumped by the respondent no. 11 and burning coal is not cleared or removed within a time frame due to the reasons best known to the respondent no. 11 and the directions may be given to the respondent no. 5 and 6 to co-operate with respondent no. 7 to 10 and respondent no. 11 to remove the piled stock of coal from the area so that the villagers of the area may survive.

(c) For the directions upon the respondent no. 2 to manage and supervise the entire operation of lifting of coal (burning coal) by suitable transport in the interest of the people in large.

3. Considering the photographs produced on record by the petitioner as well as the respondent numbers 7 to 10, coupled with the affidavit filed by Mr Vinayak Sawalkar, Senior Manager (HR), Rajhara Area, on behalf of respondents 7 to 10, it cannot be seriously disputed that there

is a large-scale piling up of coal within the lease area operated by respondents 7 to 10.

4. There is also no dispute that this coal catches fire and is a source of pollution, not to mention other dangers to the lives and property of the people in the locality.
5. Paragraph 15 of the affidavit filed on behalf of the respondent nos. 7 to 10, against whom main reliefs have been sought in this petition, read as follows: -

“15. That it is stated that the answering respondents being a PSU acknowledges that the piling up of the coal is not only detrimental to the business but also possess severe environmental impact and is hazardous hence so that the coal stockpile is not hazardous the answering respondents have undertaken several mitigating measures:-

- i. Coal stockyard of the mine, is spread over a length of about 900 metres having an average width of about 70 metres and average height of about 12.5 metres.*
- ii. The incubation period of coal produced, is just 2-3 months. Hence there is a high tendency of spontaneous heating of coal, within a short period of time.*
- iii. Within the constraints, specific to the mine, 3 nos. of diesel pump set (310hp/254hp) and one diesel pump set of 198 hp, as a standby pump, have been deployed, permanently, as a part of coal stock firefighting arrangement or the heat mitigating arrangement. Two new independent pipelines (total three nos.), have been installed, during the current FY, as an extension*

of the heat mitigating arrangement for dealing with the spontaneous heating, from different nodes, along the length of the coal stockyard.

- iv. A separate set of manpower, under the contractual arrangements, have been deployed, for dealing with the fire/spontaneous heating on continual basis.*
- v. A prompt action has been taken to control the spot fires and the results are encouraging. All the fire spots are currently under control.”*

6. Mr Rajeev Kumar, the learned counsel for the petitioner, submits that, as of date, the problem continues and not all the fires have been doused.
7. For the present, given the affidavit filed on behalf of respondents 7 to 10, we are satisfied that these respondents are taking steps to douse the fires and mitigate the pollution. However, we do not appreciate respondents 7 to 10 trying to pass the buck or apportion the responsibility on other agencies, like truck owners/drivers engaged by them or the so-called obstruction by the villagers.
8. We make it clear that this large-scale coal piling is within the lease area operated by respondents 7 to 10. As such, respondents 7 to 10, by applying the principle of absolute liability, are responsible for the piling up and the dangers or hazards that accompany it. Therefore, respondents 7 to 10, without trying to pass the blame on to others, must assume full responsibility for such piling up and the dangers and hazards that accompany it.
9. The respondents 7 to 10 must take all steps against such coal fires. If there are any coal fires at all, respondents 7 to 10 must take emergent

and all necessary steps to ensure those fires are doused at the earliest. That is why we have made it clear that the principle of 'absolute liability' will apply insofar as respondents 7 to 10 are concerned, rather than blaming their agents, contractors, or even the villagers.

10.The State and the Pollution Control Board authorities must also maintain a constant vigil over the area so that, as far as possible, there are no incidents of fire, and, in any event, the respondents 7 to 10 take immediate steps in case of fire. It is the statutory duty of the Pollution Control Boards to issue directions from time to time in the event of any pollution within their jurisdiction.

11.Therefore, if there is pollution arising from the burning of coal, the Pollution Control Board must step in and ensure that respondents 7 to 10 take immediate steps to mitigate such pollution.

12.With the above directions, we dispose of this petition, without any order for costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 11, 2026

N.A.F.R.

Manoj/ Sharda/Cp.2

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