



# **WILDLIFE FIRST**

**ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್**

5th August, 2015

**MOST URGENT**

NO.1235, FIRST FLOOR  
26<sup>TH</sup> 'A' MAIN ROAD  
4<sup>TH</sup> 'T' BLOCK, JAYANAGAR  
BANGALORE - 560 041, INDIA  
TEL: 0 8 0 - 2 6 5 3 5 7 6 3  
FAX: 0 8 0 - 2 6 5 3 5 8 1 1  
EMAIL: [wildlifefirst@gmail.com](mailto:wildlifefirst@gmail.com)  
WEBSITE: [www.wildlifefirst.info](http://www.wildlifefirst.info)

**1. Shri Kaushik Mukherjee IAS**  
**Chief Secretary**  
**Government of Karnataka**  
**Vidhana Soudha**  
**Bangalore – 560 001**

**2. Shri Madan Gopal IAS**  
**Addl. Chief Secretary, Forests, Ecology and Environment**  
**Government of Karnataka**  
**M.S. Building, Dr. Ambedkar Veedhi**  
**Bangalore – 560 001**

**3. Shri Basavaraju IAS**  
**Principal Secretary Revenue**  
**Government of Karnataka**  
**M.S. Building, Dr. Ambedkar Veedhi**  
**Bangalore – 560 001**

**4. Shri Ravi Ralph IFS**  
**PCCF & Chief Wildlife Warden**  
**Aranya Bhavan, Malleswaram**  
**Bangalore – 560 003**

**5. Shri Shadakshari Swamy IAS**  
**Deputy Commissioner**  
**Chikmagalur District – 577101**

**Sirs:**

**Sub: KIOCL attempting to sub-lease buildings and create rights over demised mining lease area within the limits of the Kudremukh National Park in Chikmagalur District.**

**Ref: Our earlier Letter dt. 16<sup>th</sup> April, 2014**

This is in continuation of our letter referred above. We have reliably learnt that KIOCL has sub-leased / handed over some buildings standing on Government Land in the demised mining lease area - now designated as Eco-sensitive zone (ESZ) within the limits of the Kudremukh National Park - to a private entity.

This is a matter of serious concern since it would tantamount to creation of rights over Government Land by KIOCL when they are themselves not in legal possession of the said lands which form part of the demised mining lease area. Further, you may also be aware that the Hon'ble Supreme Court on 02-09-2013 has directed Central Empowered Committee (CEC) to file a report on the status of winding up of the activities of KIOCL. Hence, this matter falls within the purview of the Apex Court and any unilateral action may amount to a serious transgression.

We had pointed out in our above cited letter of 16<sup>th</sup> April 2014 that the non-implementation of all the directions of the Hon'ble Supreme Court, emerging from our petition, has emboldened KIOCL to attempt sub-leasing of Government Land.

Further, as per the Judgment of the Hon'ble Supreme Court in IA No. 826 in 566 and related IAs in WP 202/1995 dt. 28.03.2008, NPV of 10.43 lakhs/ha x 10 times (National Park) ie. **Rs. 1,04,30,000** is applicable / hectare. However, it appears that KIOCL is being allowed possession of the demised lease area of **1401.5 ha** without collection of NPV which is now reportedly being sub-leased.

This we believe is impermissible under law and Orders of the Apex Court based on the following facts:

1. The mining lease of KIOCL comprising of 4605 hectares (3203.55 ha of forest land and 1401.5 of Government Land) lapsed on **24<sup>th</sup> July, 1999**. **It was never renewed.** However, they were granted two temporary working permissions and later permitted by the Hon'ble Supreme Court to continue only in the already broken up area till end of 2005. KIOCL made several attempts to seek a review of this landmark judgment (IA 670/2001 in WP 202/1995) but completely failed with the dismissal of Review Petitions and even a Curative Petition, the last legal option available.

2. Further, in its Judgment in IA 1458 in IA 1010 in IA 670/2001 dated 15<sup>th</sup> December, 2006, the Hon'ble Supreme Court did not entertain the plea of KIOCL to use existing buildings and infrastructure for promoting eco-tourism. On the contrary, the Hon'ble Court has observed at page 7 that – ***“...the heart-beat of that solution is the stability of the slopes involving “no or minimal disturbance to the unbroken area. It is noted that at various times, petitions have been filed practically with a view to undo what had been definitely held to be imperative by this court”.***

3. Apart from the above directions, the mining lease covenants at page no.16, para 06, clearly specify that if the lessee has not removed the mining plant, buildings and all other infrastructure within six months of the determination of the lease, it stands forfeited to the State Government. Therefore, six months after the time period granted by the Hon'ble Court ended ie. 30<sup>th</sup> June, 2006, the plant, buildings etc stand forfeited in favor of the State Government as there is no scope under law for KIOCL to sub-lease/hand it over to a private entity.

4. The demised mining lease area of 3203.55 ha (plus the 500 ha Lakya encroachment outside the lease area) is now a fully notified National Park and the 1401.5 ha enclosure within the National Park area is a deemed Eco-sensitive zone as per directions of the Hon'ble Supreme Court in WP 460/2004 and the ESZ Guidelines issued by the Ministry of Environment & Forests. The said area is also within the Western Ghats Eco-Sensitive Area and notified by the Ministry of Environment on 10<sup>th</sup> March, 2014.

In view of the facts and circumstances explained above, we urgently request you to:

- i. Carry out an official inspection of the demised mining lease area to verify and stop any building construction/renovation work that is reportedly under progress;
- ii. Initiate appropriate action on KIOCL under the relevant laws and Rules including the Wildlife (Protection) Act, 1972 for such impermissible activity, if any, within the limits of the Kudremukh National Park;
- iii. Enforce the forfeiture clause as provided in the Mining Lease and take over immediate possession of the 1401.5 ha of Government Land and buildings within the limits of the Kudremukh National Park.

Thanking you

Sincerely



K.M. Chinnappa / Praveen Bhargav  
Trustees

Copies to: The Media