

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Application No. 41/2013 (CZ)

Smt. Mithlesh Bai Patel Vs. State of Madhya Pradesh & Ors.

QUORAM : HON'BLE MR. JUSTICE M.CHOKALINGAM, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

PRESENT : Applicant : Bhoopesh Tiwari, Advocate

Date and Remarks	Order of the Tribunal
Item No.1 18th July, 2013	<p>Heard the Counsel for the applicant. The averments in the application alongwith the grounds for the relief and also the materials placed are looked into.</p> <p>The applicant has challenged an order issued by the Under Secretary, Department of Mining, Bhopal in Case No. F3-7/07/12/2 dated 15.05.2013 whereby a license has been granted in favour of the respondent No.6 for the purpose of mining laterite. According to the petitioner, the area covered under said licence falls within Khasra No. 413 with a total area 9.850 hectare which is a dense forest and number of trees including approximately 397 Mahua trees alongwith other varieties of trees are situated and the land in question is also being used by the Tribals of the area for collecting Mahua. Despite objections raised, the licence was granted in favour of the respondent No. 6 and he has commenced his activities by taking steps by cutting and uprooting trees and if allowed, that would damage not only the ecology but also the environment. Under such circumstances, the necessity raised to file an application challenging the grant of the said licence.</p> <p>After hearing the Counsel, the Tribunal feels it is a fit case which has got to be enquired into since, there is a substantial question relating to and connected with the environment. Hence, the application is admitted.</p> <p>The Learned Counsel presses for the interim relief stating if not the operation of the order impugned is stayed, the respondent No. 6, who has actually commenced his steps pursuant to the licence, is cutting and uprooting trees which would directly affect the ecology and environment and</p>

under such circumstances, it should be stopped immediately.

After hearing the Counsel and looking into the materials available, the Tribunal is satisfied *prima facie* that a case is made out for granting order of interim stay ex-parte of the impugned order passed in Case No. F3-7/07/12/2 dated 15.05.2013 to the respondent No. 6 by the other respondents. Accordingly, interim stay is granted until further orders.

Notice is directed to be issued to all the respondents.

The matter is posted to 12.08.2013.

.....JM
(M.CHOCKALINGAM)

.....EM
(DR. AJAY A. DESHPANDE)

