

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

Original Application No. 136/2013 (CZ)

AND

M.A. Nos. 193, 292 & 294 of 2014

CORAM:

**Hon'ble Mr. Justice U.D. Salvi
(Judicial Member)**

**Hon'ble Mr. P.S.Rao
(Expert Member)**

BETWEEN:

1. Surendra S/o Shri Ram KaranApplicants
R/o 225, Jaisinghpura, Toda Jaisinghpura,
Tehsil Rajgarh, District Alwar, Rajasthan.
2. Jairam Meena S/o Shri Khaurati Lal Meena,
R/o 117, Jaisinghpura, Toda Jaisinghpura,
Tehsil Rajgarh, Distt. Alwar, Rajasthan

Versus

1. State Government through Chief Secretary,
Secretariat, Jaipur, Rajasthan
 2. Secretary, Mining Department,
Secretariat, Jaipur, Rajasthan
 3. District Collector, District Alwar, Rajasthan
 4. Tehsildar, Tehsil Rajgarh,
District Alwar, Rajasthan
 5. Smt. Ram Pyari W/o Shri Moolchand Meena,
Gram Panchayat Toda Jaisinghpura,
Tehsil Rajgarh District Alwar, Rajasthan
 6. Kamal Kumar S/o Shri Moolchand Meena,
Toda Jaisinghpura, Tehsil Rajgarh District Alwar,
Rajasthan
-Respondents**

Counsel for Applicant : Shri Shantanoo Saxena, Advocate

**Counsel for Respondent Nos.1,2 3 &4: Shri Sachin K. Verma, Adv. with
Shri Ayush Dev Bajpai, Advocate**

**Counsel for Respondent Nos. 5 &6: Shri Kedar Solanki, Advocate
Counsel for Interveners : Ms. Parul Bhadoriya, Adv. For Mr.
Harsh Pathak, Advocate**

Delivered in Open Court by
Hon'ble Mr. Justice U.D. Salvi , Judicial Member

1. Heard. Perused.
2. This is an application seeking prohibition on the illegal mining and blasting and directions to revoke the mining leases at Khasra Nos. 1195 (M.L. No. 334/2009 applied by Respondent No. 6. Kamal Kumar) and 1196/1260 (M.L.472/2003 granted to the Respondent No. 5 Rampyari) on the ground that they fall in Protected Forest Area/prohibited area of the Aravali range.
3. A short question therefore arises whether the areas referred to in the application are prohibited areas or not. We have before us the reply to the writ petition filed by the Respondent Nos. 1 to 4 i.e. the State and its officials who are to answer this question. It reveals that the Mining Lease Nos. 472/2003 and 334/2009 do not fall under the purview of Aravali hills or Protected Forest area and suffer with no prohibition for restricting the rights of the Respondents to undertake mining lawfully.
4. On 29th April, 2014, the State was directed to carry out a survey in order to verify the facts concerning the prohibited areas. A joint survey both by the Mining Department and the Forest Department was carried out pursuant to the said order. An affidavit filed by the Superintending Mining Engineer dated 18th June, 2014 further confirmed that 61+23 mining leases of the interveners who were allowed to be impleaded to the present petition were not falling in the prohibited zones like core area or buffer zone of the Sariska Tiger Reserve or any Eco-Sensitive Zone as proposed by the State of Rajasthan to be notified as prohibited area.
5. Acting on this affidavit as well as written submissions of the State, an order,

permitting the said interveners to carry out their operations, came to be passed by this Tribunal on 18th June, 2014.

6. Learned counsel for the State makes a statement that based on the proposal of the government of Rajasthan the Eco-Sensitive Zone of the Sariska Tiger Reserve therein shall be duly notified by the MoEF under the Environment (Protection) Act, 1986 and the Applicant shall be at liberty to participate in public hearing conducted before declaration of such notification and to raise such objections as felt appropriate by them and due cognizance would be taken of such objections.
7. Learned counsel for the State further makes a statement that the Applicant shall be informed by the State of the date, time and place of such public hearing to be conducted before issuance of the notification.
8. In this view of the matter nothing survives in the present petition. The petition thus requires to be put to rest with the directions that the State shall abide by its statement assuring the Applicants the communication of the information about the particulars of public hearing to be conducted before issuance of the notification and shall not allow any mining or blasting in such prohibited area or Eco-Sensitive Zone.
9. In the above terms, this application and the pending miscellaneous applications stand disposed of. The orders prohibiting the mining by the Respondent No. 5 stand vacated.

(Mr. Justice U.D. Salvi)
Judicial Member

Bhopal:
July 3rd, 2014

(Mr. P.S.Rao)
Expert Member