

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 523/2015  
(M.A No. 1264/2015)**

**Ram Avtar Singh Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant : Mr. Mukesh Kumar Verma, Adv.  
Mr. Shiv Managal Sharma, AAG with Mr. Saurabh  
Rajpal and Ms. Shikha Sandhu, Advs. For State of  
Rajasthan**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 27</b></p> <p><b>October 26, 2017</b></p> <p><b>SS</b></p>	<p>We have heard the Learned Counsel appearing for the parties at some length.</p> <p>There cannot be dispute that there has been illegal and unauthorized mining at Parbabar, district Nagore. Photographs have been placed on record which shows that the hill which has trees greenery on it were practically reduced to half and huge mining was carried out.</p> <p>According to the applicant the project where that mining is carried on illegally and unauthorizedly, has no environmental clearance obtained by any person whatsoever. While the State Government has taken stand that mining was carrying on in that area and they have not issued any mining lease to any person for that particular area. In fact the State Government has filed photographs showing the status of the site in question.</p> <p>Once both theses photographs of Applicant and Respondents compared, there is no difficulty. The State has not taken steps to restore the ecology of the area and took any precautionary and restorative measures.</p> <p>Vide order of the Tribunal dated 24<sup>th</sup> January, 2017 and subsequent orders dated 01<sup>st</sup> March, 2017,</p>

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07<sup>th</sup> March, 2017 and 25<sup>th</sup> July, 2017, keeping in view the stand taken by the State Government, it was directed that action should be taken against all the erring officers who were posted on that area and permitted to carry on illegal and unauthorized mining.

The Learned Counsel appearing for the State Government submits that action against them has been initiated, charge sheet has been served upon the officials and proceedings are pending. Further, according to him, FIRs have been registered against the unknown persons. Subsequently, according to him, 6 persons were identified and even the penalty has been imposed for carrying on illegal and unauthorized mining which they have paid.

The identified six persons are as follows :-

1. Tikam Singh S/o. Moti Singh Daroga;
2. Devi Singh S/o. Ramdeen Singh;
3. Likhama Ram S/o. Chhotu Ram Jat;
4. Madusudan S/o. Gopal Saada;
5. Bhawar Singh Daroga S/o. Mohan Singh Daroga  
and
6. Prakash Nayak S/o. Prasaram Nayak

In light the above we dispose of this application with the following directions:-

1. We direct departmental proceedings against all the erring officers and officials be initiated within 6 months from today without delay and default.
2. Besides this, what penalty is imposed upon these officials/officers in accordance with law and relevant rules by the Competent Authority, the

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authority shall imposed environmental compensation on each of the employees to the extent of Rs. 50,000/- These environmental compensation shall be recovered from the salary of the erring officers/officials in monthly installments.

3. The Mining Department and the Rajasthan State Pollution Control Board is hereby directed to recover a sum of Rs. 1 Lakh from each of the persons who were found to be responsible for carrying on illegal and unauthorized mining in this area. Recovery shall be made in accordance with law within four weeks from today. In the event of default thereto the same shall be recovered as arrears of land revenue.

4. The amount recovered from the officials/officers and private parties shall be utilized for restoration of the hill and trees in that area within 8 weeks from today.

5. A compliance report to this regard be submitted through Secretary, Mining Department before the Tribunal which shall be placed before the Tribunal.

With the above directions Original Application No. 523/2015 stands disposed of. No order as to cost.

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This application does not survive for consideration as the main application itself stands disposed of.

The M.A. No. 1264 of 2015 stands disposed of accordingly.

.....,CP  
(Swatanter Kumar)

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