

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

(M.A. No. 806/2013)

In

Original Application No. 288/2013

Chandrapal Singh V/s State of U.P. & Ors.

CORAM: HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE SHRI B.S. SAJWAN, EXPERT MEMBER

Applicant / Appellant : Mr. Arvind Kumar Rai, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 2 September 27, 2013	<p>We have heard Learned Counsel appearing for the Applicant.</p> <p>This application has been filed for a direction against the Respondents No. 1 to 3 who are Uttar Pradesh Government to stop extraction of brick earth as per the decision of the Hon'ble Apex Court in the case of "<i>Deepak Kumar Vs. State of Haryana & Ors.</i>" followed by the directions issued by the Ministry of Environment & Forests (MoEF) dated 18.05.2012 and the 24.06.2013 to all States. As per such office memorandum issued by the MoEF, the MoEF has directed that digging of brick-earth for brick making and ordinary-earth for road making from an area of 5 hectares or more in extent is to be categorised as B-1 project and those less than 5 hectare shall be categorised as B-2 category and stipulated various conditions for the purpose of obtaining Environmental Clearance (EC) in respect of the clusters. The grievance of the Applicant is that in spite of the decision of the Hon'ble Apex Court followed by the directives issued by the MoEF, the Uttar Pradesh Government has not framed rules/guidelines for the purpose of obtaining EC and are allowing</p>

indiscriminate digging of brick earth for brick making and ordinary earth for road making and that is what has prompted him to file the present application.

Considering the seriousness of the issue involved in this application stands admitted. Issue Notice to the Respondents by registered post/acknowledgement due as well as dasti. Private Notice also allowed. Notice returnable by the next date of hearing.

We are also of the considered view that the Respondents must be restrained from permitting such digging until further orders of this Tribunal. सत्यमेव जयते

Inasmuch as the Judgment of the Hon'ble Apex Court as well as the directives issued by the MoEF has got the effect and applicability throughout the territory of India, all the States of India are expected to follow the same and therefore, what is applicable to Respondents No. 1 to 3 by our interim order is applicable to all the other States and UTs also.

Accordingly, we restrain any person, Company and Authority to carry out any such digging activities of brick earth or ordinary earth against the directives issued by the MoEF dated 24.06.2013 in any part of the country without obtaining EC from the competent authority as per the Notification. The Chief Secretaries of all the States/UTs are to ensure strict adherence to this order.

Dasti order allowed.

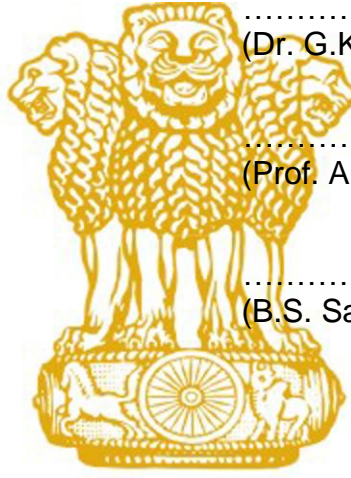
Stand over to 7th October, 2013.

....., JM
(Dr. P. Jyothimani)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. A.R. Yousuf)

....., EM
(B.S. Sajwan)



सत्यमेव जयते

