

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

Original Application No. 31/2014 (CZ)

CORAM:

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

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

In the matter of

Bardani Mishra,
S/o Shri Ram Kripal,
R/o Gram Panchayat Lodhapurwa,
Tehsil Ajaygarh, District Panna (MP)



Versus

.....Applicant

1. State of Madhya Pradesh
Through Principal Secretary,
Ministry Mines & Minerals, Vallabh Bhawan,
Bhopal (MP).
2. Director
Director of Geology & Mines,
E-7, Arera Hill, Bhopal (MP).
3. Collector, District Panna (MP).
4. Collector, Chhattarpur (MP).
5. Sub Divisional Officer,
Tehsil Ajaygarh, District Panna (MP)
6. Sub Divisional Officer,
Tehsil Chhattarpur, District Chhattarpur (MP)
7. Superintendent Engineer,
Ken Canal, Department of Irrigation,
District Banda (M.P.).
8. Superintendent of Police,
District Panna (M.P).
9. Superintendent of Police,
District Chhattarpur (MP).

10. Superintendent of Police,
District Banda (U.P.).

.....Respondents

Counsel for Respondents:

Shri Sachin K. Verma, Advocate : Respondent No.1 to 10

Ms. Parual Bhadoria, Advocate : M P P C B
For Shri Purushaindra Kaurav, AAG
Shri R.R.Singh Sengar, AE, MPPCB

Dated: July 25th, 2014

Delivered in open court by Hon'ble Mr. Justice U.D.Salvi, Judicial Member

1. Heard. Perused.
2. This application was initiated in the Hon'ble High Court of Madhya Pradesh being Writ Petition No. 1357/2013 for Writ of Mandamus directing the respondents to take immediate action against illegal mining of sand and its transportation from Ken River and its Canal at the behest of Khanij Mafia in District Panna. The petition was filed in January, 2013. Notices were issued and the Hon'ble High Court of MP directed Respondent No. 3 and 4, the Collectors of District Panna and Chhattarpur to ensure that no trucks were allowed to pass through the agriculture fields within their jurisdiction, as alleged in the petition.
3. On 03.01.2014, the Hon'ble High Court of Madhya Pradesh passed an order transferring this petition to the Central Zone Bench, Bhopal of National Green Tribunal.
4. We issued notice and directed the Standing Counsel for the State of Madhya Pradesh to place before us the facts concerning the condition of mining in the Districts of Panna and Chhattarpur and also the mineral excavated in Banda District of Uttar Pradesh but transported through Panna and Chhattarpur Districts of Madhya Pradesh and to disclose the facts concerning transportation of mineral unauthorisedly in the said Districts of Panna and Chhattarpur. On 23.05.2014, the State was further directed

to inform us regarding the alleged illegal transporting of sand by Khanij Mafia run by one, Shiv Shankar Mishra (alias Betu) and the alleged shoot out between the Khanij Mafia and the Revenue Authorities. Further on that date, the Collector and District Magistrates of Chhattarpur and Panna affirmed that there was no illegal activity with regard to mining of sand in Ken River/Canal in and around Village Lodha Purva, District Panna and Village Harrai, District Chhattarpur and causeway (Rapta) which was allegedly being used for transportation of mineral and plying of trucks, has been destroyed to prevent any illegal transportation of sand.

5. On 14.07.2014, the Sub-Divisional officer of Police, Lovkushnagar, Chhattarpur District filed an affidavit affirming that there exists no mining mafia in the area in question and the mining permission was granted to Shiv Shankar Mishra for the year 2011 and 2013 for an extent of 4 hectares at Village Harrai but no mining activity is being conducted since 31.03.2013 and subsequent thereto the mining leases were re-sanctioned to one, Ashok Kumar Agnihotri on 01.04.2014 but no mining activities have been commenced by the said lease holder.
6. While dealing with the above case, a news item appeared on 23.05.2014 reporting that large scale illegal mining is going on in various parts of Madhya Pradesh and it was also reported that about 30 mines/stone crushers are running without having either valid mining lease or without having a valid consent in and around the city of Bhopal. The newspaper report further included a list of such mining lease holders and owners of stone crushers and mentioned that such illegal activities are going on unhindered.
7. As the issue was of serious nature and taking cognizance of the aforesaid news item, the Learned Advocate General representing the MPPCB who was attending the Court agreed that it was a serious matter and they will get the matter enquired by the concerning authorities and submit a report before the Tribunal. Accordingly, the MPPCB has placed a status report of the inspection carried out by the officers of the MPPCB inspecting the alleged illegal mining sites and stone crushing units around Bhopal in compliance of the order passed by the Tribunal on 27.05.2014.

8. On 27.05.2014, the State Pollution Control Board (MPPCB) furnished information received from Mining Department with regard to alleged illegal mining activity and running of stone crushers around Bhopal. The MPPCB made a statement that they have been verifying the said information and action would be taken against illegal mining or running of crushers without due permission.
9. On 10.07.2014, the MPPCB placed status report of the inspection carried out by the Officers of MPPCB in compliance of the order dated 27.05.2014 and submitted that 29 mines were inspected out of which 21 mines were found closed on account of expiry of their mining lease, 2 were found running without valid consent and 4 were found running without consent in respect of which closure notices have been issued and 2 mines were found having consent but without installing proper equipments to regulate air pollution. Therefore, notices were issued to the said mines by the MPPCB.
10. The status report filed today by the MPPCB discloses that out of 6 mines, 3 of them at Village Chappri, Bhopal run by Smt. Rekha Kukreja, Smt. Sangita Saraf and Shri Lakhan Lal Sharma have duly taken the air pollution control measures and the equipments have been installed in the compliance of the closure notice and the persons running those stone crushers have applied for revocation of the closure notice, and the matter is under consideration. The MPPCB makes a statement that the applications for revocation of the closure directions made by them shall be duly considered in accordance with law. As regards the mine/crusher conducted by Shri Shailendra Premchandani at Village Parwalia Sadak, Bhopal, it is revealed that it is a complying unit but was mistakenly referred to as the unit to which closure notice was issued. As regards the mine of Smt. Suman Narwani at Khasra No. 355 and 356 at Village Sarwar, Bhopal, it is reported that the same is already closed and closure notice has been issued by the MPPCB to the stone crusher run by one, R.K.Narwani at the said site. According to the MPPCB, though the mine of Suman Narwani is closed, the stone crusher gets raw material for crushing from the mine of

R.K.Narwani which is situated ½ kms away from the said crusher and now the application for consent has been submitted by the stone crusher run by R.K.Narwani.

11. As regards the stone crusher run by Mohd. Sohel Khan at Village Jaitpura, Bhopal (Diwan Stone Crusher), the Board has noticed the failure of the stone crusher to install the requisite air pollution control equipment and to obtain EC from the State Environment Impact Assessment Authority concerning the renewal of the lease and as such closure notice has already been issued and steps have been taken for disconnection of electricity and other infrastructural facilities available to the stone crusher.
12. Considering these facts which have been placed on record and as the applicant absented himself to counter the said facts, on all the dates of hearing, we find no reason to further continue with this application.
13. In the above circumstances, we deem it proper to close this issue with directions to MPPCB to pursue the matter and ensure that no mining activity or stone crusher units are allowed to go on without obtaining requisite permission/licence from the competent authorities and strictly following the pollution stands notified under the relevant statutes.
14. **The Application No. 31/2014 thus stands disposed of accordingly. No order as to costs.**

Bhopal;
25th July , 2014

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

(Mr. P.S.Rao)
Expert Member