

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

Original Application No. 35/2014 (THC) (CZ)

Ram Saroj Kushwaha Vs. State of M.P. & 11 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : None.

Respondent Nos. 1 to 8 : Shri Sachin K.Verma, Advocate

Respondent Nos. 9 to 12 : Shri Nishant Goel, Advocates

Date and Remarks	Order of the Tribunal
Item no. 5 7th May, 2014	<ol style="list-style-type: none">1. Shri Sachin Verma, learned Standing Counsel for the State seeks some more time to file the reply. Learned proxy counsel appearing on behalf of Shri Ajay Gupta, Advocate for Respondent No. 9 has submitted the reply on behalf of Respondent Nos. 9, 10, 11 & 12. The same is taken on record.2. We find from the reply submitted by the Respondent No. 9 more particularly the averments made in Para No. '5' that at the time of renewal of the mining lease and the application submitted by the Respondent No. 9, the Additional Chief Secretary, Forest examined the matter on 26th December, 2009 and decided to grant the renewal barring 57 hectares of forest land and 50 mtrs. peripheral area as such the lease area for which the renewal has been granted is now 852.50 hectares.3. We also find from the reply submitted by the Respondent No. 9 that there is some dispute regarding the boundary of the forest as two departments i.e. Forest Department and Revenue Department have not been able to identify the extent of forest area or peripheral area.4. The State Government in its reply shall submit whether the aforesaid dispute regarding the existing boundaries has been resolved as

the renewal is said to have been allowed vide order dated 26th December, 2009 and more than four years have elapsed since then.

5. Be that as it may. We are inclined to direct that till the matter is resolved by the two Departments of the State Government, the boundary as claimed by the Forest Department of the State of Madhya Pradesh which is disputed by the Revenue Department, shall be observed and no mining activity shall be carried out by the Respondent No. 9, 10, 11 & 12 in the area claimed to be the forest and the peripheral area by the Forest Department of the State of Madhya Pradesh.

6. The Respondent No. 9 shall also file an affidavit on the next date of hearing indicating whether our above directions with regard to restraining mining activities in the disputed area have been carried out and are being observed by the Respondent No. 9 and its functionaries/officers. Apart from this, the Respondent No. 9 as well as the Respondent Nos. 1 to 8 in their reply shall indicate whether after coming into force the Forest (Conservation) Act, 1980 mining activity was allowed to be carried out in the area of 57 hectares found to be forest land and for which no renewal has been granted under the order dated 26th December, 2009 by the Additional Chief Secretary, Forest, State of Madhya Pradesh. The Respondent No. 9 shall clearly indicate whether any such mining activity was carried out in the said area of 57 hectares of forest land and 50 mtrs of peripheral area after 1980 and the extent of mineral excavated from the said area.

7. **List on 9th July, 2014.**

.....JM
(DALIP SINGH)

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(P.S.RAO)