

Item No. 02 (Through VC-Bhopal)

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

Original Application No.23/2020(CZ)

Vikram Kumar Gurjar & Ors.

Applicant(s)

Versus

UOI & Ors.

Respondent(s)

Date of hearing: 21.07.2020

CORAM:

HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER

HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s) Mr. Dharamveer Sharma, Advocate

For Respondent(s) Mr. Arvind Soni, Advocate
Mr. Om Sharnkar Shrivastav, ADvocate

ORDER

1. The matter with regard to illegal mining was raised before this Tribunal by moving this application and the Tribunal vide order dated 01.06.2020 constituted a committee and called the report in a following manner:

“The main issue raised in this application is related with environment due to illegal mining operation, blasting, plying heavy vehicles through forest Land and destructing upper and lower Raila Bandh at villages Jatwas, Bakhsipura, Udaisingpura, Raila, Phaganwas, Tehsil Neem Ka Thana, District Sikar, Rajasthan and as alleged by the applicant it is leading to adverse affect upon the residents and environment of the area damaging the ground level water source of the area as well as environmental ecology and the water body of the said area.

We feel it appropriate to constitute a Joint Committee consisting:

1. Collector, Sikar, Rajasthan
2. Deputy Forest Officer (DFO)/Deputy Conservator of Forest (DCF), Sikar Rajasthan

3. Respondent no. 3, Rajasthan Pollution Control Board

And the Committee is directed to submit a factual and action taken report with reference to the fact narrated in the application. The PCB will be the nodal agency for coordination and logistic support.

Let a report in the matter be filed by the Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Report be filed within four weeks.

List this matter on 14th July, 2020.”

2. In compliance thereof the Collector Sikar, Rajasthan called a meeting with all the officers concerned and inspected the site and submitted the report. The report submitted by the Committee consisting District Magistrate, Sikar, Deputy Conservator of Forest (DCF), Sikar and State Pollution Control Board is extracted below:-

“7. That on dated 16.06.2020 District Collector Sikar had busy schedule due to Video Conferencing with Hon'ble Chief Minister of Rajasthan, therefore, it cannot be held on 16.6.2020.

Thereafter, I again issued letter dated 18.06.2020 to the DFO Sikar, mining Engineer Sikar, X.En. Water Resources Department Sikar, Director General Mines & Safety (DGMS), Ajmer, Officer Incharge Ground Water Department, Sikar, to held a meeting on 22.06.2020 at 10:30 AM in the office of District Collector Sikar in pursuance to order dated 01.06.2020 passed by this Hon'ble Tribunal. A copy of aforesaid letter also sent to District Collector Sikar and Member Secretary Rajasthan State Pollution Control Board. A copy of the letter dated 18.06.2020 is submitted herewith and marked as Annexure-R/3.

8. That Deputy Forest Officer, Sikar has submitted his factual report dated 09.06.2020 in the meeting along with documents dated 31.12.2019, dated 19.02.2020 and dated 03.03.2020 along with MaukaPanchnama. A Copy of the factual report dated 09.06.2020 along with documents submitted by the Deputy Forest Officer, Sikar is submitted herewith and marked as Annexure-R/4.

9. That Assistant Mining Engineer NeemKa Thana Sikar has also submitted his factual report alongwith entire detail of Mining leases with N.O.C. details of Forest

Department, District Collector, Irrigation Department, Sikar. A copy of the factual report is submitted herewith and marked as Annexure-R/5.

10. That Executive Engineer of Water Resources Division Sikar has also submitted his factual report and mentioned that "No any dam coming under Jurisdiction of this Division or dam transferred to Panchayati Raj has been damaged by these operations/ Transportation". A copy of the factual report submitted by the Executive Engineer Water Resources Division Sikar is submitted herewith and marked as Annexure-R/6.

11. That the Director General of Mines Safety Ajmer has submitted his factual report dated 19.06.2020 along with the details given by them for deep hole blasting. A copy of the factual report dated 19.06.2020 along with the details given by them for deep hole blasting. A copy of the factual report dated 19.06.2020 submitted by the Director General of Mines Safety Ajmer is submitted herewith and marked as Annexure-A/7.

12. That I also visited in the mining lease area and made my survey report on the basis of site visit dated 17.06.2020. A copy of the details/observation is submitted by me before the committee. A copy of the site inspection report dated 17.06.2020 is submitted herewith and marked as Annexure-R/8. It is further submitted that I have also issued show cause notices dated 22.06.2020 in respect of deficiency/Non compliance observed on the basis of site visit dated 17.06.2020.

13. That, thereafter, it has been decided in the meeting dated 22.06.2020 that a joint inspection should be held by the joint inspection should be held by the joint committee and concern department as under:-

1. S.D.M., NeemKa Thane, Sikar (nominated by the District Collector Sikar).
2. Deputy Forest Officer, Sikar.
3. Regional Officer, Rajasthan State Pollution Control Board, Sikar.
4. X.En. Water Resources Department Sikar.
5. Ground Water Scientist, Ground Water Department Sikar.
6. Assistant Mining Engineer, Mines Department, NeemKa Thane.

In pursuance to aforesaid decision a joint survey was held on 23.06.2020. Prior to aforesaid joint inspection proper acknowledgement/ information has been given to the Applicant Shri Vikram Kumar Gurjar through SMS and Mobile conversation. It is further submitted that, thereafter,

a joint inspection was held in presence of applicant and it was observed that there are 22 Mining Leases sanctioned in aforesaid mining lease area in which one mining lease (ML No. 707/10) has been cancelled by mining Department. There was no mining activity or blasting observed during inspection and it has been also found that there was not any illegal mining in the sanctioned mining lease area. The wall of Upper and Lower Rela dam was not damaged. There was not any deposit of water in Rela dam. The committee Members also went to the nearest house/hut of Shri Surgyan, Shri Ratan Kumar Babriya, Shri Mool Chand S/o Shri Rekha Ram Babriya, Smt. Anita W/o Shri Chhagan Lal, Shri Ram Singh S/o Shri Mandu Ram and it was observed that there was not any damage in their houses due to blasting in mining lease. The Committee Members also inspected building of Govt. Primary School Rela and found that there was not any damage in the building due to mining/blasting. It was also observed that there was not any mining work at the level of water Table of the area. The Main road of Patan-Kotputli which linked to Village Hasampur length upto 440 Mtr. was under the protective forest area in which the resident of Village HasampurJatwas, Baksipura&Rela are used for their transportation, has been diverted by the competent Authority from forest area and presently it has been used for Local Villagers. There was not any illegal mining/Non forest activity was found in the forest area. The committee also took photograph of the site inspection which are annexed along with joint inspection report dated 23.06.2020. A copy of the joint inspection report dated 23.06.2020 along with Photograph is submitted herewith and marked as Annexure-R/9.

14. That I undertake that I shall abide by all the order passed by the Hon'ble Tribunal.”

7. The Learned Counsel appearing for the applicant has submitted that he may be give an opportunity to file objections but the representative for the State Pollution Control Board Sh. Arvind Soni has submitted that nothing is required to be taken and the inspection was done in the presence of the applicant.

8. The report reveals that there was no illegality in the mining there was no blast, no side effects on the walls and no crack were found.
9. We heard the objections raised by the applicant and found no substance. The joint report submitted by the committee consisting District Magistrate, Sikar, Deputy Forest Officer (DFO)/Deputy Conservator of Forest (DCF), Sikar and State Pollution Control Board is accepted.
10. In the light of the above report, no further action is required and thus, the application is finally disposed of.
11. Consigned the records.

Justice Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

JG
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