

Item No. 24

Court No. 2

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

Original Application No. 106/2023

Rakesh K.V. Malik & Ors.

Applicant(s)

Versus

State of Odisha

Respondent

Date of hearing: 03.03.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post

ORDER

1. This original application has been registered under Sections 14 and 15 of the National Green Tribunal Act, 2010 on a letter petition dated 29.07.2022 received from various applicants lead by Shri Rakesh Kumar Malik and others.

2. Grievance is that there are several stone crushers under Soro blocks which are running flouting environmental laws and norms. These crushers are adjacent to PWD District Road near permanent village habitation. The stone crusher set up criteria like more than 500 meter from the revenue village habitation, more than 1 km from NAC/ Municipality boundary, 250 meter from PWD/District road etc. are not being followed. Some crushers have been illegally set up on grazing land (Gochar land) against Government regulations and no action has been taken against such units. It is further said that said activities are being

carried out in eco sensitive zone (ESZ) and elephant corridor in an illegal manner.

3. In our view, a substantial question relating to environment due to implementation of Scheduled Enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter, we find it appropriate to obtain a factual report for the purpose whereof we constitute a joint Committee comprising Chief Wildlife Warden, State PCB, MoEF&CC regional office Bhubneshwar and District Magistrate Balasore who shall look into the complaint, visit the site, collect relevant information and submit a factual and action taken, if any, report within two months.

4. District Magistrate Balasore shall be the nodal agency for coordination and compliance.

5. The report shall be submitted 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.

6. List for further consideration on 09.05.2023.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 03, 2023
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