

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 54/2018 (EZ)

Bidu Bhusan Harichandan & Anr. Applicant(s)

Versus

District Collector Khurdha & Ors. Respondent(s)

Date of hearing: 04.02.2019

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Sankar Prasad Pani, Advocate
For Respondent (s): Mr. Gora Chand Roy Choudhury and Mrs. S.
Roy, Advocates for Respondent No.3.

ORDER

1. The Applicant alleges illegal Laterite Stone Mining at 40 different sites in the Khurdha District of Odisha to an extent of about 500 acres encompassing several villages including Tapanga, Anda and JhinkiJhari under Nijigarh Tapang Panchayat. The area involves amongst others Cashew Jungle, Gramya Jungle and Gochar land. Neither Environmental Clearance nor Consent to Operate have been obtained from the respective authorities. In the process of the mining activities, trees are being felled for clearing the area.
2. Upon consideration of the facts and circumstances set out in the application and on hearing the learned Counsel for the Applicant, we are satisfied that substantial question of environment is involved in the case.
3. Issue notice upon the respondents.
4. Mr. Gora Chand Roy Choudhury, learned Advocate appears on behalf of the Respondent No. 3, the SEIAA, Odisha and waives notice. Mr. Sankar Prasad Pani, learned Counsel for the Applicant

shall ensure that a copy is served upon him in order to enable him to take steps.

5. Notice in respect of other respondents shall be returnable in two weeks.
6. In the meanwhile, we direct constitution of a Committee comprising of (a) Senior Scientist/Engineer, CPCB; (b) District Magistrate Khurdha; (c) Member Secretary, SEIAA, Odisha and (d) representative of the State Pollution Control Board, who shall inspect the area in question and verify on the correctness of the allegations contained in the application.
7. In the event the allegations are found to be correct, we direct the Committee to recommend appropriate action in accordance with law to be taken by the concerned authorities against those engaged in the illegal activities.
8. An action taken report shall be filed by the Committee within two months. The Committee shall also assess the quantity of the mined minerals, its value, loss caused to the environment on account of illegal extraction and cost of restitution of the environment. Let the report be filed through e-mail at ngt.filing@gmail.com without fail.
9. Copies of this order and the application shall be handed over to the Members of the Committee by the Applicant within a period of one week from hence.
10. List this matter on 22.04.2019.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM