

Item No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

**Original Application No.63/2024(CZ)**

Abdul Kalam

Applicant(s)

Vs

State of Madhya Pradesh & Ors

Respondent(s)

Date of Hearing: **20.03.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): Mr. Dharamvir Sharma, Adv.

For Respondent(s):

ORDER

1. The issue raised in this application is illegal operation of stone crushers and mining quarries unit in Niwari District. The area being eco sensitive zone and declared as Orchha Wildlife Sanctuary on dated 2<sup>nd</sup> January, 2018, the operation of the units threatens the existence of rich flora and fauna, as well as is adversely affecting the health of people and fauna of the region. The continuous operation of the mining units till date is in blatant violation of the Forest Conservation Act, 1980, Madhya Pradesh Minor Mineral Rules, 1996, Water (Prevention & Control of Pollution) Act, 1974 as well as Air (Prevention & Control of Pollution) Act, 1981. Moreover the minings continued even after the order dated 13.09.2023 passed in O.A. No. 36/2023 *Brijendra mala vs. State of MP*. It is further alleged that the Project Proponent Respondent no. 7 has constructed temporary bridge upon the nalla by dumping dust using cement pipes and has obstructed the flow of nalla in violation of Water (Prevention and Control of Pollution) Act, 1974.
2. A substantial issue of environmental has been raised. Issue notice to the respondents. Returnable within four weeks.

3. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
4. Respondents are directed to submit their reply/counter affidavit through E-filing portal, preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the next date of listing.
5. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:
  - (i) One Representative from the Collector, District Niwari (M.P.)
  - (ii) One Representative of Madhya Pradesh State Pollution Control Board, (M.P.)
6. The Committee is directed to submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
7. Applicant is directed to supply the required documents and copy of the application to the committee and the respondents within a week and after compliance of service, the Applicant has to submit an affidavit that notices and copy of the application have been served upon the committee and respondents.
8. The report in the matter be filed by the Committee by email at [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **9<sup>th</sup> July, 2024.**

**Sheo Kumar Singh, JM**

**Dr. A Senthil Vel, EM**

20<sup>th</sup> March, 2024  
O.A. No. 63 of 2024 (CZ)  
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