

Item No. 7

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

Original Application No. 117/2023(CZ)

In Re: News report Dated 24th September 2023 Dhanik Bhaskar Bhopal
Edition, Reported by Sh. Manish Kushwah with regard to illegal mining,
District Vidisha
Vs.
State of Madhya Pradesh.

Date of Hearing: **25.09.2023**

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

For Applicant(s): None.
For Respondent(s): Mr. Mehul Bhardwaj, Adv.

ORDER

1. Despite repeated direction issued by the Hon'ble the Supreme Court of India and this Tribunal, the District Administration of Vidisha has failed to control the illegal mining in District Vidisha, Ganjbasauda, Tehsil in the Villages Udaipur, Pathari, Ghatera, Pathari, Noorpur, situated 120 km from the State Capital Bhopal. It is reported that there are various illegal mining activities in the forest area and more than 500 illegal mining are being done within the area of 5 km by use of heavy machines by sand mafias.
2. It is further reported that land for mining is being sold in a private capacity by sand mafia for a certain amount and approximately 100 trucks are being transported from this place to other places and are sold for financial gain, causing loss to the environment, loss to the State exchequer and in this way mining of more than 240 crores annually is being done damaging the forest area.

3. It is further reported that the old Neel Kanteshwar Temple is situated near the explosion site and the walls are cracking due to high explosions. The mining area is being sold from Rs. 50,000 to Rs. 04 lakh for illegal mining by sand mafias with security guarantee.
4. The reporting reveals complete violation of environmental laws, causing loss to not only environment but the state exchequer and damaging the forest area for which this Tribunal is empowered to take suo motu cognizance of the cases involving questions relating to the environment arising out of the implementation of enactments specified in first schedule of the National Green Tribunal Act, 2010 as held by the Hon'ble Supreme Court of India in Municipal Corporation of Greater Mumbai Vs. Ankita Sinha & Ors. 2021 SCC Online SC 897.
5. Prima facie the averment made in the report raises questions relating to environment arising out of the implementation of the enactment of the National Green Tribunal and in view of the contents as narrated above following persons are necessary party to be impleaded in this case.
 - i. State of Madhya Pradesh through Collector, Vidisha.
 - ii. Madhya Pradesh Pollution Control Board
 - iii. Collector, Vidisha
 - iv. Director (Mining), Madhya Pradesh.
6. Issue notice to the respondents, returnable within four weeks. The registry is directed to issue notices. Respondents are directed to submit their reply within four weeks. The copy of the reports be also send to the respondents. The legal cell of the Dainik Bhaskar is directed to submit all video graphs, contents and the statements and all evidence collected in this proceedings and to direct one of his representative or the reporter Sh. Manish Kushwaha remain present with all these facts on the next date.

7. In view of the averments made we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of :-
- i. One Representative from the CPCB.
 - ii. One Representative from the integrated office of MoEF&CC, Bhopal
 - iii. One Representative from the State Pollution Control Board.
 - iv. DFO, Vidisha
8. The Committee is directed to visit the place and look into the grievances as narrated above, verify the factual position and submits its report within 20 days through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
9. State PCB will be the nodal agency for co-ordination and compliance. The committee have to submit the report on the following points.
- i. Number of minings sanctioned by the authorities with consent conditions and EC as required.
 - ii. Number of illegal minings with details of violators involved in the process of illegal mining.
 - iii. Mining excavated by illegal mining mafia, the value
 - iv. Status of DPR and the replenishment study of area
 - v. Loss of the forest area and plantation.
 - vi. Environmental compensation against each violator in accordance with the parameter laid down by the CPCB and this Tribunal.
 - vii. Number of transport vehicle seized or action taken by the state authorities.
10. The mining should be undertaken by the State without any adverse impact on the environment. The State alone is responsible for this sorry

state of affairs. There is no proper mechanism to check the illegal quarrying and the excess sand mining. The authorities who are given the mandate to operate the sand quarry are not at all concerned with the environment and ecology. They are conducting mining activities in collusion with the mining mafia and looting the natural wealth.

11. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public, who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the Courts. If there is a law made by Parliament or the State Legislatures, the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the constitution.
12. The quarrying operations, even in those quarries where there are shoals of sand, must be undertaken only by abiding the norms and conditions of the environmental clearance. The quarry site shall be closed immediately after removing the available shoals of sand. The area and the depth of the quarry shall be in accordance with the permission granted by the environmental authorities.
13. It is to be noted that the Mines and Minerals (Development & Regulation) Act, 1957 Sub Section (1)-A of Section 4 prohibit transportation and storage of minerals and the control of illegal mining is within the domain of State Government and if there are any illegal mining it is for the state government to check it, regulate it, control it and to take necessary actions according to the rules in addition to penalty and punishment with environmental compensation.

14. A copy of the order with the copy of the report be communicated to Principal Secretary (Environment), CPCB, Bhopal, Member Secretary, Pollution Control Board and the Collector, Vidisha for taking necessary action and to submit the report.
15. Learned counsel Sh. Mehul Bhardwaj put in appearance and sought a short time to file the report.

List it on **02nd November, 2023.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

25th September, 2023
O.A No. 117/2023(CZ)
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