

Item No. 01

Court No. 1

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

Original Application No. 604/2023

Hussain Ahamad

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 13.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advocates

ORDER

1. In this Original Application, the allegation is in respect of illegal operation of the respondent no. 5 and 6, Brick Kilns. It is the stand of the applicant that Brick Kiln owners have done illegal mining of earth from the nearby agricultural fields by digging pits upto 15-20 feet and thereafter, the pits were abandoned. Those, abandoned pits got filled up during the rainfall and 5 children had died, who had accidentally entered the pits filled with the rainy water and mud.

2. Learned Counsel for the applicant has referred to the office memorandum dated 24.06.2013 and has submitted that in terms of Clause 4 (a) (ii) burrowing/excavation activities should be restricted to maximum depth of 2 mtrs. below general ground level at the site and that in terms of clause 4 (a) (v) the burrowed/excavated pit should be restored by the project proponent for useful purpose. He has further submitted that Clause 4 (a) (vi) thereof has also been violated by not putting the fencing all around the burrowed/excavated pit.

3. The facts disclosed in the OA reveals that substantial issue relating to environment is involved in the matter. Hence, at this stage, we deem it

proper to constitute a joint Committee comprising of the Member Secretary, State Pollution Control Board, representative of the Secretary, Central Pollution Control Board and the District Magistrate, Muzaffarnagar. The District Magistrate will act as a nodal agency. The Committee will visit the site and will find out the factual position and also suggest the remedial measures. Let the report be submitted by the Committee on or before the next date of hearing 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.

4. Meanwhile, let notice be also issued to respondents. Applicant is directed to serve the respondents and file affidavit of service on the next date of hearing.

5. List this matter on 05.01.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 13, 2023
Original Application No. 604/2023
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