

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

Original Application No.891/2022

Manya Sharma

Applicant(s)

Versus

State of Rajasthan

Respondent

Date of hearing: 15.03.2023

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

Respondent(s): Mr. Nishant Awana, Advocate for RSPCB

**ORDER**

1. Grievance in this application is against cutting of hill in Udaipur for construction of a water tank for supply of drinking water.

2. Vide order dated 05.01.2023, considering the grievance, the Tribunal sought a factual report from a joint Committee comprising of State PCB, CPCB and Regional Office, MoEF&CC, Udaipur.

3. The report submitted by the joint Committee on 13.03.2023 is as follows:-

*“9. Team raised query regarding applicability of Aravali notification, 1992 on the said site. As there was no representative of concerning department in the committee constituted by the Hon'ble NGT, therefore it was decided to obtain information from concerning departments regarding applicability of Aravali notification on said site/project such as Additional Surveyor General of Survey of India, Mining Department and Forest Department.*

*Even after discussion with the above it was not clear whether the construction has been done in accordance with the notification and rules in this regard, therefore a letter in this regard was sent to Survey*

*of India with copy to Forest Department and the Mining Department (Copy enclosed as annexure-7) The Mining Engineer, Mining Department, Udaipur replied on date 13.03.2023 to the letter as under:*

*उक्त प्रकरण में अंकित हिल्स कटिंग का कार्य कार्यालय से सम्बन्धित ना होकर यू.आई.टी की परिधि में गिरता है जो कि यू.आई.टी उदयपुर के अधीन आता है।*

*शासन के परिपत्र दिनांक 09.02.2012 व 05.07.2021 (प्रति संलग्न) से स्पष्ट दिशा निर्देश जारी किये गये है जो इस प्रकार है कि वन क्षेत्रों में अवैध खनन रोकने की पूर्ण जिम्मेदारी वन विभाग की होगी गैर वन क्षेत्रों में अवैध खनन रोकने की जिम्मेदार खान विभाग की रहेगी) खातेदारी भूमि में अवैध खनन किये जाने पर इसकी सूचना तहसीलदार को देने हेतु क्षेत्र का हल्का पटवार जिम्मेदार होगा एवं यदि कोई भूमि औद्योगिक/अन्य कार्यों हेतु रीको/यू.आई.टी / अन्य संस्थाओं को आवंटित कर दी गई हो एवं उसमें अवैध खनन होता हो तो उसकी जिम्मेदारी सम्बन्धित संस्था (यू.आई.टी / रिको / अन्य संस्था) की होगी।*

*However no reply has been received from Survey of India or forest department.*

*Recommendation: - It is requested that for thorough examination of the matter and such other matters which may come in future, an expert committee consisting of top officials of Survey of India, Forest Department and Mining Department may be constituted to give clear cut recommendation in the present case as far as the Hon'ble NGT order dated 05.01.2023 is concerned and also set up norms, rules and guidelines to be followed by district administration and concerning departments PHED, local authorities i.e. UIT/Nagar Nigam in such subsequent matters."*

4. From the above, it is clear that the Committee has avoided the real issue and merely suggested constitution of another Committee. It is assumed that illegal mining or cutting of hill is to be stopped by Forest or Mining Department. The Committee constituted by this Tribunal could have atleast compiled relevant facts and data instead of leaving it to other authorities to do so.

5. Having regard to above, we are left with no option except to direct the Chief Secretary, Rajasthan to ensure that measures are adopted to protect the hills in the area. Even important project of water supply should be undertaken consistent with the environmental norms without cutting the hills. The Chief Secretary, Rajasthan may consult Geology Department of the State or any other expert so as to take preventive and remedial measures for protection of the hills by notifying boundaries and conducting

suitable demarcation. Such measures may be taken preferably within three months. A public notice be issued prohibiting developmental/construction activities on the hills.

6. An action taken report may be filed with the Registrar General, NGT by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF on or before July 15, 2023. If any further direction is found necessary, he may place the matter before the Bench.

Subject to above, the Application is disposed of.

A copy of this order be forwarded to Chief Secretary, Rajasthan by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 15, 2023  
Original Application No.891/2022  
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