

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

Original Application No. 420/2019

(With report dated 05.08.2019)

Ramnarayan Singh

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 16.10.2019

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

ORDER

1. Vide order dated 02.07.2019, this Tribunal sought a factual and action taken report from the Madhya Pradesh Pollution Control Board (MPPCB) with reference to the allegation that illegal mining was taking place within 20 - 30 meters distance of the river and a school at Village Beejadoah, District Panna, Madhya Pradesh with the collusion of the concerned officers.
2. Accordingly, reports have been filed by the District Magistrate, Panna as well as by the SPCB. The report of the District Magistrate, Panna is to the effect that two leases for extraction of stone have been granted in favour of M/s S.S. Mineral and Rajender Kumar Jain. In respect of lease granted to Rajender Kumar Jain, the distance of 100 meters from the river has not been maintained as required under the

Rules. School is within 100 meters and the habitation is within 305 meters though prescribed distance for the purpose is 500 meters. Boundary pillars have not been set up as required as per sanctioned plan. Mining has been carried out in the prohibited area. As regards M/s S.S. Mineral, it is stated that the distance from the educational institution is 80 meters and from habitation 305 meters which is within the prohibited distance. Mining has been done on the river bank within the prohibited distance. Boundary pillars have not been set up. Royalty has also not been fixed. The District Magistrate has recommended that mining be prohibited till documents are produced for determination of royalty. The SPCB has also recommended that no mining zone should be duly demarcated and no illegal mining should be done.

3. In view of above, the illegalities may be remedied and mining prohibited till mandate of law is complied with. For illegal mining, compensation which has already taken may be recovered in accordance with law keeping in mind the observations of this Tribunal in *Original Application No. 173/2018, Sudarsan Das v. State of West Bengal & Ors.* and *Original Application No. 44/2016, Mushtakeem v. MoEF& CC & Ors.* The compensation may be adequate to restore the environment.

The application is disposed of.

A copy of this order be sent to State PCB and the District Magistrate, Panna by e-mail for compliance.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 16, 2019
Original Application No. 420/2019
DV

