

Item No. 02

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

**Original Application No. 35/2024(CZ)**

Atul Jain & Anr.

Applicant(s)

Vs

MP Pollution Control Board & Ors.

Respondent(s)

Date of Hearing: **28.02.2024**

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

For Applicant (s): Mr. Atul Jain  
(Applicant in Person)

For Respondent(s): None

**ORDER**

1. The issue of Pollution and damage of Ecosystem due to illegal and Unlawful Setting Up and Operation of Stone Crusher and Mining Units in various villages in Rewa District has been raised. The Air and Water Bodies are not only polluted by Dust but also by illegal and Unlawful Blasting by illegally procured explosives is causing threat to Human life directly. Since MPSEIAA specifically mentioned in their Minutes of Meeting that, since there is no requirement for Environment Clearance (EC) for operation and running of Stone Crusher Units and there is no check and balance mechanism on regular interval with MPSEIAA, the same is gone unnoticed and is increasing day by day.
2. It is further contended that 32 stone crushers/mining units are illegally operated without any proper and valid license and permission in the Aabadi area by the respondent nos. 14 to 26 in the villages Narora, Hinauti, Sonra, Madhypur, Chhijwar, Baheliya, Kahmeriya, Baijnath and Bela, in Tehsil-Huzur, Distt- Rewa (MP). The Respondent Stone Crusher Units are operating either illegally or without following the norms set up by the State Government, and are situated in close proximity of National Highway, State

Highway, Water bodies, Ancient Temples and the Abadi Area. These Stone Crusher Units are causing Pollution to the agricultural land of the local residents of the Area, who are victim of Air Pollutions during operation, transportation and illegal blasting done for and lay Stone Crushing Units. The Stone Crusher units are openly operating in cluster, flouting the set norms of PP and rules and guidelines issued by the State & Central Pollution Control Boards. There is uncontrolled Air Emission and dust is clearly visible at the places.

3. The grievance of the applicant is air pollution, water body pollution, pollution of the underground water, non-compliance of the guidelines of CPCB, non-compliance of the monitoring mechanism for stone crusher units, illegal blasting, illegal explosive threat causing health hazard to the kids of the tender age and older age, damage to ancient temple and structure, increasing the criminal activities in the society non-development of the green area by the operators, damage to the public road and non-payment of the revenue, causing loss to the state exchequer and damage to the eco-system by the mining operators and stone crushers.

4. The main ground of challenge are :-

- i. These Stone Crushers and Mining Units are set up illegally and are not following / complying the Environmental Protection Norms and Rule, they are causing great damage to the Environment and Complete Eco System.*
- ii. The State Government has no control and command over the same as such the State even could not provide the information regarding Number of Stone Crushers in the State as envisaged from the Comprehensive Industry Document Stone Crusher, it is doubtful as to how the State will control and care about what's going wrong even.*
- iii. MP SEIAA has shown its reluctance in respect of malting siting guidelines in respect of Stoner Crusher and Mining Units leaving with excuse that, the Stone Crushers are not required to obtain EC and for Mining Units the MPSEIAA is*

*dependent upon the MoEF&CC and if any guidelines are made the same would be of no force of law without having any proper notification under the Environment (Protection) Act, 1966.*

- iv. Illegal operation of Stone Crusher and Mining Units are increasing day by day on account of no check and balance no command and control by the State Government and MPSEIAA.*
- v. Due to illegal operation of Stone Crusher and Mining Units health of local residents (Near Abadi Area) is getting affected.*
- vi. Due to illegal operation of stone crusher and mining units and transportation of material (Raw and Finished Good) Rural roads build only to ply 8 ton capacity vehicles, are damaged which are and will require rebuilding at the cost of environment as such will require additional sand, murum, bituminous, cement, charcoal, earth, all extracted from nature and extra extraction always caused eco-system unbalancing.*
- vii. Due to illegal operation of Stone Crusher and Mining Units and Transportation of Crusher and Mining material heavy dust is created and spread, which is not only effecting human body and life, but also affecting other living being, water bodies etc.*
- viii. For the purpose of such illegal operation of Stone Crusher and Mining Units the violators are using explosives for the work illegally, without any safety measures and permissions, which further cause pollution.*
- ix. The explosives so used by those violators are procured from illegal suppliers who are violating all the norms of safety and security, causing great danger to living being.*
- x. No norms are followed by the explosive suppliers, illegal stocking and storage is done without check and balance without security measures at the cost of life of human being which often comes to knowledge through newspapers and social media on major such accidents however, many of the accidents taken place at remote area go unnoticed and unreported neither are the complaints*

*filed in a fear of punishment after exposing if reported.*

5. On the above ground the applicant has raised the issue of study of environmental impact by the expert body and its effect on the local area and essentiality of the consent condition and the environmental clearance which is lacking in the matters of stone crushers.
6. A substantial issue of environment has been raised.
7. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
8. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
9. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
  - i. One representative from Central Pollution Control Board, Parivesh Bhawan, Bhopal, (M.P.).
  - ii. One representative from MPSEIAA
  - iii. One representative from Principal Secretary, Mining Department, MP
  - iv. One representative from Collector, Rewa, MP
  - v. One representative form Madhya Pradesh Pollution Control Board
10. The Committee is directed to visit the place, examine the matter with regard to the environmental impact and essentiality and requirement of consent condition and EC and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
4. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the

notice and copy of the application have been served upon the Committee and respondent(s).

5. The report in the matter be filed by the Committee through 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 **29<sup>th</sup> April, 2024.**

**Sheo Kumar Singh, JM**

**Dr. A. Senthil Vel, EM**

28<sup>th</sup> February, 2024  
O.A No. 35/2024 (CZ)  
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