

Item No. 02 (Pune Bench)

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

(By Video Conferencing)

Original Application No. 66/2020 (WZ)

Gram-Panchayat Kasarwadi

Applicant

Versus

Maharashtra State Vadar Samaj Sangh & Ors.

Respondent(s)

Date of hearing: 09.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Asim Sarode, Advocate

Respondent(s): Ms. Swati Vaidya Pandit, Advocate for Collector, Kolhapur

ORDER

1. Grievance in this application is against illegal stone mining activities in Village Kasarwadi, Taluka Hatkanangale, District Kolhapur, Maharashtra by Respondents No. 1 to 14 to the application.

2. According to the applicant-Gram Panchayat, District Mining Officer, Kolhapur gave mining lease which was later cancelled. Still, the illegal mining is continuing causing air pollution, noise pollution and damage to the agricultural land. Blasting for mining is affecting the safety of the houses of the inhabitants. The land is a reserved forest. The applicant has relied upon photographs and guidelines of the State PCB. It is also mentioned that a suit was filed before the Civil Judge Senior

Division, Kolhapur by a private respondent to claim right to mining but the injunction sought was rejected on 27.01.2015 by the said Court.

3. In view of above, we consider it appropriate to require a factual and action taken report from a joint Committee comprising the State PCB, the Collector, Kolhapur and Chief Conservator of Forests, Kolhapur. The State PCB will be the nodal agency for coordination and compliance. The said Committee may verify the facts and also ascertain the stand of the Respondents no. 1 to 14. Since the stand of the said respondents will be considered by the statutory authorities in exercise of their statutory powers, we do not consider it necessary to issue notice to them. If illegal action is found, the Committee may take further appropriate action as per law, following due process. The report may be furnished within two months 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.

A copy of this order be forwarded to the State PCB, the Collector, Kolhapur and the Chief Conservator of Forests, Kolhapur by e-mail for compliance.

The applicant may serve a set of papers on the State PCB, the Collector, Kolhapur and the Chief Conservator of Forests, Kolhapur and file an affidavit of service within one week.

We have also apprised Ms. Swati Vaidya Pandit, learned counsel appearing for the Collector, Kolhapur, present during the hearing about the order.

List for further consideration on 16.02.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 09, 2020
Original Application No. 66/2020 (WZ)
DV