

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

**Original Application No. 39/2015 (CZ)
Vinayak Parihar Vs. State of M.P. & 5 Ors.
and
M.A.No 701/16**

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant : Shri Vijay Shahahni, Advocate with
Shri Vinayak Parihar, Advocate
Respondent/State Min. Corp : Shri Sachin K.Verma, Advocate
Respondent / MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Adv.
CPCB : Shri Sandeep Singh Singh, Advocate
NTPC : Shri Sambhav Sogani, Advocate
Vanshika Construction &: Shri Shreyas Dharmadhikari, Adv.
Shiva Corporation:

ate Remarks	and Orders of the Tribunal
Order No. 23 21st November, 2016	<p>The State has filed M.A. No. 1031/2016 for taking on record the submission made by way of compliance along with the documents annexed therewith as well as the affidavit of the District Collector Narsinghpur. The documents are ordered to be taken on record. Copy of the same has been provided to the Learned Counsel for the Applicant. Learned Counsel appearing for some of the Respondents Shri Dharmadhikari also prays for a copy. He may obtain a copy from Shri Sachin K.Verma, Learned Counsel for the State. Learned Counsel for the Applicant prays for time to go through the compliance and the material submitted by the State. The prayer is allowed.</p> <p>The MPPCB has also submitted a reply in which it is submitted that out of 22 mining areas which were inspected by the SIT, only 04 have EC details of which have been provided in the para no. 4 of the reply have obtained, out of the remaining 18 only 08 area have been allotted by the Mining Department to the Corporation. However, in these also no EC has been granted so far and in the remaining 10 neither allotment nor EC has been made to any person</p>

and the area is under illegal excavation.

In view of the above, we direct that in case the State has so far no taken adequate steps for prevention of illegal mining in the area which have neither been allotted nor do they have EC or the areas which have been allotted but no EC has been granted the effective steps for preventing illegal mining be taken with immediate effect by deploying adequate force for the prevention of illegal mining and transportation of the mineral from the area of such material which may have mined or lying in the spot of these 18 areas. It would be the responsibility of the District Collector, Collector (Mines), Mines Officials and SP & Police Stations to ensure the checking and surveillance with regard to the aforesaid.

The reply of the State indicates that action has been initiated against the persons found to be carrying out illegal mining. We may add that so far as action against persons who were carrying out illegal mining are concerned that has to be a continuous and ongoing process and should not be confined to one time operation. Subsequent action taken against the defaulting parties post the inspection which were carried out in year 2016 shall also be submitted by the Stated on the next date of hearing.

M.A. No. 701/2016 filed for taking on record the report of SIT is allowed. The SIT report is ordered to be taken on record has already ordered. M.A. No. 701/2016 is accordingly disposed of.

Let the matter be listed on **15th December, 2016**.

.....,JM
(DALIP SINGH)

.....,EM
(Dr. S.S.GARBYAL)

