

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

**M.A. No. 787 of 2014 In Original Application No. 04 of 2013
And
M.A. No. 74 of 2014 & M.A. No. 75 of 2014
In
Original Application No. 04 of 2013 (Suo Moto)
And
M.A. No. 737 of 2014 In Original Application No. 04 of 2013 (Suo Moto)
And
M.A. No. 568 of 2013
In
Original Application No. 04 of 2013 (Suo Moto)
And
M.A. No. 186 of 2013
In
Original Application No. 04 of 2013 (Suo Moto)**

IN THE MATTER OF:

**Sonya Ghosh Vs. State of Haryana & Ors.
And
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**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Amicus Curiae: Mr. Raj Panjwani, Sr. Advocate (AC), Mr. Aagney
for Applicant
Mr. Sharat Kapoor, Adv.
Mr. Shubham Jaiswal, Adv.
Respondent No. 2: Mr. Narender Hooda, Sr. Adv. with Ms.
Sukhmani Bajma, Adv. for HSPCB
Respondent No. 5: Mr. S.S. Shamsheery, AAG, Mr. Varun Punia,
Advs.
Respondent No. 6: Mr. Ardhendumauli Kumar Prasad, Adv.
Respondent No. 7 : Mr. H.P. Sharma and Mr. Ajay Sharma, Advs.
Respondent No. 10: Mr. Shubham Bhalla and Mr. Vijay Kr. Dwivedi,
Advs.
Respondent Nos. 11&12: Ms. Jasmine Damkewala, Adv.
Mr. Raj Kumar, Adv. and Mr. B.V. Niren, Adv.
for CPCB
Mr. Anil Grover AAG, Mr. Rahul Khurana, Adv.
Ms. Noopar Singhal, Adv. for State of Haryana

	Date and Remarks	Orders of the Tribunal
	Item No. 15-19 February 05, 2015	The records before the Tribunal reveal that the illegal, unauthorised and the rampant mining going on in the District of Alwar is a matter of serious concern. The extent of illegal mining has adversely affected the ecology

and environment of the area and there is definite degradation of the same. It is further undisputable that this area is surrounded by the Sariska Tiger Reserves on the one side and on the other side by Bharatpur Bird Sanctuary. Indiscriminate and rampant mining has resulted in adversely effecting the tiger life and has also caused serious damage to the health of the people living around those areas because of air pollution.

The Learned Counsel appearing for the State of Rajasthan upon instructions from the Officers of the concerned Departments have confirmed that still large illegal, unauthorised and rampant mining is going on in that area and the grinders stone crushers and other mechanical processes installed in that area have not obtained consent of the Rajasthan Pollution Control Board for carrying on such activities. Keeping in view the background of this case and complete inaction on the part of the concerned authorities vide our Order date 27th January, 2015, we had directed the concerned Secretary Forest of the State of Rajasthan to be present today before the Tribunal. However, the Secretary is not present, though some other Junior Officers from the Forest Departments are present.

Mr. P.D. Gupta, Deputy Conservator of Forest, Alwar, State of Rajasthan had prepared a Report dealing with the extent of illegal mining in that area somewhere in May, 2014. This Report is an indicator to the illegal, unauthorised and rampant mining going on in that area to which the State authorities have shut their eyes.

		<p>According to this Report 3000 to 3500 kg explosive is used in one go and 4” bore holes are drilled to plant explosives to blast off hillocks and rocks in such a huge quantity that almost 1000 dumpers, each carrying approximately 45 to 60 ton stone, are loaded and transported to neighbouring Haryana State within a night. The geographical area of Alwar District is 7833 sq. Km where the forest area is 1782.69 sq. Km. i.e. 22.75% of the total geographical area is the forest area. This forest area is also being divested of its basic qualities because of this illegal and unauthorised mining. The area in which illegal, unauthorised and rampant mining is going on is stated to be approximately 2612.64 hectares. Along with this Report, large number of photographs have been annexed showing illegally installed grinders, employment of JCB’s for removal and huge number of trucks loaded of sand and bajri to transport the illegally extracted miner minerals. The Officials present before us have stated that they have collected 40 lakhs as penalty and compensation from the various miners and have seized certain vehicles etc. The Officers present have specifically stated before the Tribunal that hills have been wiped out in that District by this illegal activity. According to him steps were taken to demolish and seize certain crushers, however, large number of crushers are still operating as of today. According to him 40 lakhs compensation corresponding with the value of the illegally extracted miner mineral has been imposed for the year 2014-15.. We are not really concerned with the Revenue loss to the State. It is a matter which the State needs to attain. We have noticed this fact only to pass appropriate</p>
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directions in future while imposing compensation for the purposes of restoration of the ecology and environment in that area in terms of Section 15 of the NGT Act, 2010, and to indicate sufficiently that the environment and ecology of that area is threatened with serious Environmental disaster. All the crushers in Alwar District around this area are admittedly being operated without taking consent to establish or operate from the concerned Pollution Control Boards. In light of the above discussions we pass the following directions:

1. All mining activity of minor minerals in District Alwar in relation to the site Tijara, Tapukada and Kishangarh are hereby prohibited. No person shall mechanically or manually would carry on any illegal, unauthorised and rampant mining in that area.
2. No person possessing mining licenses from the concerned authority, having environment clearance, consent from the concerned Pollution Control Boards and all other requisites permissions in accordance with law could carry on a mining activity. In absence of any or all of them, the owner or any person is hereby prohibited and injuncted from carrying on any mining activity, manually or otherwise.
3. The State Government shall seize all crushers/ grinders illegally and unauthorisedly operating in that area.
4. No trucks, JBC's and tractors would be permitted to enter these area except owned by the State

Government only for the purposes of restoration activity for which the specific permit will be issued by the Deputy Commissioner of District Alwar.

The State Government shall file before the Tribunal complete and comprehensive plan for restoration, reforestation and reclamation of the entire area, and state the cost involved therefor and the agency which will carry on such a project. The project Report giving complete time frame specific to that area shall be prepared by a specialised agency. The Deputy Commissioner and SSP of District Alwar shall be personally responsible for compliance of these directions. The State Government would also file a list of all the persons who had been found carrying on illegally, unauthorized mining activity as of today.

We grant liberty to the Applicant to inspect the site any time of the day and night, prepare a videography if any of illegal or unauthorised activity going on in that area. We also direct if the Applicant approaches the concerned Police Station for help, the same shall be provided to the Applicant.

In the earlier Report and Affidavit filed by the State of Rajasthan, it was stated that there are 698 unauthorised structures in the Aravali Forest Area. According to the Officer present before the Tribunal, it is stated that these structures are of labourers or other poor people and none of them is a farmhouse or proper concrete structure but all these structures are located in the protected forest area as notified. Let the State

Government submit a complete proposal for removal of these structures and restoration of the area to its original, ecological and natural status.

The Secretary shall be present on the next date of hearing.

The State of Haryana is granted last opportunity to place the Status Report and Replies on record and if the Status Report and Replies are not filed, we make it clear that we will impose a very heavy amount of cost upon them. Liberty to file additional Affidavits also granted.

List on 16th March, 2015.

M.A. No. 787 of 2014, 74 of 2014, 75 of 2014, 737 of 2013, 568 of 2013 and 186 of 2013

List all M.A.'s on the same day i.e. 16th March, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Bikram Singh Sajwan)

.....,EM
(Ranjan Chatterjee)