

**Original Application No.35/2013**  
**Aam Janta vs. State of MP & Ors.**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER

**PRESENT :** Applicant : Shri S.P.Tiwari, Advocate  
Shri Dipesh Shukla, Advocate  
Respondent No. 1, 3 &4 : Shri Ayush Dev Bajpai, Advocate  
for Shri Sachin K.Verma,  
Advocate  
Respondent No. 2 : Shri Shivendu Joshi, Advocate  
Respondent No. 5 : Shri Nishant Goel, Advocate and  
Shri Vinay Urmaliya, Officer  
Shri Arvind Singh, Dy. Manager

| Date and Remarks  | Orders of the Tribunal  |
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| <b>Item No. 4</b><br><br>28 <sup>th</sup> October, 2013 | <p>The Learned Counsel appearing for the respondent no. 2 has filed a compliance report in pursuance of the order of the Tribunal dtd. 10.09.2013. Copy of the same has been furnished to the Learned Counsel appearing for the applicant. The same be taken on record.</p> <p>The Learned Counsel for the applicant submitted that he has not received the copy of the reply filed by the respondent no. 5. The Learned Counsel appearing for the respondent no. 5 is directed to supply a copy of the same to a Learned Counsel appearing for the applicant.</p> <p>Shri Shivendu Joshi, Learned Counsel appearing on behalf of the MP Pollution Control Board pointed out from the compliance report that specific reference to the grievances which has been raised regarding the blasting operations carried out in the mines by the respondent no. 5 that as a result of the aforesaid blasting residential houses in an around in close proximity of the mining areas are being damaged for which the respondent no 2 had written letters (Annexure (R-12) dated 19.08.2013 and (R-13) dated 05.10.2013) to the Dy. Controller of Mines &amp; OIC, Indian Bureau of Mines (IBM), Jabalpur requesting him to furnish the information so that the same may be placed before the Tribunal as to the veracity and correctness of the</p> |

O.A. No.  
35/2013

28<sup>th</sup> October,  
2013

aforesaid averments of the applicant with regard to the damage being caused to their residential houses.

Shri Shivendu Joshi, Learned Counsel submits that despite the aforesaid letters and the reminder the Dy. Controller of Mines, IBM, Jabalpur has failed to respond and they have not received any reply to their request.

The Registrar, National Green Tribunal, Central Zone, Bhopal is directed to issue notice to the Dy. Controller of Mines, IBM, Kamla Nehru Nagar, Jabalpur-11 asking him to appear before the Tribunal in person on the next date of hearing with the aforesaid information regarding –

- (1) Whether any house and dwelling units in an around the mining lease area of the respondent no. 5 have been adversely affected as a result of the mining operations and more particularly whether the blasting was being carried therein by the respondent no. 5.
- (2) The distance between the mining site and the dwelling unit and the villages located from the site where mining operations are being carried out and whether the same are more than 100 mtrs. as permitted in the permission order dated 09.09.2004 granted by Director, Mines Safety, Jabalpur region.

The Respondent no. 5 shall also explain under what circumstances and on the basis of what authority the mining operations are conducted by the respondent no. 5 within the restricted area of 100 mtrs. which has been fixed in the permission order dtd. 09.09.2004 filed as Annexure R-13 by the respondent no. 5.

Let the matter be listed on **20.11.2013**.

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.....JM  
(DALIP SINGH)

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|  | <p>.....EM<br/><b>(P.S.RAO)</b></p> |
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