

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

Original Application No. 324/2014 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S.Rao
(Expert Member)**

In the matter of

Laljee Khangar,
S/o Shri Bardani Khangar
R/o Village Barua, Tehsil – Gaurihar,
District Chhatarpur (MP).

.....Applicant

Versus

1. Chairman,
MP State-level Environment Impact
Assessment Authority (MPSEIAA)
EPCO Campus, Paryavaran Parisar,
E-5, Arera Colony, Bhopal.
2. Chief Secretary,
Government of MP
Vallabh Bhawan, Bhopal.
3. Secretary,
Ministry of Environment, Forests & Climate Change,
Govt. of India,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi – 110003.
4. Secretary,
Department of Mines,
Vallabh Bhawan, Bhopal.
5. District Collector,
Office of Collector,
District Chhattarpur (MP).
6. Regional Officer
MP Pollution Control Board,
Pt. Deen Daya Nagar,
Housing Board Colony, Sagar.

.....Respondents

Counsel for Applicant: : **Shri Shivendu Josh, Adv.**
Shri Dharamvir Sharma, Adv.

Dated: 30th September , 2014

Delivered in open court by
Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. Admit.
2. The grievance of the Applicant is that the Applicant is the land holder of Khasra No. 614 measuring 1.113 hectare in Village Barua, Tehsil Gaurihar, Dist. Chhatarpur, MP and as a result of flooding of river *Ken* huge amount of sand and muram got deposited on his agriculture field. With a view to cultivate the said land, he intended to remove the aforesaid deposit of sand and muram which would amount to mining operation and as such requiring the grant of EC from SEIAA. However, it was brought to his notice on approaching the authorities of MPSEIAA that under the orders issued in Office Memorandum dated 24.12.2013 by the MoEF, Government of India, no such application could be entertained.
3. Learned Counsel submitted that in view of the order dated 28.03.2014 passed by the Principal Bench, National Green Tribunal in *Application No. 343 of 2013 (M.A.No. 1093/2013) in case of Ranbir Singh Vs. State of H.P. & Ors* and *Application No. 279/2013 (M.A.No. 1120 of 2013) in case of Promila Devi Vs. State & Ors*. the operation of the said Office Memorandum dated 24.12.2013 issued by the MoEF has been stayed. It was pointed out that in the case of O.A. No. 315 of 2014 Ram Swaroop Chaturvedi V/s Chairman, MPSEIAA, directions

have already been issued to the MP SEIAA to entertain the applications submitted without being influenced by the notification dated 24.12.2013 on account of the order dated 28.03.2014 passed by the Principal Bench staying the operations of the aforesaid Office Memorandum.

4. Since the matter involved is pertaining to the limited prayer as submitted by the Learned Counsel, we accordingly dispose of this petition with the direction to MPSEIAA that in case such application is filed online alongwith the prescribed fee following the due procedure, the same would be considered by the MPSEIAA in accordance with law without being influenced by the orders issued in the Office Memorandum dated 24.12.2013 issued by the MoEF.
5. It has, however, been brought to our notice that the NGT, Principal Bench has concluded its arguments with regard to the matter pending before it in case of *Ranbir Singh V/s State of HP & Ors.* and the judgement is reserved. Our above order in the present case would be subject to the outcome of the judgement of the Principal Bench in the aforesaid case.
6. With the above directions, the Original Application No. 324 of 2014 stands disposed of. No order as to cost.

(Mr. Justice Dalip Singh)
Judicial Member

Bhopal;
30th September, 2014

(Mr. P.S.Rao)
Expert Member