

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 63/2020(CZ)

Ajendra Singh

Applicant(s)

Versus

State of M.P. & Ors.

Respondent(s)

Date of hearing: **29.11.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

None

For Respondent(s) :

Mr. Sachin K. Verma, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. Issue raised in this application is illegal mining in the villages Pratappura, Basawan, Jhijor, Bhojpur, Gjagwaja. It has been submitted that the illegal mining are going on through various mining company like Kailash Stones, Ganpati Stones, Ganesh Stones, Kehapati Stones, Jai Bajrang Stones, Sitapura Laxmanpura, Rawatpura Stones, Rajaram Stones, K.P. Singh Stones and that it is further submitted that no lease shall be permitted within a distance of 75 meters from any bridge, National or State Highways, but in the area of Laxmanpura near of Orchha, District Niwari admittedly, mining is going on including the river bed of Betwa. Mining cannot be done within a distance of 50m. from river banks, nala, canal or any natural watercourse, dams or any water impounding structure.
2. It is further submitted by the Applicant that in the instant case illegal operations of more than 20 stone crushers without proper valid license and permission, are doing illegal mining. The respondents are not taking any action against the stone crushers, which are operating

illegally in close proximity of National Highway, State Highway, Water Bodies, age old temple and the Abadi area. Due to the illegal mining, stone crushers is causing pollution to the agricultural land of the local residents of the area, who are victim of air pollutions, due to operation of stone crushing units. The stone crushers units are operative in cluster, openly flouting the set norms of MPPCB and rules and guidelines issued by the State Pollution Board. There is uncontrolled air emission and dust is clearly visible at alleged site causing substantial issue related with environment.

3. The applicant has moved representation to Collector Tikamgarh with the request to stop the illegal mining but nothing has been done thus this application.
4. The matter was taken up by this Tribunal on 17.08.2020 and a joint committee consisting District Magistrate/Collector, Niwari, District Mining Officer and representative of State Pollution Control Board was constituted with direction to submit a factual and action taken report. The Joint Committee has submitted the report, which is as follows :

“In compliance, the committee visited on 31.12.2020. The site of mining area mentioned in the application of district Niwari in MP. The factual status on the issues raised in application is as follow:

“1. The petitioner has raised allegation of illegal mining in Laxmanpura area, it is pertinent to note that village Laxmanpura falls in Uttar Pradesh and not in Madhya Pradesh. However, the committee visited the area falling near the M.P. side of State Border i.e. village Pratappura.

2. Famous Historical temple is situated in Orchha of district-Niwari and river Betwa is also flowing near the temple. Village Pratappura of tehsil Orchha district Niwari, situated at a

distance of approx 8-9 KM from Orchha Mandir, is having deposit of stone mineral suitable for stone aggregates. A number of small area mining lease is allotted for mining of stone aggregates in village Pratappura and nearby village as Bhojpura, Sitapur & Jijora in Madhya Pradesh and a village Lakshmanpura which is situated in district Jhansi of Uttar Pradesh near the boundary of Village Pratappura of M.P. 26 Mining lease in village-Pratappura, 13 in village-Bhojpura, 09 in village- Sitapur and 04 in village Jijora of Tehsil-Orchha, district-Nirvari are allotted for stone mining by department of mineral resource. These mines have obtained approved mining plan, lease allotment by mineral resources department of M.P., NOC from gram panchayat, Environmental Clearance from SEIAA and consent from MP Pollution Control Board. No illegal mining in this area is observed. List of mine is enclosed.

3. No illegal mining is allowed in the area, District Collector has also constituted a committee to regularly visit the area and take necessary action, if any violation is observed.

4. Migration of villagers due to pollution is not reported or observed.

5. The mines are situated at about 400 meters to 03 km from river Stream of Betwa River near Village-Pratapura, Bhojpura, Sitapura & Jijora. Destroying of natural flow of Betwa river is not observed.

6. 18 stone crusher are established in village-Pratappura and 06 village- Bhojpura. The stone crushers operating in this area have obtained necessary permission from mining department, State Pollution Control

Board. All stone crusher established in District Niwri of MP are beyond 100 M from national/State highway stone crusher have installed necessary Air pollution Control arrangement as dust containment to screen unit, water spraying arrangement and wind breaking structure. Regular visit of the area is also done by officers of MPPCB and if any irregularly in found, Letter/Notice is issued for corrective measures. No illegal operation of crusher is found in the area.

Hence action has already been taken for corrective measures in stone crusher and mines for pollution control and environment management.

Recommendation :-

A cluster of stone crusher is developed in village-Pratappura of district Niwari due to availability of mineral for stone aggregate in Madhya Pradesh. For effective Pollution control and environmental Management the committee suggest following recommendations :

1. The authorities shall permit mines and crushers in compliance of the siting guidelines.
2. All stone crusher unit should operate only with necessary Air Pollution Control arrangements. MP Pollution Control Board and District Mining Office should comply the same.
3. Regular water spraying should be practiced in the transportation road vehicle movement area near stone mines

and crushers units to avoid dust nuisance during transportation of mineral.

4. Regular Water Spraying should also be done on highway where over bridge and highway is under construction near these villages Pratappura of M.P. and Lakshmanpura of U.P.”

5. We have examined the report and recommendations of committee. The recommendation of the committee is accepted with the modification in para -2 that the necessary permission and consent which is required, should be taken from authorities of the concerned State.

The Original Application No. 63/2020(CZ) is **finally disposed of.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

29th November 2021
O.A. No. 63/2020(CZ)
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