

Meenu Kanwar Rathore vs State Of Rajasthan on 31 July, 2023

Item No.05

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL

(By Virtual Mode)

Original Application No.62/2023(CZ)
(Original Application No.306/2023-PB)

Meenu Kamwar Rathore

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 31.07.2023

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

For Respondent(s) : Mr. Rohit Sharma, Adv. for RSPCB

ORDER

1. In this Original Application, registered suo-moto, on a letter petition, the complaint is that there are sand mining activities in Khari Nadi river bed by creating deep trenches and without following conditions of Environmental Clearance like plantation etc. The Miners are also using heavy machines like dumpers, trollers etc. but despite having knowledge of the said illegal mining activities, authorities have not taken any action in the matter. Heavy loaded vehicles have also caused damage to village roads but the persons indulged in illegal mining are not taking any action for maintenance of the roads. All the terms and conditions of mining are being flouted by the persons engaged in mining activities. It is said that mining activities are being carried on by Mr. Vikramaditya Singh Rathore s/o Mr. Hanuwat Singh and others in the Khari Nadi in villages Hanutia, Jalia, Asan, Baral, Nagar, Badli, Devalia Kalan, Gudda, Mataji Ka Kheda etc. The illegal Miners are also cutting green trees in a wholly illegal manner without any permission from Competent Authority.

2. Tribunal considered the complaint and found it appropriate to obtain a factual Report vide order dated 25.05.2023 and constituted a Joint Committee comprising State PCB, Director, Mines and Geology, Rajasthan and District Magistrate, Ajmer.

3. Joint Committee visited the site on 17.07.2023 and has filed a report. Having gone through the report, we find that report is incomplete, makes incorrect observations at several places and has also not addressed relevant issues. Hence, we find it difficult to accept it.

4. Before proceeding further, we find it appropriate to implead concerned mining lease holders namely, Mr. Vikramaditya Singh Rathore and M/s. Abhimanyu Choudhary as respondents 2 and 3, considering State of Rajasthan as respondent 1.

5. Registry is directed to issue notices to respondents 2 and 3, which shall be served through District Collectors, Ajmer and Bhilwara who shall submit service reports by the next date.

6. Newly impleaded respondents 2 and 3 may file their response, if any, within 2 weeks after receipt of notice particularly, placing the facts relating to compliance of Environmental Clearance and consent conditions.

7. We also constitute a fresh Committee comprising Central Pollution Control Board, Rajasthan State Pollution Control Board, Integrated Regional Office, MoEF&CC at Jaipur and District Magistrates of Ajmer and Bhilwara who shall visit the site, collect relevant information and submit a factual report within one month.

8. Further, since the matter is proceeding suo-moto, we appoint an Amicus Curie to assist Tribunal. Mr. Sanjeet Paliwal, Advocate (Enrl. No. D-3002/2016) is appointed Amicus Curie who shall assist Tribunal in further proceedings. Registry is directed to supply relevant copy of letter petition, Tribunal's orders and Joint Committee Report etc. Rajasthan State PCB shall pay Rs. 50,000/- to the Amicus Curie as his professional fee and also bear other expenses relating to transportation, boarding/lodging, photography etc. If Amicus Curie has to undertake any journey to Ajmer or Bhilwara or any other place regarding this matter, travelling expenses of the status of Joint Secretary to Govt. of India shall be paid besides fees of Rs. 15,000/- per visit.

9. All these expenses of Amicus Curie shall be borne by Rajasthan State PCB.

10. List this case on 10.10.2023.

Sudhir Agarwal, JM Dr. Afroz Ahmad, EM July 31, 2023 Original Application No.62/2023(CZ)
(Original Application No.306/2023-PB) R