

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

Original Application No. 146/2013 (CZ)

AND

M.A. No. 152/2014

In the matter of

Anil Kumar S/o Shri Kishori Lal,
Aged 56 years R/o Ramuwala Kuwa,
Tehsil & P.S. Rajgarh, Distt. Alwar,
Rajasthan.

.....Appellant

Versus

1. State of Rajasthan,
Through its Chief Secretary,
Secretariat, Jaipur.
2. Collector & District Magistrate,
Alwar District, Rajasthan
3. Chairman, Rajasthan State Pollution Control Board,
Jhalana Doongri Institutional Area,
Jaipur,
4. Regional Office,
Rajasthan State Pollution Control Board,
S/43-44, NEB Housing Board Colony,
Alwar – 301001
5. Mining Engineer,
Khanij Bhawan, Hasan Khan,
Mewat Nagar, Alwar, Rajasthan
6. Sub-Divisional Officer,
Tehsil Rajgarh, Alwar, Rajasthan
7. Hanuman Mineral & Grinding Mill,
Tehla Road, Rajgarh through owners
Sandeep Ghai and Ravindra Ghai sons
of Satpal Ghai R/o J-12/85, Rajori Garden,
New Delhi.

.....Respondents

Counsel for Applicant :

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**Dr. M.S. Kachhawa, Advocate with
Applicant Shri Anil Kumar**

Counsel for Respondents :

**Shri Nandani Gothwal, Adv. for
Shri Sachin K. Verma, Advocate**

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Respondent No. 1

Shri Suman Mandal, Advocates

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Respondent No.4

ORDER/JUDGMENT

CORAM:-

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

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

Dated : March 24th, 2014

Delivered in the Open Court by
Hon'ble Mr. Justice Dalip Singh, Judicial Member

M.A. No. 152/2014 : -

The letter petition sent by the Applicant along with the copy of the order of the SDO, Rajgarh dated 24th February, 2014 is registered as Miscellaneous Application No. 152/2014. The said M.A. having been allowed along with the documents, is ordered to be taken on record and stands disposed of.

Original Appeal No. 146/2013 (CZ)

1. The Applicant had initially preferred Writ Petition No. 21147/2012 in the form of Public Interest Litigation (PIL) before the Hon'ble High Court of Rajasthan. On the prayer made by the learned counsel for the Applicant M/s Hanuman Mineral and Grinding Mill, Tehla Road, Rajgarh was ordered to be impleaded as party as during the course of hearing it was submitted that the unit was located in the vicinity of the residential area and was causing pollution to the residents as well to the educational institutions located in the area.

2. We find from the record that by way of a letter from the Applicant along with an order passed by the SDO, Rajgarh, District Alwar for conversion of Khasra No. 1714 and 1715, Ramuwala Kuwa village over which the unit of M/s Hanuman Mineral and Grinding Mill is located and the said land was ordered to be converted from industrial use to residential use. The said order of the SDO is dated 24th February, 2014. From the averments made in the petition, we find that in 'Para 2' it was submitted that the area comprising Khasra No. 1712 and 1713 of village Ramawala Kuwa, Tehsil Rajgarh is a

disputed site over which stone crushers and mining activity is going on which is detrimental to the interest of the persons residing in the residential area and to the Government Post Graduate College and also that it is causing pollution and affecting various nearby tourist places including Sariska Wild Life Sanctuary as also that it lies within the Aravali Belt of District Alwar and as such the aforesaid activities which are contrary to the law, regulations and rules as also to the order of the Hon'ble Supreme Court, be ordered to be closed down.

3. The Applicant, Shri Anil Kumar is present today in the Court along with his counsel. It is not disputed by Shri Anil Kumar that he had sent the copies of the order of SDO, Rajgarh dated 24th February, 2014 along with the copies of the ordersheet of the Court of SDO to the Registrar, NGT, Central Zone, Bhopal.

4. Having considered the matter and having heard learned counsel for the parties, we are of the view that since industrial work of M/s Hanuman Mineral and Grinding Mill, Tehla Road, Rajgarh itself is located at Tehla Road in Khasra No. 1714 and 1715 which has been ordered to be converted from industrial use to residential use on the application submitted by the proprietor of M/s Hanuman Mineral and Grinding Mill, Tehla Road, Rajgarh, the running of the aforesaid unit in the residential area and on residential land would be impermissible. We also find from the order of the SDO that there was a material placed before him in the form of report of the Revenue officials that the unit was causing pollution in the area and for this even the Principal of Rajkiya Mahavidhalaya vide his letter No. 7790 dated 14th February, 2014 has raised the issue with regard to its closure and shifting. Since the disputed site is no more an industrial site and has been converted into a residential area, we are of the view that the grievance which has been raised by the Applicant stands redressed and the Applicant shall approach Respondent No. 4 i.e. Regional Officer of the Pollution Control Board, Rajasthan at Alwar who shall take necessary action in accordance with law against Respondent No. 7 i.e. M/s Hanuman Mineral and Grinding Mill, Tehla Road, Rajgarh in the light of the order passed by the SDO, Rajgarh dated 24th February, 2014. It is made clear that before passing any order, a notice shall be given by the Regional Officer to the Respondent No. 7.

5. Since the main issue raised in the petition on the concern of pollution being caused by the Respondent No. 7 has been taken care of by the orders passed by the SDO, we are of the view that no further directions are required to be issued apart from what has been stated hereinabove with regard to the pollution being generated by the Respondent No. 7. We, however, find from the petition that the Applicant had raised certain grievances with regard to mining and operation of stone crushing units in Khasra Nos. 1712 and 1713 in Rajgarh, Village Ramawala Kuwa. Since before the Hon'ble High Court, the Applicant has confined his grievance by moving an application for impleading the Respondent No. 7 and the aforesaid grievance has been redressed in the light of the order passed by the SDO which only requires a follow up action at the hands of the authorities of Pollution Control Board to take note of the changed circumstance, we are inclined to dispose of this petition with liberty to the Applicant that in case the Applicant has any grievance with regard to the Khasra No. 1712 and 1713 he may approach this Tribunal. In case there are any illegal mining or operation of stone crushing units contrary to the orders of the Hon'ble Supreme Court or the notifications/regulations issued under the Environment (Protection) Act, 1986 and the Rules framed thereunder, the Applicant would be at liberty to approach this Tribunal.

5. Accordingly, this petition stands disposed of. Learned counsel for the Respondent No. 4 is directed to forward a copy of this order along with the order of the SDO dated 24th February, 2014 to the Respondent No. 4/Regional Officer of the Pollution Control Board, Alwar for compliance.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

Bhopal;
March 24th, 2014