

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 18/2014 (CZ)

Amit Kumar Chaturvedi Vs. Union of India & Nine Ors.

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

PRESENT : Applicant : Shri Ankit Saxena, Advocate
Respondents : Shri Himanchal Sharma, Adv. & Shri Rameshwar Patel for R- 1&2.
Shri Alok Jain Adv. for R – 7 & 8.
Shri B.C. Chatruvedi, Adv. for R-9
Shri E.A. Qureshi, Adv. for R – 10.

Date and Remarks	Orders of the Tribunal
Order no. 3 21st April, 2014	<p>The Applicant has filed rejoinder on the reply submitted by the Respondent No. 10. Copy of the same has been ordered to be given to the Learned Counsel for the Respondent. The same is ordered to be taken on record. The Respondent No.9, Municipal Council, Bijuri has submitted their reply. Copy of the same has been furnished to the Learned Counsel for the Applicant. The same is ordered to be taken on record.</p> <p>We find that it has been submitted by the Respondent No. 10 that the MP State Pollution Control Board authorities had carried out two separate inspections i.e. on 01.08.2012 and 23.02.2014 and had taken samples of air etc. and found that the parameters were within permissible limits. The Respondent No.10 has also enumerated in the reply various measures which have been put into place such as construction of 10ft. high boundary wall with additional 10 ft. of green polyester net above whereby creating obstruction of nearly 20 ft. height around the dumping site of the coal yard at the railway site. It has also been averred that water sprinkling is being carried out and 26 permanent water sprinklers are in operation. For the storage of water, two water storage tanks totalling one lakh capacity, have been constructed. Water is being utilised from the bore well as well as being brought through tankers from outside and sprinkling of water is being carried out over the path where the trucks are operated as well as during the unloading and loading operations from the trucks in the Railway siding. It was submitted that about 60 vehicles are plying to and from the coal mines at Kapildhara to the yard in dispute and regular sprinkling of water is being carried out so as to prevent the coal dust from rising as a result of vehicular traffic. It was also submitted that roughly 3000 trees have been planted in the area by way of permanent pollution controlling</p>

measure and the trees have attained a reasonable height and are more than 1½ year old.

The Learned Counsel for the Applicant pointed out that there is still a threat with regard to the health of the children as the middle school in which they are studying, is located nearby and they are exposed to the pollution as a result of coal dust despite the fact that several precautionary measures have been put into place by Respondent No.10. The Learned Counsel for the Respondent No. 10 submitted that the residential area has extended towards the railway siding unit much later and the unit is under operation for the past 50 years even before the residential localities came up in the area. However, it was submitted that most of the local residents are that of South Eastern Coalfields Ltd. (in short SECL) and have been there for sufficiently long period and construction of the first floor and second floor has been raised over their residential quarters. Having considered the aforesaid submissions and having gone through the pleadings submitted by the authorities the following factors remain for consideration for the exploration of alternate sites for the coal yard and Railway siding.

It was submitted by the Learned Counsel for the Respondent No. 10 that the Respondent No.10 submitted a proposal to the Respondent No. 2, South Eastern Central Railway (in short SECR) about 2 years ago for locating additional site close to the coal mines which are said to be approximately at a distance of 4 kms. from the present site. For the aforesaid purpose we direct that the Respondent No. 2 shall depute a responsible officer to appear before the Tribunal on the next date of hearing after examining the feasibility for providing alternate site for the aforesaid purpose closer to the coal mines at Kapildhara and near about which would be away from the residential area at Bijuri.

The Registrar is directed to send a copy of this order to the Respondent No.2 with the request to first study the feasibility of the aforesaid proposal and give his response on the same.

As regards the residential colonies which have come up closer to the disputed site, the Respondent No. 9, Municipal Council, Bijuri is directed to ensure that no further permissions are granted for establishment / construction of any residential complex within the proximity of the existing siding site. Even assuming that there is a provision and availability of land as per the

municipal bye-laws, no constructions shall be allowed without permission and Municipality shall restrain from any further constructions. Any construction which is coming up without any valid permission, shall immediately be stopped.

The Municipality is further directed to explore the feasibility of acquiring land within 100 mtrs. from the Railway siding on either side with negotiations as far as possible for establishment of green belt. The cost for such acquisition shall be borne by the Municipality and Respondent No. 10 as well as the SECL. The Respondent No. 10 shall also come forward whether they would be willing to construct a new school building for shifting of the present school from its present location to an alternate site to be provided by the Respondent No. 9, Municipal Council, Bijuri from the available municipal land as far as possible failing which explore the possibility of acquisition of land at a safe distance in consultation with the Regional Office, MPPCB for construction of the school. The cost of the school shall be borne equally by the Respondent No.2 as well as the Respondent No. 10. If the Respondent No.10 is unable to share the cost the Respondent No. 10 should settle the cost on the basis of CSR.

An extensive drive shall be carried out commencing from the month of June, 2014 for planting of trees along either side of the tracks / paths where the trucks loaded with coal ply regularly. For this purpose Municipal Council, Bijuri shall take all the necessary assistance of the Forest Department and the Respondent No. 6, Divisional Forest Officer, Anuppur shall provide technical assistance including tall plants from their nursery. The Respondents are granted four weeks time to submit their response in terms of the above directions before this Tribunal.

Let the matter be listed on **23rd May, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)