

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

Original Application No.42/2013 (CZ)

Smt. Sunita Devi Kol Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. P.S. RAO, EXPERT MEMBER**

**PRESENT : Applicant : None appeared
Respondent No. 1 : Shri Rajendra Bachhan, Advocate
Respondent no. 2,3,4,5 & 6 : Shri Sachin K. Verma, Adv. with
Shri Ayush Dev Bajpai, Adv.
Respondent No. 7 : Shri Joseph Thomas, Advocate
Shri Ravi Kant Patidar, Adv. &
Shri Shashikant Batham, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 4 10th July, 2014	<p>Heard. Perused.</p> <p>The Applicant approached this Tribunal with a grievance alleging that illegal mining is going on in the forest area of Gram Hata, Tehsil Hanumana, District Rewa, Madhya Pradesh in contravention of the Forest (Conservation) Act, 1980. The assessment of damage caused due to such illegal mining and use of forest land as road for transportation of mined material was prayed for. Directions to the authorities to stop illegal mining in the area and forest area and instant cancellation of licence of the persons involved in illegal mining including Respondent No. 7 were solicited.</p> <p>In course of hearing of this application, it was reported that 12 more mining lease holders besides Respondent No. 7, were indulging in illegal mining in contravention of Forest (Conservation) Act, 1980. It was reported that the District Collector had cancelled mining leases of those 12 mining lease holders, but the appeals were preferred by the said 12 mining lease holders and stay obtained against the orders of the Collector and the mining was continued under the cover of the stay orders granted by the Appellate Authority. In the meanwhile, a team was constituted by the PCCF, MP for assessing the damages reported to have been caused due to illegal mining in the forest area. Under these circumstances, the order</p>

dated 21.05.2014 rendering the stay order passed by the Appellate Authority inoperative with immediate effect, was passed. Mining activity permitted under the stay order granted by the Appellate Authority was suspended to facilitate the team constituted by the PCCF for assessing the damage caused to the environment and forest.

Today, we have before us M.A.No. 331/2014 for placing on record the outcome of the survey conducted by the team constituted by the PCCF of the affected forest area. Let this report be taken on record.

M.A.No. 331/2014 stands disposed of accordingly.

Learned Counsel appearing for the State summarising the outcome of the survey vide report dated 27.05.2014 submitted that the State Forest Research Institute, Polipathar, Jabalpur conducted the survey of 1.2 km. long road passing through the forest compartment No. 377, Hanumana Range, Rewa Forest Division, Madhya Pradesh and it records the factual situation in words as well as with photographs of the entire stretch of road and mining site. However, a glance at the order dated 11.02.2014, the relevant portion of which is reproduced below:

“We would also direct the District Collector, Rewa to constitute a committee to assess the extent of damage caused to the forest and environment by quantifying the same for the purpose of restoration of the environment as recorded in the joint inspection report dtd. 07.02.2013 as a result of illegal mining and extraction of mineral from the forest area. In case individual acts of mine holders are not possible for quantifying the damage as a result of lack of evidence against each mine holders, joint responsibility on all the 13 lease holders should be fixed and the assessment so made by a team of the Revenue, Forest and Mining Departments should include the cost of reforestation, the loss suffered by the State in terms of price of the mineral by quantifying the quantity of the mineral extracted illegally as also loss occurred to the State in terms of royalty etc. The aforesaid report be prepared under notice to all the 13 lease holders with a direction to remain present at the time of field inspection for quantifying the damage with further directions that all the 13 lease holders be directed to

appear before this Tribunal on the next date of hearing. We would also like the Learned Counsel for the Govt. of M.P. to impress upon the learned Appellate Authority, hearing the appeals, to consider advising the State of moving an application for vacation of the said stay orders as well as for the decision on the appeals at the earliest in the light of the facts which have come on record and as mentioned above. We would grant four weeks time to the District Collector, Rewa to comply with the above orders and submit report by the next date of hearing”.

reveals that the report lacks break-up of the factual data in relation to 13 mine lease holders including that of Respondent No.7 as well as the quantification of the damage caused to the environment and forest by them. The report fails to reveal material showing compliance of the order dtd. 11.02.2014 in letter & spirit.

Learned Counsel appearing for the State now submits that he has been instructed by the OIC present in the Court that an exercise, in compliance of the order dated 11.02.2014, was undertaken with reference to other 12 mine lease holders and the report in that regard will be tendered during the course of the day. However, he points out that for the quantification of the damage occurred, assistance of a specialised organization such as National Environment Engineering Research Institute (NEERI), Nagpur is required.

We therefore, direct the State to take necessary assistance from the NEERI, Nagpur for the purpose of quantification/assessment of damage caused to the environment and forest due to activities of offending 13 mine lease holders in the forest area of Hanumana Forest Range, Rewa Division, MP and file its report quantifying assessing such damage on or before next date. In the meanwhile, the State shall furnish the copies of the reports of survey conducted by the State Forest Institute, Jabalpur to the parties as well as to the 12 mine lease holders. The concerned mine lease holders shall in the meanwhile study the

report and offer their comments on the next date.

M.A.No. 332/2014

Respondent No. 2, State of MP has filed this application to place on record its submission in compliance of the order dated 21.05.2014. It reveals that following cancellation of the 12 mining leases by the District Collector, Rewa, the said mining lease holders had preferred appeals against the orders of cancellation of mining leases and that the appellate authority has now passed the judgement setting aside the order of the District Collector, Mining on technical ground in respect of 10 of those mining lease holders and upholding the orders as being passed after following due process of law as regards the other two mining leaseholders. Copies of the orders passed by the Appellate Authority (Case No. 327/Khanij/ 2013 Shri Bhaiyya Bahadur Singh; Case No. 340/Khanij/2013 Shri Krishna Kumar Singh; Case No. 331/Khanij/2013 Shri Mahendra Pratap Singh; Case No. 344/Khanij/2013 Shri Amrendra Bahadur Singh; Case No. 338/Khanij/2013 Shri Shankarlal Gupta; Case No. 337/Khanij/2013 Smt. Ahiliya Mishra; Case No. 325/Khanij/2013 Shri Mushtaq Ali; Case No. 328/Khanij/2013 Shri Rajesh Kumar Singh; Case No. 330/Khanij/2013 Shri Gyanendra Pratap Singh; Case No. 339/Khanij/2013 Shri Kuldeep Singh; Case No. 329/Khanij/2013 Shri Rajendra Bahadur Singh; Case No. 326/Khanij/2013 Shri Ashish Kumar Singh) are taken on record.

We see no reason to vary our order dated 21.05.2014 suspending the mining activities carried out by the said mine lease holders particularly when there is material to show that the mining has caused environmental damage and its assessment is yet to take place

M.A.332/2014 stands disposed of accordingly.

M.A.No. 147/2014

As regards M.A.No. 147/2014, we find that a submission as

made by the State that the three newly sanctioned mine lease holders referred to in the application, were not located in the forest area and the mining leases were granted after following due procedure of law and after obtaining environment clearance. However, the question whether the material from these mines was/is being transported through the forest area or not remains unanswered. The Learned Counsel appearing on behalf of the State submits that a clarification to this effect would be placed on record on the next date of hearing.

List on **07.08.2014**.

.....JM
(U.D.SALVI)

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

