

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M.A. No.186 of 2014 & M.A. No.187 of 2014
In
Original Application No.79 of 2014**

IN THE MATTER OF:

Ajmer Singh Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER**

Present:

Applicant :	
Respondent No. 1 :	Mr. Vikas Malhotra along with Mr. M.P. Sahay, Advocates
Respondent No. 2 to 5 :	Mr. Suryanarayana Singh, Additional AG
Respondent No. 6 :	Mr. Anil Kumar Chandel, Advocate
Respondent No. 12 :	Mr. Nikhil Majithia, Advocate

	Date and Remarks	Orders of the Tribunal
	Item No. 6 October 13, 2014	<p style="text-align: center;">Prima facia we are of the view that the State Government and the Himachal Pradesh Pollution Control Board has acted contrary to law in permitting the stone crushers or Hot Mixers to come up on the river bed and even in the river itself. It could hardly matter whether the property is a private property or a public property. Protection to environment is a constitutional obligation of the State and it is the constitutional right of every citizen of this country to be provided with decent and clean environment in reference to Article 21 of the Constitution of India. Guidelines which are offending the Constitutional mandate can hardly be enforced, particularly for a limited commercial interest. We direct the State of Himachal Pradesh and the Himachal Pradesh Pollution Control Board to conduct joint inspection of the sites involved in the Original Application No.79 of 2014 as well as Original Application No.335 of 2013 and submit a comprehensive report with reference to the law, guidelines and the physical location and activity of those stone crushers/Hot</p>

Mixers on the river bed or in the river itself. The State and the Board shall place on record all the guidelines in that behalf.

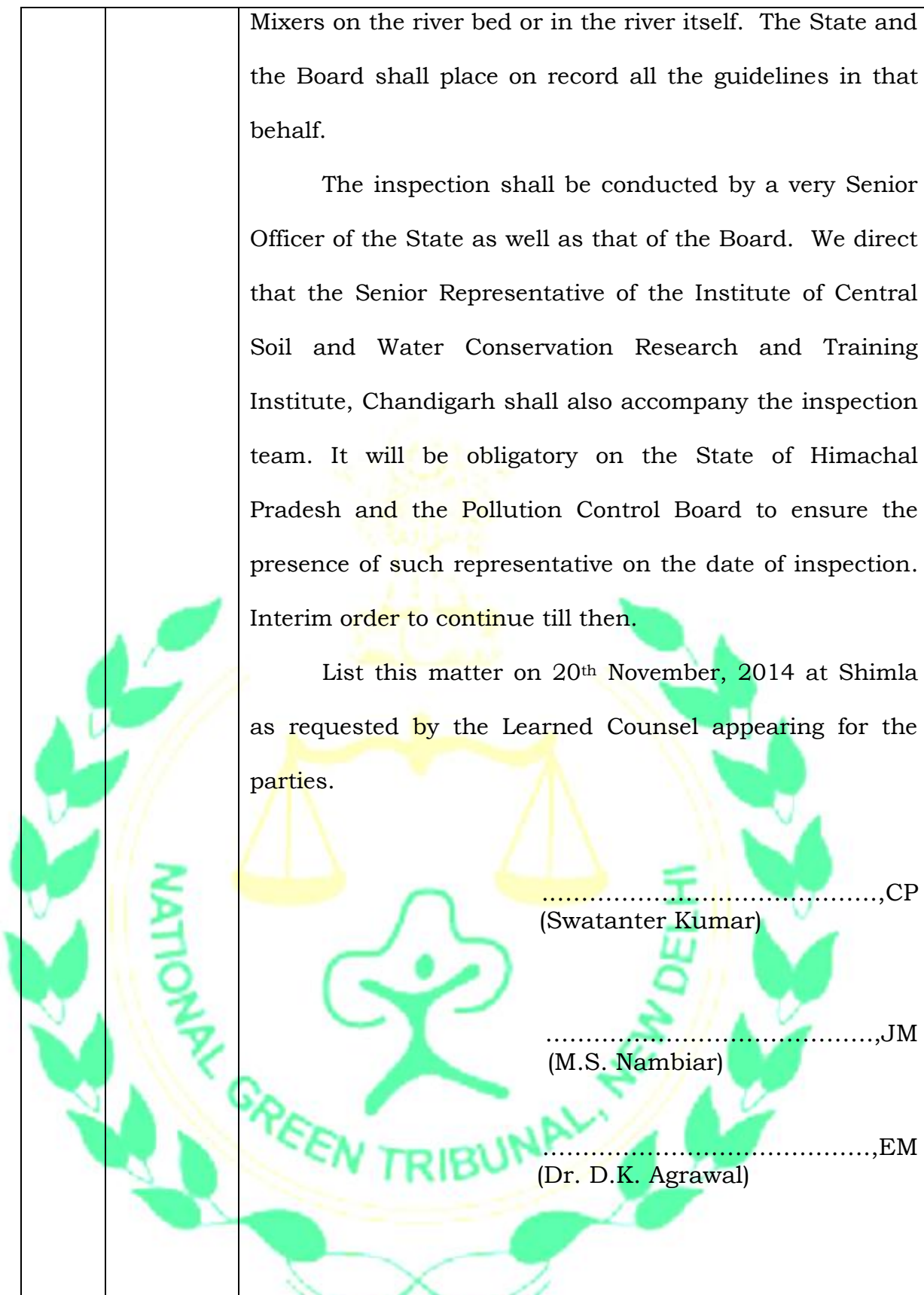
The inspection shall be conducted by a very Senior Officer of the State as well as that of the Board. We direct that the Senior Representative of the Institute of Central Soil and Water Conservation Research and Training Institute, Chandigarh shall also accompany the inspection team. It will be obligatory on the State of Himachal Pradesh and the Pollution Control Board to ensure the presence of such representative on the date of inspection. Interim order to continue till then.

List this matter on 20th November, 2014 at Shimla as requested by the Learned Counsel appearing for the parties.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)



		<p>Mixers on the river bed or in the river itself. The State and the Board shall place on record all the guidelines in that behalf.</p> <p>The inspection shall be conducted by a very Senior Officer of the State as well as that of the Board. We direct that the Senior Representative of the Institute of Central Soil and Water Conservation Research and Training Institute, Chandigarh shall also accompany the inspection team. It will be obligatory on the State of Himachal Pradesh and the Pollution Control Board to ensure the presence of such representative on the date of inspection. Interim order to continue till then.</p> <p>List this matter on 20th November, 2014 at Shimla as requested by the Learned Counsel appearing for the parties.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p>
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