

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Application No. 308/2013

Mathala Chandrapati Rao Vs Collector District Magistrate Gajapati District,
Odisha & Ors.

CORAM: HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE SHRI JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. DR. P.C. MISHRA, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Applicant / Appellant : Mr. Mathala Chandrapati Rao, In person

Date and Remarks	Orders of the Tribunal
<p>Item No. 5</p> <p>October 23, 2013</p>	<p>We have heard Applicant who appeared party in person. This relates to the stone quarry being effected by the Respondent No. 4, namely, M/s B.V.S.R. Construction Private Limited, Kidigam G.P., Kashinagar P.S. Gajapati District, Odisha. As it is seen in the order of the District Collector that permission to quarry stone in quarry Nos. 3 and 5 has been granted on 03.05.2013 subject to various conditions as stated in the order dated as on 17.04.2013. One such condition is that deep hole blasting (more than 3 mtrs. Deep) shall not be done and no HEMM shall be used.</p> <p>The complaint of the Applicant is that in spite of such restrictions, the Project Proponent, namely, the Respondent No. 4 has been indiscriminately quarrying and it is in some cases more than 30 mtrs. deep thereby not only raising noise pollution but also causing environmental hazard and, therefore, it also damages the house properties since the site is situated near the residential area.</p>

Therefore, he has insisted for an order of stay from the continuous operation of the stone quarrying.

We have seen in the letter of the Central Pollution Control Board(CPCB) Official dated 28.06.2011, wherein while communicating to the Member Secretary of the Orissa State Pollution Control Board (OSPCB) that it was observed from the inspection report that the uncontrolled and unsafe blasting and mining carried out to excavate the stones/raw material by M/s B.V.S.R. Pvt. Limited generates dust, noise pollution and leaves splinters flying besides generating vibrations which are a probable cause of cracks in the nearby houses. In the said letter, the CPCB has also stated that the Respondent No. 4 is not involved in quarry operations and the same are being carried out by the third parties as his Lessees and they, without following preventive measures to ensure air pollution, noise pollution have been carrying on the activity. Therefore, this letter, *prima facie*, shows that the conduct of Respondent No. 4 is not in accordance with permission granted by the Collector and the contention of the Applicant is that there has been indiscriminate quarrying resulting in ill-health due to pollution and environment hazard. Therefore, we are, *prima facie*, satisfied that the Respondent No. 4 shall be restricted to continue to do the quarrying activity in the public interest. Accordingly, while admitting the Application, we stay all activities of the Respondent No. 4 or his Agents in doing quarrying

in quarry no. 3 and quarry no. 5 at Venkatapur, Kidigam G.P., Kasinagar Block, Gajapati District, Odisha till the next date of hearing.

Issue Notice to the Respondents by registered post/acknowledgment due as well as dasti. Notice returnable by 12.11.2013.

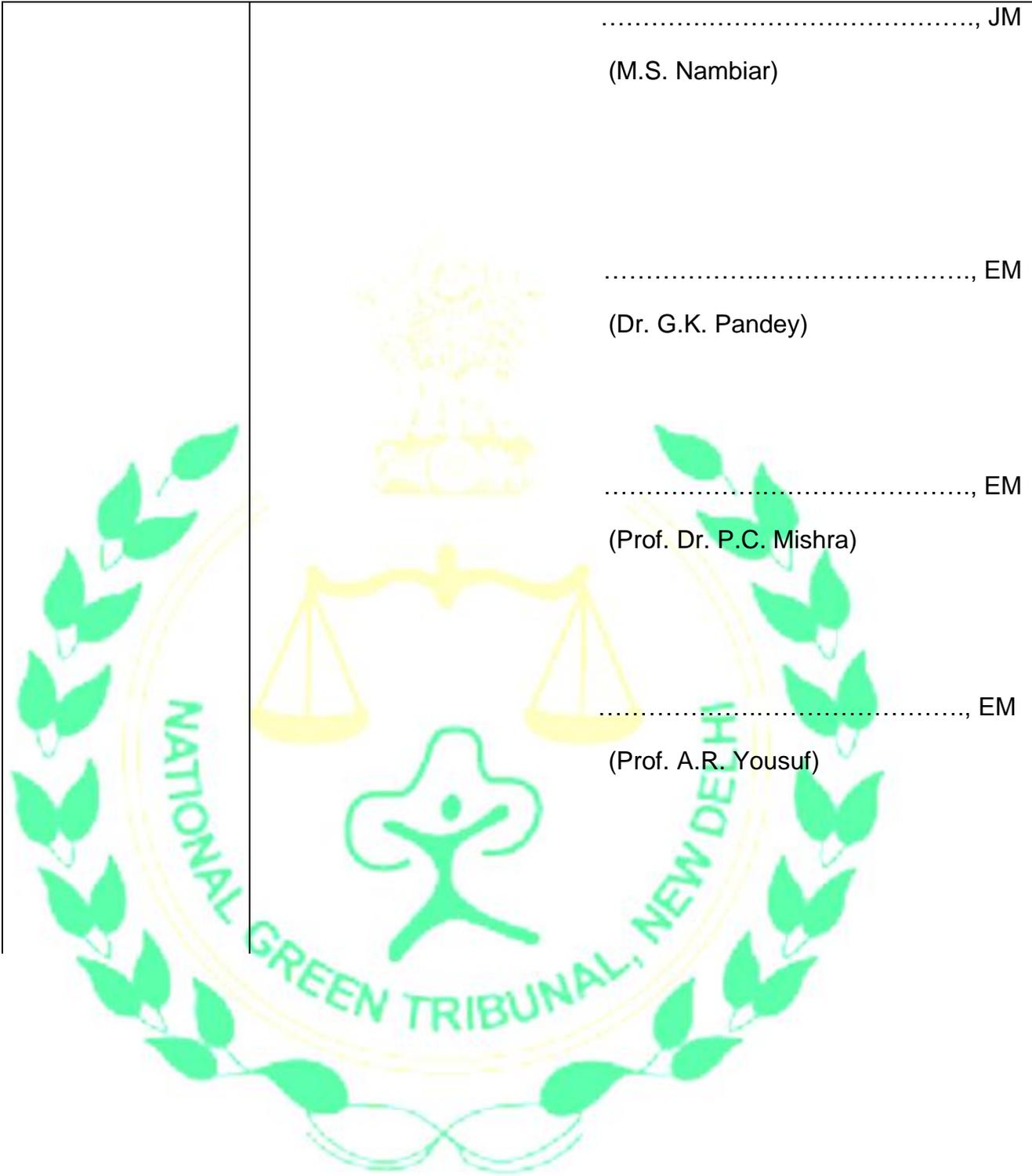
Since, on the overall reading of the papers, we are of the view that the Orissa State Pollution Control Board is a necessary party for the purpose of deciding the issue involved in this case, we *suo moto* direct for impleadment of the Orissa State Pollution Control Board as Respondent No. 5. Registry to make necessary amendments in this regard.

Notice shall also be issued to the newly impleaded party i.e. Member Secretary, State Pollution Control Board, Orissa, Parivesh Bhawan, 118, Nilakantha Nagar, Unit-VIII Bhubaneswar - 751012.

Stand over to 12th November, 2013.

....., JM

(Dr. P. Jyothimani)



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

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. Dr. P.C. Mishra)

....., EM
(Prof. A.R. Yousuf)