

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

**Original Application No. 78/2015 (CZ)  
Medha Patkar Vs. State of MP & 8 Ors.**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE Dr. DEVENDRA KUMAR AGRAWAL, EXPERT MEMBER

**PRESENT :** Applicant: Ms. Medha Patkar  
State of MP/Mining Corp: Shri Sachin K.Verma, Adv.  
Respondent /MPPCB : Ms. Parul Bhadoria, Adv. for  
Shri Purushaindra Kaurav, Adv.  
Shri Alok Nagar, Adv.  
Respondent No. 3: Ms. Parul Bhadoria, Adv. for  
Shri Ravi Goyal, Adv.  
MoEF&CC: Shri Om S.Shrivastav, Adv.

<b>Date and Remarks</b>	<b>Order of the Tribunal</b>
<b>Order No.4 11<sup>th</sup> December, 2015</b>	<p>On behalf of SEIAA a reply has been filed today. Copy of the same has been furnished to the Applicant. The same is ordered to be taken on record.</p> <p>The Applicant has filed further rejoinder with affidavit and documents Annexure A/1 to A/12. After hearing the parties, particularly Learned Counsel appearing for SEIAA and going through their reply submitted today, it has been stated that for District Alirajpur, SEIAA has granted 30 ECs out of 33 mining leases sanctioned. With regard to three of the mining leases either the applications have not been submitted or the same is pending consideration before the SEIAA.</p> <p>In response to the queries which were raised in the previous orders, it has been submitted on behalf of SEIAA that no mining lease has been granted in the submergence area. This fact has been stated after verifying the information from the Land Acquisition and Resettlement Officer of the Sardar Sarovar Project as well as the mining department District Alirajpur. As far as the aforesaid averments contained in the affidavit and reply submitted by SEIAA is concerned, we would further direct that a sketch map giving the locations of these 30 mining leases to whom ECs have been granted with the location of the submergence and the catchment area and</p>

major tributaries of River Narmada shall be prepared and submitted before the Tribunal. In case it is possible, this may be done on the Survey of India Toposheet based upon the contours. The same may be obtained either from the NVDA or the Sardar Sarovar Project with the aforesaid indication.

The Applicant however, raised serious concern regarding the fact that illegal mining is continuing in the area unabated and that whatever action has been taken by the administration, the vehicles carrying the sand after collection of the penalty and compounding fees is allowed to be let on. Learned Counsel for the State Shri Sachin K.Verma submits that the State on its part is taking all possible action for preventing illegal mining not only in these 4 Districts but also elsewhere.

We are of the view that for ascertaining the position as it exists today, a team of Commissioner from the Court deserves to be appointed and for this purpose we appoint Sr. Counsel Shri Ajay Gupta and Shri Dharamvir Sharma to accompany him and assist for this purpose. The Commissioners will be free to visit the areas on such dates as convenient to them however, the report of the visit and the Commissioners report shall be submitted before the Tribunal on the next date of hearing.

The Commissioners so appointed shall visit the Districts of Dhar, Alirajpur, Badwani and Khargone. The Commissioners shall be provided all assistance by the District Administration and Police Administration of all these four District. Shri Sachin K.Verma, Counsel for the State shall on being intimated by Shri Ajay Gupta inform the concerned District Officials about their visit and for making all necessary arrangements after they reach the District Head Quarters. This shall include (i) Transportation to the sites (ii) This team of Commissioners shall be accompanied by the Applicant or a representative to be nominated by the Applicant. The Applicant or the representative shall identify the spots where the Applicant wishes the Commissioner to visit and make their report and assessment. For this purpose, after reaching the District Headquarters or before leaving Bhopal

the Commissioner shall inform the Applicant about tentative date and time of arrival through telephone, mobile or SMS. The District Administration shall provide necessary Police escort and assistance of officer from the Revenue and Mining Department. The Revenue and Mining officer accompanying the Commissioners shall take measurements of the area pointed out by the applicant for alleged illegal mining and make assessment of the quantity of the mineral excavated from the said area.

The report with respect to every such pit or area shall be prepared separately. Wherever necessary, photographs of such area being inspected shall be taken and put on record.

The Commissioner shall as far as possible given his opinion on the findings of the areas where illegal mining has taken place particularly with reference to the impact on the environment as a result of the same. The fee of the Commissioner for the aforesaid service to be rendered shall be, in the case of Shri Ajay Gupta, Sr. Learned Counsel Rs. 40,000/- and in the case of Shri Dharamvir Sharma, Learned Counsel Rs. 25,000/-. The aforesaid fee shall be paid by the State and / or Respondent No. 10 MP State Mining Department Corporation.

The Applicant would be free to provide information to the Commissioner of probable names of suspects who may have been responsible for illegal mining and excavation of that particular area and in case any documents, photographs or complaint containing names of such persons are available with the Applicant, the same shall be provided to the Commissioner by the Applicant.

We may clarify that the Commissioner is not required to undertake the aforesaid exercise in respect of 30 mining leases to whom ECs have been granted by SEIAA.

The State on its part shall submit details of the cases registered and action taken so far and the District Administration shall be apprised about the directions given by the Tribunal regarding not to release any equipment,

vehicle and mineral found to be involved either in the excavation or transportation of the mineral and we further reiterate that no such vehicle, equipment and mineral shall be released without referring the matter to the Tribunal as has been directed earlier. Learned Counsel for the State submits that so far as the State is concerned, as and when any information is provided or report filed with regard to any offence being committed of illegal mining or any theft, such report shall be registered and action for investigation and further necessary action shall be taken in accordance with law.

For submission of the report and further hearing the matter may be listed on **8<sup>th</sup> January, 2016**.

.....JM  
(DALIP SINGH)

.....EM  
(Dr. D.K. AGRAWAL)

