

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 02/2020(CZ)

Shakti Singh Bhati

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: **14.12.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant (s):

Mr. Ankit Shah, Adv.

For Respondent(s):

Mr. Arvind Soni, Adv.

Mr. Shoeb Hasen Khan, Adv.

ORDER

1. The issue is of illegal mining in Revenue Khasra No. 98, in Village Anganwa, Tehsil Jodhpur, Rajasthan in the area of more than 15 Bighas, out of the total land of 175 Bighas, which is recorded in favour of mining department. It is alleged that illegal mining in the area is continued and permitted to continue without any requisite permission from the competent authority and mining operations are done by use of heavy blasting, heavy earth moving machines, by use of indefinite number of trucks and dumpers throughout day and night. Blasting in nearby villages are resulting cracks in the houses of local nearby residence. They are further resulting into deterioration of health and adversely affecting the flora and fauna of the hill. The application, in the nature of complaint filed before the competent authority was not taken care of. The matter was taken up by this Tribunal and the Collector was directed to submit the factual and action taken report. Tehsildar vide his letter dated 24th August, 2021 submitted a report that in area 4/99 and 5/99 mining was permitted and lease was allotted. During the inspection, at two or

three places, illegal mining were found, but no person or vehicle were traced there. Learned counsel appearing for the Applicant had submitted that there is another report in which local authority has seized two tractors and trolley with loaded sand mining and the authorities observed that the mining was without any authority and was found illegal mining. Learned counsel for the State, present before the proceedings has expressed that the authorities are under obligation to control the illegal mining and sought time to file complete reply. Learned counsel for the Applicant has submitted that no reply has been given by the Respondent as to why legal action according to the procedure has not been taken against those persons who were found transporting illegal mining. It is causing loss to the State Exchequer, and further if illegal mining is found, being committed by any person, it indirectly means definite challenge to the sovereignty of the State, causing irreparable loss to the revenue of State and unnecessary burden on the State Exchequer.

2. The matter was taken up by this Tribunal and report was called from the Collector, Jodhpur. A Joint Committee consisting the representative of the State Pollution Control Board, Mining Department and the representative of the Collector visited the site and submitted the report that there was no illegal mining at Khasra No. 98. The prayer of the applicant is to direct the respondents to stop mining operation going on in Khasra No. 98. Since, there is no illegal mining in Khasra No. 98 as reported by the joint committee and the Collector, no further action is required in this matter.
3. Learned counsel for the applicant submitted that photographs reveal illegal operation going on in the site. In reply thereof, Learned counsel of the State has submitted that the photographs does not qualify the place and deed of the occurrence. In reply, Rajasthan State Pollution Control Board has submitted that the Mining Engineer, Jodhpur vide letter dated 15.09.2020 had submitted the factual report in which it was found that no mining activities are going on in Khasra No. 98.

4. In light of the above facts, nothing survives therefore, no further action is required to be taken by this Tribunal. Accordingly, **Original Application No. 02/2020 is disposed of.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

14th December, 2021
O.A. No. 02/2020(CZ)
PN