

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 12/2017 (CZ)
Haribol Das Baba Vs. State of Rajasthan & 52 Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant: None
RSPCB /State : Shri Sandeep Singh, Adv.
Shri L.N Bansal, DFO Bharatpur
Shri R.N. Mangal, Mining Dept.
Shri Siddhartha Singh, Adv
Respondent 9, 15, 16
21 to 23, 29, 39, 41 :
Respondent No. 42 to 44:
& 47 to 50 Shri Ankur Mishra, Adv.
Shri Harshit Pandey, Adv. for
Shri Yashraj Deora, Adv.
Respondent : Shri Yadvendra Yadav, Adv.
Respondent No. 12, 14 & 24 : Shri Dharamvir Sharma, Adv.

Date and Remarks	Order of the Tribunal
Order No. 5 18 th July, 2017	<p>The applicant has brought to our notice that vide Order No. ष. 6 (20) ढ. सु / गुर -3/2017, Jaipur dtd. 02.06.2017 the State of Rajasthan has constituted a committee under the chairmanship of Divisional Commissioner, Bharatpur, comprising the District Collector, Bharatpur, the Superintendent of Police, Bharatpur, the DFO Bharatpur and the Superintendent Engineer (Mines) Bharatpur as members to look into the grievance of the <i>Sadhu Saamaj Samiti</i> with particular reference to the <i>Parikrama Kshetra</i> in District Bharatpur in Nagar and Pahadi Tehsil. We have been informed that so far the committee yet to visit the area . This Tribunal is also seized with the matter which was probably highlighted by the <i>Sadhu Samaj Samiti</i> before the Government in pursuance of which the said committee was constituted vide order dtd. 02.06.2017. For ready reference the order dtd. 02.06.2017 is reproduced below :</p>

साधु संतो व बृजवासियों द्वारा राजस्थान के जिला भरतपुर के नगर व पहाड़ी तहसील में पड़ रही ब्रिज की पहाड़ी तहसील में पड़ रही ब्रिज की पहाड़ियों को बचने के लिए किये जा रहे घरना / विशाल प्रदर्शन के दौरान दिनांक ०३.०४.२०१७ को श्री अरुण चतुर्वेदी माननीय सामाजिक एवं अधिकारिता मंत्री द्वारा दिए गए आश्वासन के क्रम में संभागीय आयुक्त, भरतपुर की अध्यक्षता में निम्नानुसार कमिटी का गठन किया जाता है

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| १. संभागीय आयुक्त भरतपुर | अध्यक्ष |
| २. जिला कलेक्टर, भरतपुर | सदस्य |
| ३. जिला पुलिस अधीक्षक, भरतपुर | सदस्य |
| ४. उपवन संरक्षण, भरतपुर | सदस्य |
| ५. अधीक्षण कहानी अभियंता, भरतपुर | सदस्य |

उक्त कमिटी श्री राधाकांत शास्त्री, अध्यक्ष मान मंदिर सेवा संस्थान ट्रस्ट के प्रतिवेदन दिनांक २२.०२.२०१७ में उठाये गए बिन्दुओं एवं अन्य सभी प्रभावितों को सुनकर रिपोर्ट राज्य सरकार को अपनी अभिशंषा मय अभिमत के एक माह की अवधि में प्रस्तुत करेगी इसका प्रशासनिक विभाग, खान (ग्रुप-२) विभाग रहेगा.

We would therefore, directed that the chairman of the said committee to visit the area in question and submit its report and recommendations with observations on the issues being highlighted by the *Sadhu Samaj Samiti* and also look into the grievances of the mining leaseholders who have been granted valid leases and

environmental clearances. A balance between both sides may be observed keeping in view the interest of the *Sadhu Samaj Samiti* which is advocating the interest of the *pilgrims* and *yatris* and also the mining lease owners. More importantly the forest department shall bring to the notice of the committee the steps which have been taken with regard to the restoration of the environment and forest in the areas where the mining operations had been ordered to be closed. A restoration plan if not already operated and executed shall with immediate effect be put into operation and executed by the persons to whom the mining leases had been allowed. After identifying the lessees of the mines which have been closed in case any of them are mining leaseholders and valid EC holders of present mines they will not be allowed to operate in case they have not executed the closure plan of the mines which have been ordered to be close down.

The Learned Counsel for the State has filed a compliance report. The same is ordered to be taken on record. However, from the compliance report we find that there is no mention with regard to the transportation of the mineral regarding which we have made several observations in our previous orders. State is directed to take immediate action to submit as to what steps they have taken with regard to the transportation of the mineral.

It is further directed that in view of the grievance raised that the roads are being damaged primarily on account of heavy transportation of the mineral and particularly overloading. The State must ensure that proper weigh bridge are installed in the area to ensure that the vehicles are not overloaded and the payment of royalty is also in accordance with the weight of the mineral which is transported in the vehicles. Copy of this order shall be sent by the Registry to Divisional

Commissioner Bharatpur, the Collector Bharatpur for compliance and the visit of the committee to the area. The Committee is directed to visit the area and submit the report to this Tribunal before the next date of hearing. We further direct that the Learned Counsel for the State shall also accompany the members of the committee and verify the points that have been raised in this Original Application before us so that the observations of the committee may be directed to those issues.

Let this matter be listed on **29th August, 2017.**

.....JM
(DALIP SINGH)

.....EM
(Dr. S.S.GARBYAL)

