

**Original Application No. 40/2014 (THC) – CZ**

**Lakhan Singh Dhurve Vs. State of M.P. & 4 Ors.**

**CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Applicant in person.**

**Respondents : Shri Sachin K.Verma, Advocate**

**MPPCB : Ms. Parul Bhadoria, Advocate for  
Shri Purushaindra Kaurav, Advocate**

<b>Date and Remarks</b>	<b>Order of the Tribunal</b>
<b>Item No. 9 17<sup>th</sup> July, 2014</b>	<p>There is no appearance for the Applicant today also. It is seen from the records that he was not being represented before the Hon'ble High Court of M.P. at Jabalpur when the matter was pending there.</p> <p>The grievance of the Applicant is that the Respondent No.5 is indulging in illegal mining and operation of the crusher unit. The reply filed by the Respondent No. 1 to 4 shows that Respondent No.5 has obtained the consent to establish and also to operate the mining and crushing unit as against the allegations in the Writ Petition. But a subsequent reply filed by Mr. S.P. Bhadoria, Sub-Regional Officer, MPPCB, Amlai, District Shahdol reveals that, though consent was obtained for mining and operation of stone crushing unit by the Respondent No. 5, on inspection conducted by the Sub-Regional Officer on 01.06.2009, it was found that the Respondent has not complied with the conditions provided in the consent orders. It reveals that the consent was granted to carry out the mining operation only manually but this condition and it is violated. It also shows that while granting the consent to carry out the stone crushing activity, conditions were imposed that the Respondent No. 5 shall provide a dust containment-cum-suppression system including water spraying system for the equipment / units, construction of wind breaking walls of sufficient height, construction of metalled road within the premises, regular cleaning and wetting of the ground within the premises, growing of green belt along the periphery.</p>

All these conditions are not fulfilled by Respondent No.5. In such circumstances the Respondent No.5 is not legally entitled to continue the mining operation or the working of the stone crusher unit. In such circumstances, if the said mining operation and stone crushing unit are being operated, they are to be stopped forthwith. The MPPCB is directed to see that the operations of the units are stopped. It is also seen that consents were granted only for one year which had expired in the year 2010 itself. It is not known whether there was a further consent granted in favour of the Respondent No. 5. The Respondent No.4, MPPCB is directed to submit a report whether currently there exists any consent in favour of the Respondent No.5 and whether the crushing unit and the mining operation are still functioning or not, by the next date of posting.

Matter be listed on **14<sup>th</sup> August, 2014.**

.....JM  
(M.S. NAMBIAR)

.....EM  
(P.S.RAO)