

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 34/2023
IN
Original Application No. 798/2022

Mamta Chourasia & Ors

Applicant(s)

Versus

State of Uttarakhand

Respondent

Date of hearing: 10.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Mukesh Verma, Advocate for UKPCB

ORDER

1. Grievance in this application is against violation of environmental norms by stone crushers and mining units in Village Saimalchor and Pattapani, Post Belpadav, District Nainital, Uttarakhand, resulting in creating deep ditches and degradation of environment.

2. Vide order dated 5.1.2023, the Tribunal sought an action taken report from State PCB and District Magistrate, Nainital.

3. In pursuance of above, report dated 10.04.2023 has been filed by District Magistrate, Nainital, acknowledging illegal mining by five mining operators – Himmat Singh S/o Kartar Singh, Subhash Chandra S/o Tikaram, Kripal Singh S/o Kartar Singh, Karam Singh S/o Suchha Singh and Sukhraj Singh S/o Kulwant Singh. Recommendations are said to have been made for recovery of royalty and penalty for excess mining as per

provisions of the Mines Act but no action is shown to have been taken for damage to the environment by such excess mining in the light of judgments of the Hon'ble Supreme Court in Sanjay (2014) 9 SCC 772, MC Mehta (2014) 12 SCC 118, *Goa Foundation v. Union of India & Ors.*, (2014) 6 SCC 590, *Common Cause Vs. U.O.I. & Ors.*, (2017) 9 SCC 499 and Jayant (2021) 2 SCC 679.

4. Accordingly, we direct a joint Committee of CPCB, State PCB and District Magistrate, Nainital to take further action in this regard. State PCB will be the nodal agency for coordination. Action taken report be filed by 31.07.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF with a copy to the alleged violators for their response, if any, before 15.08.2023.

5. Since it has been pointed out that another matter raising the same issue being OA No. 538/2022, *Swarn Singh vs. State of Uttarakhand & Ors.* is also pending before this Tribunal which is now fixed for hearing on 22.08.2023, this matter may also be listed with the said matter on the said date.

A copy of this order be forwarded to CPCB, State PCB and District Magistrate, Nainital by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 10, 2023
M.A. No. 34/2023
IN Original Application No. 798/2022
DV