

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 446/2022

Balwinder Kumar

....Applicant

Versus

State of Haryana & Ors.

...Respondents

Date of hearing: 23.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person.

Respondents: Mr. Rahul Khurana, Advocate for respondents no. 1 to 6.
Mr. Rahul Hooda, Deputy Commissioner, IAS, Yamuna Nagar (through VC).
Mr. Mohit Handa, IPS, Superintendent of Police, Yamuna Nagar (through VC).
Mr. Rajesh Kumar, DFO, Yamuna Nagar.
Mr. Sanjay Simberwal, Mining Engineer, Directorate of Mines and Geology.

Application is registered based on a letter petition received by Post.

ORDER

1. The grievances in the present application are regarding illegal mining in the Panchayat/Shamlat Land since 2016 in villages Kohliwala and Mandewla which fall under Bhudkala Panchayat and illegal cutting of Khair trees and running of Shri Ram Screening Plant, Devbhumi Screening Plant, Jaimaa Laxmi Screening Plant, Shivalik Stone Crusher, Jai Maa Santoshi Screening Plant etc. in violation of environmental norms.

2. Vide order dated 26.07.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report. In

-2-

compliance thereof, report of the Joint Committee was submitted vide email dated 30.12.2022.

3. Vide order dated 02.01.2023, the Joint Committee was directed to submit further report and notices were ordered to be issued to the respondents.

4. Report of the Joint Committee has been filed vide email dated 20.03.2023.

5. Replies have been filed by respondents no. 1 and 3 vide email dated 22.03.2023, by respondent no. 2 vide email dated 20.03.2023 and by respondent no. 6 vide email dated 15.03.2023.

6. Vide order dated 02.01.2023 presence of Deputy Commissioner and the Superintendent of Police, Yamuna Nagar and Officers duly authorised by the PCCF (HoFF) and the Director, Mining and Geology, Government of Haryana through VC was also ordered.

7. In compliance thereof Mr. Rahul Hooda, Deputy Commissioner, Yamuna Nagar and Mr. Mohit Handa, Superintendent of Police, Yamuna Nagar (through VC). Mr. Rajesh Kumar, DFO, Yamuna Nagar, Mr. Sanjay Simberwal, Mining Engineer, Directorate of Mines and Geology have appeared before this Tribunal and we have interacted with them and sensitized them that appropriate steps be taken for preventing illegal mining and illegal cutting of trees and also for filing of complaint with the Police report in accordance with the statutory provisions in the relevant enactment.

8. In view of the averments made in the application and observations in the reports of the Joint Committee particularly the facts regarding large scale illegal mining and felling of trees leading to registration of number of FIRs,

we also consider it appropriate to have response of (7) M/s Jai Shree Ram Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar, (8) M/s Dev Bhoomi Enterprises, Village Kohliwala, Tehsil Chhachhrauli, Yamuna Nagar, (9) M/s Jai Mahaluxmi Screening Plant, Village Kohliwala, Yamuna Nagar, (10) M/s Jai Santoshi Maa Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar and (11) M/s Shivalik Stone Crusher, Village Doiwala, Yamuna Nagar, who stand impleaded as respondents No. 7 to 11. The Registry is directed to amend memo of parties to the application and to issue notices to respondents No. 7 to 11 requiring them to file their reply/response within three months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. Notices be served on respondents no. 7 to 11 through the District Magistrate, Yamuna Nagar and for this purpose notices issued to the respondents no. 7 to 11 be sent to the District Magistrate, Yamuna Nagar by E-mail for getting service of the same effected on them and sending his report in this regard.

10. List for further consideration on 24.08.2023.

11. A copy of this order be also sent to the District Magistrate, Yamuna Nagar for requisite compliance for effecting service of notice on respondents no. 7 to 11 and sending his report to this Tribunal.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 23, 2023
AG