

Item No. 04

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

Original Application No. 132/2023(CZ)

Bhagirath Meena

Applicant(s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **06.12.2023**

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

For Applicant(s):

Mr. Gaurav Sharma, Adv.

For Respondent(s):

Mr. Om Shankar Shrivastava, Adv.
Mr. Nishant Kesharwani, Adv.
(for Mr. Shoeb Hasan Khan, Adv.)
Mr. Rohit Sharma, Adv.

ORDER

1. The District Collector, Alwar, Respondent no. 3 has issued a general order on 19.01.2022 to the effect that keeping in view the interest of the general public it is ordered that in reference to rule 4(3) of the Rajasthan land Revenue (Conversion of Land of Agriculture to Non-Agriculture purpose in Rural Areas) Rules, 2007 those stone crusher units, which are running within 1500 meters of the outer boundary of residential area be immediately stopped and closed. In compliance of this order of the district collector, Alwar, the Tehsildar, Rajgarh wrote a letter to the Patwari of the area on 11.04.2022 and in compliance of this letter the Patwari of Nathalwada (Rajgarh) submitted a report to the Tehsildar, Rajgarh dated 28.04.2022 pointing out that one stone crusher unit in the name of M/s Laxmi Stone Crusher is being run illegally in village Joneta. The Patwari reported that the stone crusher unit is on the main road and located near the school and abadi within 550/600 meters of the main locality of the village. On 08.04.2022 the applicant and villagers of village Joneta

submitted a representation to the District Collector, Alwar pointing out their grievances.

2. The matter was taken up by this Tribunal on 10.10.2023 and a committee consisting of one representative from District Collector, Alwar, Rajasthan, one representative from the Dy. Conservator of Forest, Forest Department, Rajasthan and one representative from State Pollution Control Board, Rajasthan was constituted with the direction to submit the factual and action taken report.
3. In compliance thereof, the member of the committee visited the site and submitted the report as follows :-

“Joint Committee Visit

In accordance with the aforementioned order and letters, following officials visited the site on 18/11/2023:

- i. *Smt. Jugita Meena, Tehsildar, Rajgarh, Alwar
(Representative of District Collector, Alwar).*
- ii. *Sh. Ajay Prajapat, Regional Forest Officer, DCF Office, Alwar.*
- iii. *Sh. Ravi Tiwari, Assistant Environment Engineer, Regional
Office, RSPCB, Alwar.*

Observations

During field visit and on perusal of records, following observations were made:-

- i. *The unit is a stone crusher in the name of M/s Laxmi Stone Crusher located at Khasra No. 543, Village-Joneta, Tehsil-Ramgarh, District- Alwar.*
- ii. *All the machineries including conveyors, as mentioned above, were found covered from tin shed and also water sprinklers were provided at the suitable points e.g. inlet and outlet of primary crusher, secondary crusher and vibratory screen.*
- iii. *Arrangements have been made by the unit for reducing the dropping height of the material from the conveyors carrying material of size less than 05 mm and also wind breaking wall have been provided between the conveyors to act as wind barriers in order to control fugitive*

emissions.

- iv. Unit has provided about 12 fully grown plants and about 30 medium grown plants around the periphery of the premises, which is inadequate in accordance with the plantation norms of 33% of the total plot area. However, unit has planted approx. 15-20 new saplings at the entrance of the crusher premises.*
- v. The water requirement in the unit is being met through one bore-well. Unit has obtained certificate of exemption for ground water withdrawal from Central Ground Water Authority (CGWA) for 08 KLD, which is valid from 23/04/2021.*
- vi. Unit has constructed a boundary wall, of height approx. 5-6 feet, around the crusher premises.*
- vii. Unit was found non-operative during the site visit as the Consent to Operate had been revoked and direction for closure of the industry was issued by RSPCB vide letter dated 31/10/2023 based on the non-compliances observed during earlier inspection dated 25/10/2023.*
- viii. In compliance of the aforesaid direction issued by RSPCB, electricity connection of the unit was disconnected by the JVVNL on dated 09/11/2023.*
- i. During site visit, Regional Forest Officer measured the distance of the crusher premises from the nearest forest block (i.e. Bhigota, Range- Rajgarh, Alwar) and the distance from the forest block was found to be about 259 meters.*
- ii. As per Tehsildar, Rajgarh letter no. 2080 dated 09/11/2022, point no. 01, stone crusher is located at a distance of 550-600 meters from the residential area of Joneta village. Copy of Tehsildar letter dated 09/11/2022*
- iii. As per the conversion order dated 07/07/2011, issued by Sub Divisional Officer, converted area is 1925.68 sqm and whereas, the stone crusher is installed and is being operated in area measuring approx. 3-4 Bigha which is exceeding the converted area and therefore is in violation of Rajasthan Land-Revenue (Conversion of agricultural land for non-agricultural purpose in rural area) Rules, 2016.*

- iv. *A notice with the direction to not operate the crusher was pasted at the crusher by Tehsildar during site visit and the proponent was directed to not operate the crusher till further orders.*
- v. *Unit has made efforts for providing air pollution control measures and plantation in and around the crusher premises.*
- vi. *Photographs, with GPS co-ordinates, taken during site visit.*

Action Taken

- i. *Regional Office, RSPCB, Alwar vide its letter dated 31/10/2023 revoked consent to operate and issued direction for closure of the industry for the non-compliances observed during inspection dated 25/10/2023. Copy of the letter dated 31/10/2023.*
- ii. *SDM, Rajgarh vide its letters dated 31/10/2022 and 23/12/2022 issued notice to the unit for non-compliances of the conditions imposed in the conversion order. Thereafter, again on date 18/11/2023 issued notice to the proponent with the direction to not operate the crusher till further orders. Copy of the notices dated 31/10/2022, 23/12/2022 and 18/11/2023.*
- iii. *For the violation of stone crusher being operated in the area exceeding the conversion area, Sub Divisional Magistrate, Rajgarh issued notice under section 177 of Rajasthan Tenancy Act, 1955 to the unit vide letter dated 07/08/2023 and the matter is under trial in the court of SDM, Rajgarh. Copy of details of the matter with notice dated 07/08/2023.*
- iv. *JVVNL disconnected the electricity of the unit on dated 09/11/2023 in compliance of the RSPCB direction dated 31/10/2023. Copy of electricity disconnection letter 09/11/2023.”*

4. The Perusal of report reveals that the closure order has been issued by the Rajasthan State Pollution Control Board and the Electricity Department has disconnected the electric meter and connection. The industry/unit is

not in operation at present and necessary actions have already been taken by the Department concerned.

5. In view of the above facts, no further action is required to be taken by this Tribunal. With these observations the **Original Application No. 132/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

06th December, 2023
O.A. No. 132/2023 (CZ)
PN