

Item No. 03

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

**Original Application No. 202/2023(CZ)
(O.A.No.897/2022 - PB)**

Mohan Lal Rebari

Applicant(s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **04.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s): None.

For Respondent(s): None.

ORDER

1. This original application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 on a letter petition received on 10.08.2022 from Shri Mohan Lal Rebari resident of Kotdi Tehsil Amet, District Rajasmand, Rajasthan. It is said that the applicant has its ancestral agricultural land Araj Number 455, 456, 460, 472, 490, 492 total area 3.3750 hectare at village Kotdi Patwar Halka Agariya Tehsil Amet, District Rajasmand, Rajasthan. On some part of the said Araj a marble mining lease bearing ML No. 04/2009, 32/2011 and 33/2011 in favour of Chawanda Marble Mines proprietor Devisingh Chundawat are sanctioned. The said mining activities are being carried out with heavy blasting causing loss to environment, agriculture and also causing huge noise pollution. Due to transportation of loaded dumpers and tailers and falling of stones on the road there is lot of apprehension of accident etc. and the people's safety is also in danger. The activities are also causing damage to the roads and also

to the agriculture land; trees are either got damaged or felled down due illegal mining activities.

2. The matter was taken up by this Tribunal on 20.02.2023 and after taking cognizance of the matter a committee was constituted with direction to submit the factual and action taken report.
3. In compliance thereof, the members of the committee visited the site and after inspection submitted the report which is as follows:-

- i. During the visit of the Members of the Joint Committee, no standard agriculture crop was found in the field.
- ii. Committee has not observed overloaded vehicles.
- iii. Village Kotri is located at about 100 meter away from mining area and Rajasthan Pollution Control Board is monitoring the compliances of the consent condition.
- iv. Noise monitoring at four locations were conducted by the team and all monitored values were found within prescribed norms.
- v. Ambient Air Quality Monitoring at two locations were conducted by the team and values of PM₁₀ were found exceeding the prescribed norms.
- vi. In view of the above facts the committee has recommended following measures, which are required to be adopted by the unit.

Recommendations

- a) Unit shall resolve the problem of applicant (i.e. over burden near to the applicant land in consultation with revenue department).
- b) Unit shall construct retaining wall and garland drains around the over burden dump.
- c) Unit shall construct situation portal for collection of rain water.
- d) Unit shall provide adequate number of PPE's to the workers.
- e) Unit shall plant adequate number of plantation.

4. We further direct the State PCB, Rajasthan to periodically monitor the compliance of the consent condition and environmental rules and in case of any violation necessary legal action in addition to assessment and realisation of environmental compensation.
5. In view of the above, no serious violation has been reported by the members of the joint committee. However, the recommendations of the committee are accepted and the State Pollution Control Board is directed to enforce the recommendations submitted by the joint committee and submit the compliance report. In case of non-compliance, the necessary legal action must be initiated according to the rules.
6. With these observations the **Original Application No. 202/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

04th January, 2024
O.A. No. 202/2023 (CZ)
PN