

Item No.01

(Bhopal Bench)

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

(Through Video Conferencing)

Execution Application No.05/2023(CZ)
in
Original Application No.38/2019(CZ)

Jaydeep Pathak

Applicant

Versus

State of M.P. &Ors.

Respondent(s)

Date of hearing: 12.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant: Mr. Mohd. Iquraam, Advocate

ORDER

1. This is an Execution Application seeking execution of Tribunal's order dated 17.12.2019 passed in Original Application (hereinafter referred to as '**OA**') No. 38/2019, alleging that respondent no.2 i.e., M/s. Ahirwar Construction is carrying on mining activities illegally on the land, not included in the lease deed but belongs to the applicant.

2. OA was filed seeking compensation and direction to restrain respondent no.2 from carrying on illegal mining activities. However, OA was disposed of finally by order dated 17.12.2019 with the direction that applicant may move an application before State Government who shall decide the same in accordance with law.

3. Now, the grievance is that representation dated 07.06.2023 has been preferred by applicant but the same has not been decided.

4. First of all, we do not find any reason as to why applicant took more than three and half years in filing the above representation. The order was passed by this Tribunal on 17.12.2019 and the alleged representation has been made only on 07.06.2023 i.e., just a month back, before filing this Execution Application.

5. Further in the order dated 17.12.2019, there is no direction to State Government to decide representation in a particular time. Therefore, this Execution Application, filed within one month of the filing of the representation (Execution Application has been filed on 24.06.2023 i.e., within 17 days of filing the representation) is misconceived. There is undue delay on the part of State.

6. Moreover, Tribunal has no power to issue mandamus to the authorities concerned and the directions which can be passed by Tribunal must relate to environment as contemplated under Sections 14, 15 and 18 of National Green Tribunal Act, 2010 read with Rule 24 of the Rules framed thereunder. Hence, we do not find anything to be executed at this stage.

7. In the entirety of the circumstances and with reference to Rule 24, we dispose of this Execution Application with the observation that respondent 1 may decide applicant's above representation expeditiously and in any case, within three months from the date of communication of this order.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 12, 2023
Execution Application No.05/2023(CZ)
in Original Application No.38/2019(CZ)
M