

Item No. 03

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

**Original Application No.82/2020 (CZ)**

Prahalad Swami & Ors

Applicant (s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: **25.08.2021**

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

For Applicant(s):

Mr. Dharamvir Sharma, Adv.

For Respondent(s):

Mr. Akshay Rathore, Adv. for  
Mr. Rohit Sharma, Adv.  
Ms. Shoeb Hasan Khan, Adv.

**ORDER**

1. The instant application has been filed by Mahant of Dhvajband Mandir, Avinshidham and other pujaries residing at village-Sawanpura Toran, Sikar (Rajashtan) against illegal mining activities near age old temple and water body. The applicants also learnt that, the excavation of minerals is being done without having due clearances and other relevant consents as per laws. It is humbly submitted that , the State authorities in collusion with respondent PP, who has been allotted a mining lease for mineral mainly quartz and feldspar on the land admeasuring 4.29 hectares near village-Bhojmer, Tehsil Neem-ka-Thana District Sikar of Rajasthan. The acts of respondents are affecting the environment of the area, creating substantial question related to environment.

2. The matter was taken up on 05.10.2020 and this Tribunal constituted a committee consisting District Collector Sikar and Regional Officer, Rajasthan State Pollution Control Board and directed to submit factual and action taken report.
3. In compliance thereof, the joint committee submitted a report, which is as follows :

*“7. In pursuance to aforesaid decision a joint inspection was held on 02.11 .2020. Prior to aforesaid joint inspection, proper acknowledgement/information has been given to the applicant Shri Prahlad Swami through SMS and mobile conversation. It is further submitted that, thereafter, a joint inspection was held in presence of applicant and it was observed that there is one mining lease of Quartz a Feldspar area 4.29 ha' sanctioned in aforesaid mining lease area and having valid mining plan from Department of Mines, Environmental Clearance from DEIAA and Consent to Operate from the State Pollution Control Board. There was no mining activity or blasting observed during inspection 'Dhwajband Mandir, Avinshidham temple is more than 600 mtrs. away from mining lease area. It was observed that there was not any damage in wall of temple by mining activity or blasting. It is also observed that there was not any mining work at the level of water table of the area. The SDO, Shrimadhapur also directed to Mining Engineer to submit joint survey report with Patwari regarding demarcation of mining lease area. Joint survey was conducted on 11.11.2020. The committee also took photographs of the site inspection which are annexed along with joint inspection reports. A copy of the joint inspection reports dated 02.11.2020 & 11.11.2020 along with Photograph is submitted herewith and marked as Annexure-5.”*

4. Annexure-3 of report submitted by Mining Department which contains the following fact...

“ खनन पट्टा संख्या 468/2005 वास्ते खनिज क्वार्टर, फैल्सपार क्षेत्र 4.29 हैक्टर निकट ग्राम भोजमेर तहसील श्रीमाधोपुर जिला सीकर में श्री दिनेश कुमार अग्रवाल पुत्र श्री सागरमल अग्रवाल निवासी हच टेलीफोन टॉवर के पास वार्ड नं 15,शाहपुरा जिला जयपुर के पक्ष में निदेशालय के आदेश क्रमांक: निखाभू/सीकर/सोसी-4/प-1(1)468/2005/868 दिनांक 26.03.2007 से संविदा पंजीयन तिथि से 30 वर्ष के लिए स्वीकृत हुआ, जिसकी संविदा का पंजीयन दिनांक 20.06.2007 को होने पर खनन पट्टा अवधि दिनांक 20.06.2007 से 30 वर्ष के लिए प्रभावशील हुआ

भारत सरकार के नोटिफिकेशन दिनांक 10.02.2015 से प्रधान खनिज के 31 खनिजों को अप्रधान खनिज घोषित कर दिए जाने एवं इन 31 घोषित अप्रधान खनिजों में उक्त स्वीकृत दोनों खनिज क्वार्टर, फैल्सपार सम्मिलित होने से उक्त खनन पट्टा अप्रधान खनिज के अंतर्गत हो गया , जिसकी पूरक संविदा का निष्पादन दिनांक 22.07.2015 से होकर नोटरी से तस्दीक दिनांक 06.08.2015 को हुई पट्टाधारी श्री दिनेश कुमार अग्रवाल द्वारा दिनांक 26.06.2014 से खनन पट्टा का हस्तांतरण श्री झाबरमल स्वामी पुत्र श्री प्रभाती लाल स्वामी निवासी ग्राम भादवाड़ी तहसील खण्डेला जिला सीकर के पक्ष में करवाने हेतु आवेदन प्रस्तुत किया जाने पर श्रीमान अतिरिक्त निदेशक (खान), जयपुर क्षेत्र, जयपुर के आदेश क्रमांक अनिखा /जय /सीकर /सीसी -III /खप -468 /2005 /372 -377 दिनांक 03.09.2015 से खनन पट्टा का हस्तांतरण श्री झाबरमल स्वामी पुत्र श्री प्रभाती लाल स्वामी निवासी ग्राम भादवाड़ी तहसील खण्डेला जिला सीकर के पक्ष में स्वीकृत हुआ, जिसकी हस्तांतरण संविदा, का निष्पादन दिनांक 31.03.2016 से होकर पंजीयन दिनांक 17.05.2016 को होकर खनन पट्टा शेष अवधि के लिए श्री झाबरमल स्वामी के पक्ष में प्रभाव में आया ।

उक्त खनन पट्टा के सम्बन्ध में पर्यावरणीय स्वीकृति (ई. सी. ) दिनांक 30.05.2016 से प्राप्त है । खनन पट्टा का अनुमोदित माइनिंग प्लान अधीक्षक खनि. अभियंता, जयपुर के पत्रांक 467 दिनांक 22.05.2015 से प्राप्त है , नवीन माइनिंग प्लान अनुमोदनार्थ प्रक्रियाधीन है ।”

5. The contention of the Learned Counsel for the Applicant is that the mining lease was granted near the water body. In reply thereof, a report from Water Resources Department Sikar has been filed with the fact that the water body near mining lease is not created/ constructed by Water Resources Department.

6. Learned Counsel appearing for the Applicant has submitted that the respondents may be directed to use CSR amount for the purposes of welfare of the applicants. The Applicant may approach to the appropriate authority by moving an application. So far as the violation of environmental laws are concerned the report submitted by the Joint Committee reveals that there was no mining activity or blasting observed during inspection and the aforesaid temple is more than 600 meters away from the mining lease area. It was further observed by the joint committee that there was no damage in wall of temple by mining activity or blasting. Accordingly, no violation of environmental laws has been found. Thus no further action is required to be taken by this Tribunal. The Original Application No. 82/2020 is **disposed of** accordingly.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

August 25<sup>th</sup> 2021  
O.A. No. 82/2020 (CZ)  
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