

Before the National Green Tribunal,  
Principal Bench, New Delhi

OA No.98 of 2019

IN THE MATTER OF: -

Residents of Village Musnota, Tehsil Nangal  
... Applicant(s)

Versus

State of Haryana ... Respondent(s)

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Place: NARNAUL

Dated: 23.07.2019

  
(JAGDISH SHARMA)  
Deputy Commissioner,  
Mahendragarh at Narnaul.  
(Respondent)

Before the National Green Tribunal,  
Principal Bench, New Delhi

OA No.98 of 2019

IN THE MATTER OF: -

Residents of Village Musnota, Tehsil Nangal  
... Applicant(s)

Versus

State of Haryana ... Respondent(s)

Report on behalf of Jagdish Sharma, IAS, Deputy  
Commissioner, Mahendergarh at Narnaul (Respondent)

1. That this Hon'ble Tribunal taking the cognizance of the captioned OA, passed the order dated 25.03.2019, the relevant portion of same is reproduced below:

“Let the Deputy Conservator of Forest, Mahendragarh and the Deputy Commissioner, Mahendragarh look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com). The Nodal Agency will be the Deputy Conservator of Forest, Mahendragarh for coordination and compliance.

A copy of this order, alongwith complaint, be sent to the Deputy Conservator of Forest, Mahendragarh and the Deputy Commissioner, Mahendragarh by e-mail for compliance.”

2. That answering respondent has assumed the charge as Deputy Commissioner, Mahenderagarh at Narnaul



on 12.6.2019 and after taking note of the matter came to know that the present OA has been considered by the Hon'ble Tribunal on the basis of complaint submitted by post stating that illegal felling of trees is taking place and mining is being allowed at Khasra No. 550, Village Musnota, Tehsil Nangal Chaudhary, District Mahendragarh, Haryana, Mining is being done by Maa Santoshi Khanij Udhog. For mining, blasting is also done desterilizing the houses of the inhabitants. Mining is also being done in Khasra Nos. 267, 268, 258 and 487.

3. That in compliance with the aforesaid order of Hon'ble National Green Tribunal, an immediate report, was sought from the Divisional Forest Officer, Territorial Forest Division, Mahendragarh being the nodal agency appointed by the Hon'ble Tribunal for coordination and compliance.
4. That the Nodal Agency-cum-Divisional Forest Officer, Mahendragarh submitted his reply vide his letter No. 1522 dated 22.7.2019, which is attached as **Annexure-R/1**. The findings of the Nodal Agency are reproduced herewith as under:
  - i) That in compliance of order dated 25-03-2019, Joint inspection of Khasra No. 267, 268, 258 and 487 was

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conducted on 22-07-2019 with Revenue and Mining department.

- ii) That during the joint inspection of khasra no. 550 of village Musnota, no illegal felling of trees and mining activity was found. It is submitted that mining lease in Khasra No. 550 of village Musnota was renewed by Director Mines and Geology Department Hayana, Chandigarh on dated 24-02-2015. Environment clearance of above said lease was granted by Ministry of Environment, Forest and Climate Change, Impact Assessment Division, Indira Paryavaran Bhawan, Aliganj, Jor Bag road, New Delhi vide letter No. J-11015/401/2012-IA.II (M) dated 14-05-2019.
- iii) That Mining Officer, Narnaul has submitted this office vide his letter no. MO/NNL/656 dated 22-07-2019 that the State Government had granted a mining lease of an area of 8.107 hectares, falling under Khasra No. 550 of village Musnota, to M/s Maa Santoshi Khanij Udyog, which was renewed vide agreement/ lease deed dated 24.02.2015. The lessee company after obtaining (i) the Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, vide letter Memo No. I-11015/401/2012-IA.II(M) dated 14.05.2015, (ii) the permission of deep hole drilling and blasting from Director General of Mining and Safety, Ministry of Labour and Environment, GoI, vide letter memo no. S29024/GR/HR/Mahendergarh/0169/Per/2190 dated 05.09.2016 and other requisite permissions, is undertakeng legal mining operations in the above stated area/Khasra No.
- iv) Mining Officer, Narnaul further submitted that as regards to the mining in Khasra No. 267, 268, 258 of village Pachnota and Khasra No. 487 of Musnota, it is submitted that the field staff/officials of this office along with the officials of Range Officer, Nangal Chaudhary, Forest Department isnspected this area on 22.07.2019 and no illegal mining was found by the team in these Khasra Nos.
- v) That during the joint inspection no illegal felling of trees and mining activity was found in Khasra No. 267, 268 of village Pachnota.
- vi) That Khasra no. 258 of village Pachnota and Khasra No. 487 of village Musnota is kuchcha path, which passes through



Aravalli Plantation area. During joint inspection no illegal felling of trees and mining was found in khasra no. 267, 268, 258 of village Pachnota and khasra no. 487 of village Musnota.

- vii) That the Lease holder of M/s Maa Santoshi Khanij Udyog khasra No. 550 of village Musnota filed Civil Suit before Civil Judge (JD) Narnaul titled as M/s Maa Santoshi Khanij Udyog Versus Divisional Forest Officer, Mahendergarh and others. Hon'ble Civil Judge (JD), Narnaul passed an order and Application under Order 39 Rule 1 and 2 read with Section 151 CPC 1908 was "**allowed**" on dated 02-01-2019 (copy attached).
- viii) That the kuchcha path situated in khasra no. 258 of village Pachnota and khasra no. 487 of village Musnota is being used by the lease holder after order of Hon'ble Civil Court (JD), Narnaul.

The report is submitted accordingly.

Place: NARNAUL

Dated: 23.07.2019

  
(JAGDISH SHARMA)  
Deputy Commissioner,  
Mahendragarh at Narnaul.  
(Respondent)

**Annexure-R/1**

**OFFICE OF THE  
Divisional Forest Officer, Territorial Forest Division,  
Forest Complex, Mahendergarh, Haryana - 123 029**

Phone: 01285 - 220229, E-mail : dfomgarh@yahoo.co.in

No : .....1522.....

Dated 22-07-2019.

To :

Deputy Commissioner,  
Mahendergarh at Narnaul.

Sub :

OA No. 98 of 2019 - Residents of Village Musnota, Tehsil Nangal  
versus State of Haryana.

On the Subject cited above, in compliance of Hon'ble National Green Tribunal, New Delhi, order dated 25-03-2019 in OA No. 98 of 2019, the report is submitted as under :-

1. That in compliance of order dated 25-03-2019, Joint inspection of Khasra No. 267, 268, 258 and 487 was conducted on 22-07-2019 with Revenue and Mining department.
2. That during the joint inspection of khasra no. 550 of village Musnota, no illegal felling of trees and mining activity was found. It is submitted that mining lease in Khasra No. 550 of village Musnota was renewed by Director Mines and Geology Department Haryana, Chandigarh on dated 24-02-2015. Environment clearance of above said lease was granted by Ministry of Environment, Forest and Climate Change, Impact Assessment Division, Indira Paryavaran Bhawan, Aliganj, Jor Bag road, New Delhi vide letter No. J-11015/401/2012-IA.II (M) dated 14-05-2019.
3. That Mining Officer, Narnaul has submitted this office vide his letter no. MO/NNL/656 dated 22-07-2019 that the State Government had granted a mining lease of an area of 8.107 hectares, falling under Khasra No. 550 of village Musnota, to M/s Maa Santoshi Khanij Udyog, which was renewed vide agreement/ lease deed dated 24.02.2015. The lessee company after obtaining (i) the Environmental Clearance from the

Ministry of Environment, Forest & Climate Change, GoI, vide letter Memo No. I-11015/401/2012-IA.II(M) dated 14.05.2015, (ii) the permission of deep hole drilling and blasting from Director General of Mining and Safety, Ministry of Labour and Environment, GoI, vide letter memo no. S29024/GR/HR/Mahendergarh/0169/Per/2190 dated 05.09.2016 and other requisite permissions, is undertaking legal mining operations in the above stated area/Khasra No.

Mining Officer, Narnaul further submitted that as regards to the mining in Khasra No. 267, 268, 258 of village Pachnota and Khasra No. 487 of Musnota, it is submitted that the field staff/officials of this office along with the officials of Range Officer, Nangal Chaudhary, Forest Department inspected this area on 22.07.2019 and no illegal mining was found by the team in these Khasra Nos.

4. That during the joint inspection no illegal felling of trees and mining activity was found in Khasra No. 267, 268 of village Pachnota.
5. That Khasra no. 258 of village Pachnota and Khasra No. 487 of village Musnota is kuchcha path, which passes through Aravalli Plantation area. During joint inspection no illegal felling of trees and mining was found in khasra no. 267, 268, 258 of village Pachnota and khasra no. 487 of village Musnota.
6. That the Lease holder of M/s Maa Santoshi Khanij Udyog khasra No. 550 of village Musnota filed Civil Suit before Civil Judge (JD) Narnaul titled as M/s Maa Santoshi Khanij Udyog Versus Divisional Forest Officer, Mahendergarh and others. Hon'ble Civil Judge (JD), Narnaul passed an order and Application under Order 39 Rule 1 and 2 read with Section 151 CPC 1908 was "**allowed**" on dated 02-01-2019 (copy attached).

7. That the kuchcha path situated in khasra no. 258 of village Pachnota and khasra no. 487 of village Musnota is being used by the lease holder after order of Hon'ble Civil Court (JD), Narnaul.

Report is submitted for your information and further necessary action.

Encl/As above

  
Divisional Forest Officer,  
Mahenderganj

M/S Maa Santoshi Vs. Haryana State  
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IN THE COURT OF SH. ANIL KUMAR, HCS, CIVIL JUDGE  
(JUNIOR DIVISION) Narnaul, HARYANA

CS-1031-2018  
CNR No.HRNR02001671-2018  
Date of order: 02.01.2019

M/S Maa Santoshi Vs. Haryana State

*Application under Order 39 Rule 1 and 2 read with Section 151 CPC  
1908 praying for temporary injunction.*

Present : Sh. Rakesh Mehta, Advocate for plaintiff.  
Sh. Vivek Kumar, GP assisted by Sh. Surender  
Kumar for defendant no. 6 and Divisional Forest Officer  
& Mines and Geology Department on behalf of  
defendants no. 1, 3, 4

**ORDER**

This order of mine shall dispose of the application filed by the applicant under Order 39 Rule 1 and 2 read with Section 151 CPC 1908 praying for ad-interim injunction restraining the defendant, his agents, employees, servants from causing any obstruction over the Rasta in question (a strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh) as shown in red colour in site plan so as to allow the plaintiff to have access from its lease hold property of Khasra no.550 (area 8.107 hectare) situated in village Musnota on western side of Narnaul Bayal Road after crossing another privately owned but leased hold property of plaintiff firm which is situated in revenue estate of village Pachnota Tehsil Nangal Chaudhary Distrcit Mahendergarh in any manner and also be restrained from creating any kind of obstruction therein.

**M/S Maa Santoshi Vs. Haryana State**

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Balance of convenience also lies in favour of plaintiff because plaintiff firm has also got the lease of private land of land owners of village Pachnota existing in between Khasra no. 487 and Narnaul Bayal Road. Vide a file no. 9-HRB109/2017-CHA dated 31.8.2018, it was mentioned that Khasra no. 550 is not covered under Aravali Plantation nor it is under Section 4 and 5 PLPA, 1900 category/IA 1927. The report of DFO Mahendergarh and Nodal Officer Haryana are not complimentary to each other. The proceedings of public hearing conducted on 09.1.2013 at 11:00 am regarding application of plaintiff firm for obtaining environmental clearance under EIA notification dated 14.09.2006 for the calcite mining at village Musnota Tehsil Nangal Chaudhary, District Mahendergarh Haryana, the objections raised by DFO Mahendergarh were declared as unnecessary, absurd, irrelevant and not based on record because mining officer Narnaul clarified vide a letter dated 21.01.2014 that Khasra no. 550 is free from Araveli Plantation as per Ground Truthing exercise report 2007 signed by DFO Mahendergarh. Sh. Dinesh Kumar, Regional Officer HSPCB, Dharuhera region as asked specially "what will be the way of transporting material" and in reply the project proponent with its consultant replied that "the road will be completed which is given in revenue record." This report signed by DC Mahendergarh at Narnaul, EDC Mahendergarh at Narnaul and Regional Officer Dharuhera region. Defendant no. 6, failed to submit that the alleged path has any plantation at present. Defendant also failed to submit that they have raised any plant with the help of foreign funds as per Aravali Plantation Scheme in Khasra no. 487.

**M/S Maa Santoshi Vs. Haryana State**

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The factor of irreparable loss also goes in favour of plaintiff because plaintiff firm has already submitted and deposited Rs. 12,00,000/- as lease money with Government of Haryana and possession of Khasra no. 550 has been obtained by plaintiff firm from the Mining Department of Haryana. The plaintiff has made investments by obtaining the lease of land adjacent to Khasra no. 487 & upto Narnaul Bayal Road along with huge investment in Khasra no. 550 for the mining work but at present he is unable to earn nothing. In the light of above, this Court is of considered opinion that all three factors goes in favour of plaintiff and hence the present injunction application is **allowed**. In this order nothing shall be construed as decided in the merits of present case.

Let notice to defendants no. 2 & 5 be issued for 06.02.2019.

Date of Order: 02.01.2019

(Pooja SG-III)

Next date: 06.02.2019

**Purpose:**

(Anil Kumar)

CJ(JD), Narnaul

UID No. HR-0524

From District Mining Officer,  
Mines & Geology Department,  
Narnaul.

To Divisional Forest Officer,  
Mahendergarh at Narnaul

Memo No.MO/NNL/ 656  
Dated Narnaul, the: 22.7.19

**Subject: OA No. 98/2019 Resident of village Musnota Vs. State of Haryana- Regarding.**

Kindly Refer to your office letter memo no. 1494 dated 19.07.2019 on the subject noted above.

2. In this regard it is submitted that the State Government had granted a mining lease of an area of 8.107 hectares, falling under Khasra No. 550 of village Musnota, to M/s Maa Santoshi Khanij Udyog, which was renewed vide agreement/ lease deed dated 24.02.2015. The lessee company after obtaining (i) the Environmental Clearance from the Ministry of Environment, Forest & Climate Change, GoI, vide letter Memo No. J-11015/401/2012-IA.II(M) dated 14.05.2015, (ii) the permission of deep hole drilling and blasting from Director General of Mines and Safety, Ministry of Labour and Environment, GoI, vide letter memo no. S29024/GR/HR/Mahendergarh/0169/ Per/2190 dated 05.09.2016 and other requisite permissions, is undertaking legal mining operations in the above stated area/ Khasra No.

3. As regards to the mining in Khasra No. 267,268,258 of village Pachnota and Khasra No. 487 of Musnota, it is submitted that the field staff/officials of this office along with the officials of Range officer, Nangal Chaudhary, Forest department inspected this area on 22.07.2019 and no illegal mining was found by the team in these Khasra Nos.

This is for your kind information please.

  
Mining Officer,  
Department of Mines & Geology,  
Narnaul

Endst. No. \_\_\_\_\_

Dated \_\_\_\_\_

A copy of above is forwarded to the Deputy Commissioner Mahendergarh at Narnaul for information please.

-Sd-  
Mining Officer,  
Department of Mines & Geology,  
Narnaul