

BEFORE THE NATIONAL GREEN TRIBUNAL
O.A. No. 117/2023
CENTRAL ZONE BENCH, BHOPAL

IN THE MATTER OF:

SANKET SAHU

...APPLICANT

Versus

STATE OF MP & ORS

...RESPONDENTS

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Date: 13.03.2024

Submitted by MPPCB:-

Place: Bhopal



through Counsel
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Inspection Report

O.A. No. 173/2023(CZ)

Sanket Sahu V/s State of Madhya Pradesh & Others

Order Dated 07/12/2023

Hon'ble NGT (CZ), Bhopal in O.A. No. 173/2023(CZ) vide its order dated 07/12/2023 directed under para 1 to 2 as:

1. *Vide order dated 10.11.2023 this Tribunal directed the District Magistrate, Gwalior, M.P. to submit the report on the points of violation on environmental rules in the area Mohu, Shatabdi Puram but the report has not been filed till date. District Magistrate is directed to submit the report within four weeks.*
2. *In light of the facts we deem it appropriate to implead the following persons as respondents-*
 - i. *State of Madhya Pradesh through District Magistrate, Gwalior, M.P.*
 - ii. *District Mining Officer, Gwalior, M.P.*
 - iii. *State Pollution Control Board, M.P.*

In compliance of the order of Hon'ble NGT, a site visit of the Mou area located near Shatabdi Puram and Deen Dayal Nagar in Gwalior city was carried out by Regional Officer Gwalior Mr. R. R. Singh Sengar on 11/03/2024.

Applicant Grievances:

Applicant Mr. Sanket Sahu submitted a complaint to Hon'ble NGT on 04/07/2023. He mentioned in his complaint following issues:

- (1) There are many abandoned boulder quarry pits are situated in Mou, Shatabdi Puram & Deen Dayal Nagar area of the Gwalior city.
- (2) Quarry leases were granted by Mining Department to various person in that area. Lease validity of all the quarries has already been expired.
- (3) Due to boulder mining from the sanctioned quarries very deep pits about 100 to 250 feet depts. Are created there.
- (4) As per Mining Act all the pits created due to mining should be completely back filled by the lease owners after expiry of lease period. But these deep pits are not backfilled and left as deep pits. Mining department has not take any action against those quarry owners.

- (5) These deep abandoned mine pits are very dangerous and are big threat for human beings and animals going to that area. Lot of incidents happened there in past which were published in News Papers.
- (6) Various colonies are developed in that area.
- (7) Rain water stored in these deep abandoned mine pits which creates unhygienic condition which is threat to the public health.

Applicant submitted his prayer as follows:

- (A) Mining Department Gwalior should be directed to take action for backfilling of abandoned boulder mines as per provisions of Mining Act.
- (B) Action should be taken against the defaulters.

OBSERVATION:

Inspection of abandoned mining area situated at Mau near Shatabdi Puram and Deen Dayal Nagar within Gwalior city has been carried out on 11/03/2023 with staff of RO Gwalior. Following status seen at site during inspection:

- (1) There are 06 abandoned boulder quarry pits are situated in Mau area in a hilly terrain.
- (2) All abandoned mine pits are having depth between 60 to 90 feet.
- (3) No fencing is provided around the abandoned mine pits.
- (4) Some rain water ponding was seen in abandoned mine pits, but this was available at much depth. There is no status of water contamination, putrefaction bad odour etc. was seen there. There is no city solid waste etc. thrown into abandoned mine pits. The pit water is a much depth and practically unapproachable for human beings and animals. So complainer grievance that the stored water in mine pits creating nuisance and various types of illness to the nearby public is not correct.
- (5) All abandoned mine pits have rock cuts in vertical cliff manner. So overall these abandoned mines pit are very dangerous and unsafe if human or animals go there.
- (6) At present in about 50% of periphery of the hill on which the abandoned mine pits situated, various colonies are developed or under development. These mine pits will be very unsafe day by day when population of the adjoined area increase.
- (7) Photographs of abandoned mines were taken during inspection, which are enclosed as **Annexure-R3-1**.

Details of Abandoned Boulder Quarries Situated at Mau Area:

As per information available in RO Gwalior record following 06 stone boulder quarries were operating at Mau area with the consent of the Board:-

Sr. No.	Name & Postal Address of Quarry Lease Owner	Location of the Quarry	Area of the Quarry (Hectare)	Last Lease Period	Consent Validity (Up to)	Remark
1	M/s Kamla Stone Crusher (Shri Brajesh Sharma) C-105 Govindpuri, Gwalior	Kh. No. 418, Mau, Gwalior (Govt. Land)	2.000	04/08/2007 to 03/08/2017	03/08/2017	Closed since year 2017
2	M/s Shriram Sharma Stone Crusher (Shri Ramniwas Sharma) E-25 New Vivekanand Colony, Gwalior	Kh. No. 419, Mau, Gwalior (Govt. Land)	4.000	10/10/2015 to 03/08/2017	03/08/2017	Closed since year 2017
3	M/s Aman Stone Crusher (Shri Shyam Sharma) Ganga Mai Santar Murar, Gwalior	Kh. No. 420, Mau, Gwalior (Govt. Land)	4.000	28/06/2015 to 03/08/2017	03/08/2017	Closed since year 2017
4	M/s Aman Stone Crusher (Smt. Geeta Sharma) Behind Post Office, Murar, Gwalior	Kh. No. 416, 417, Mau, Gwalior (Govt. Land)	4.892	17/05/2014 to 03/08/2017	09/11/2013	Closed since year 2017
5	M/s Mayadevi Stone Industries (Smt. Mayadevi Sharma) E-25 New Vivekanand Colony, Gwalior	Kh. No. 363, 364, 365 Mau, Gwalior (Govt. Land)	3.068	31/01/2001 to 30/01/2011 Then renewed upto 30/01/2016	31/03/2011	Closed since year 2017
6	M/s Shreyadeep Stone Crusher (Shri Kuldeep Gaur) 10 Anupam Nagar, Gwalior	Kh. No. 360, 361, 362, 365 Mau, Gwalior (Govt. Land)	4.800	22/03/2007 to 21/03/2017	21/03/2017	Closed since year 2017

CONCLUSION:

After going through the details of the grievance & prayer submitted by the applicant of O.A. No. 173/2023(CZ) it is very clear that:

1. Applicant required scientific closure of the abandoned mine pits of Mau area as per provision of the Mining Act. This is because the abandoned mine pits are very deep and population is spreading towards this area. At present 50 percent of the periphery of the hilly area, at which these abandoned mine pits are situated, is surrounded by various colonies already exists and under development.
2. There is no status of contamination or putrefaction or bad smell generation from the rain water stored inside deep abandoned mine pits. Also these water pits are reasonably far away from the nearest population of the area. So there is no question arises of spreading of diseases among human beings of the nearby area.
3. All the abandoned mine pits are not protected by fencing to prevent animals and human beings from going towards the deep abandoned mine pits. These mine pits are very deep, dangerous and unsafe at present.
4. Other issues raised by applicant in his complaint letter is related to the Mining Department and District Administration. These are also the respondent in this case.

RECOMMENDATION:

Considering the concerns of the applicant in public interest and actual status of the abandoned mine pits of the Mau area observed during inspection following recommendation are hereby submitted for addressing the grievance of the applicant in effective manner:

1. All the abandoned mine pits shall be properly fenced immediately to prevent human beings and animals from going towards these deep abandoned mine pits. Watch guards could also be deployed there.
2. Danger Sign Board should be displayed at the abandoned mines.

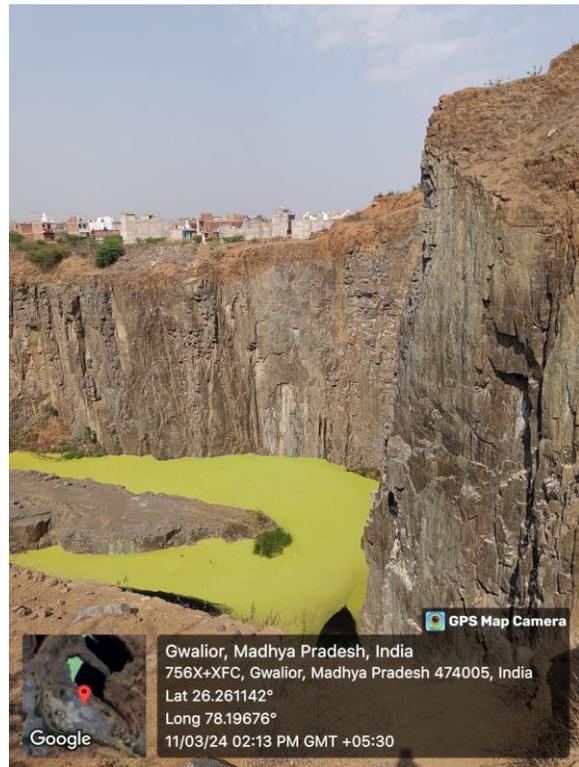
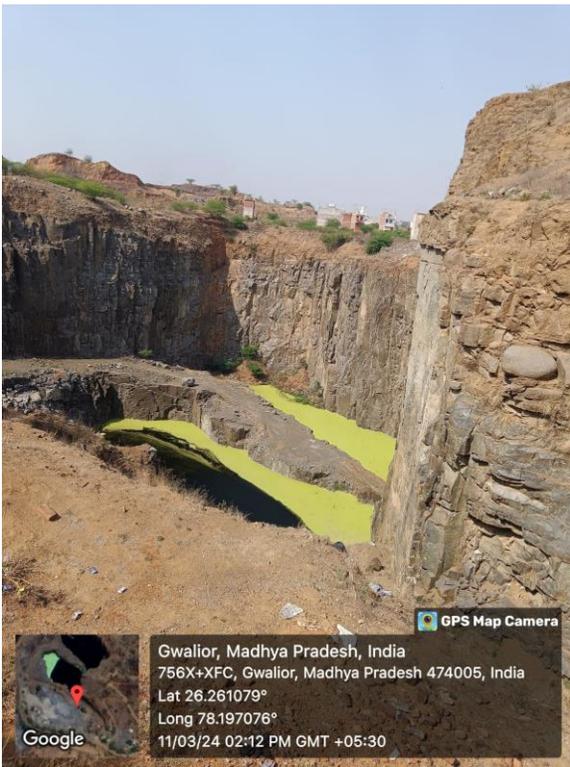
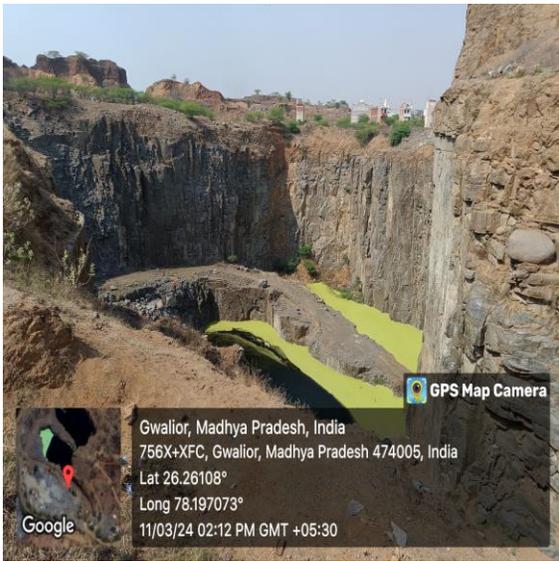
3. Since colonies are under development in the periphery of these abandoned mines continuously, so to safeguard the human beings and animals it is utmost required to backfill these abandoned deep mine pits completely. Following measures could be taken for backfilling:-

- Filling by inert solid waste of the Gwalior city with due consent of MPPCB and with required safety measures to protect ground water contamination.
- Filling by boilers ash generated in industries of the nearby areas with due consent of MPPCB and with required safety measures to protect ground water contamination.
- Abandoned mine pits could be developed as water body with proper safety measures.
- Abandoned mine pits could be developed as fish cultivation ponds.

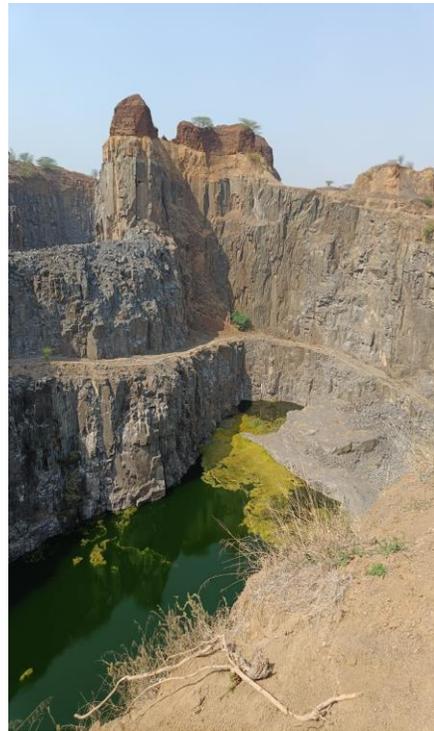


(R. R. Singh Sengar)
Regional Officer
M. P. Pollution Control Board, Gwalior

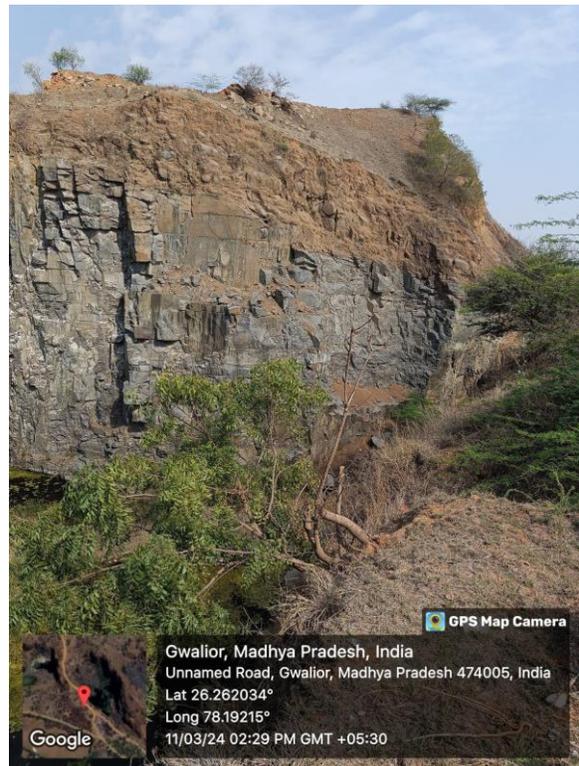
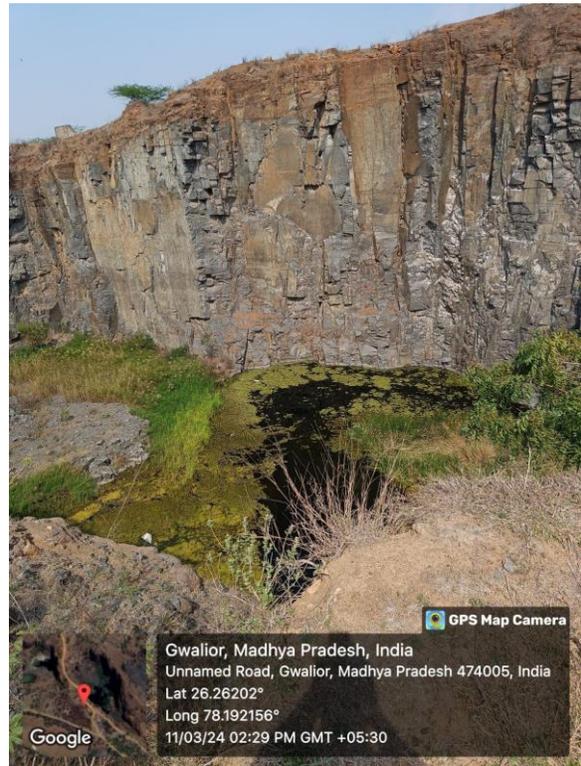
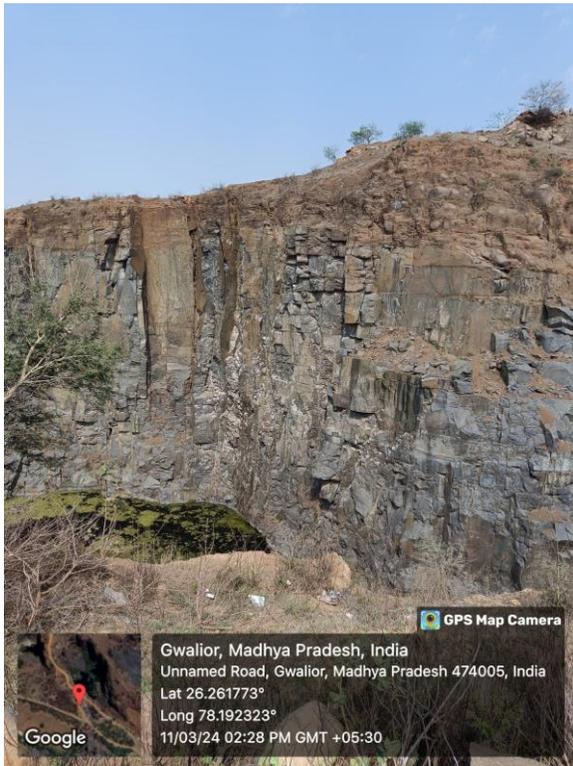
Annexure-R3-1



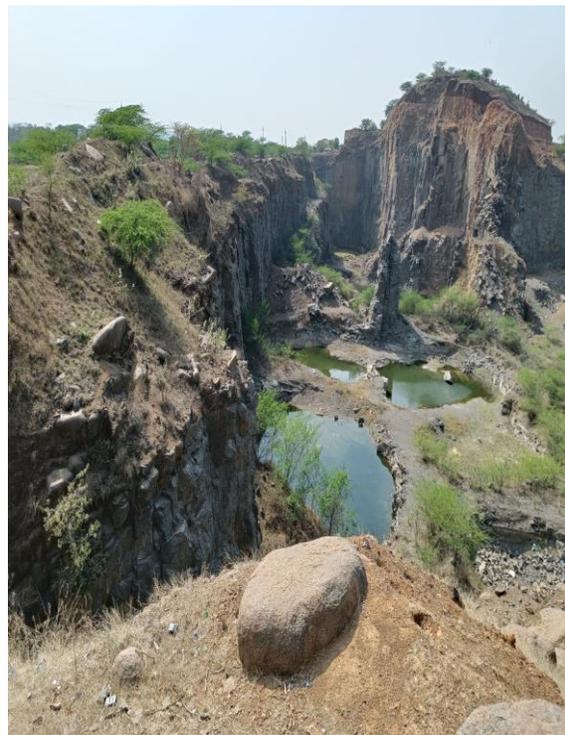
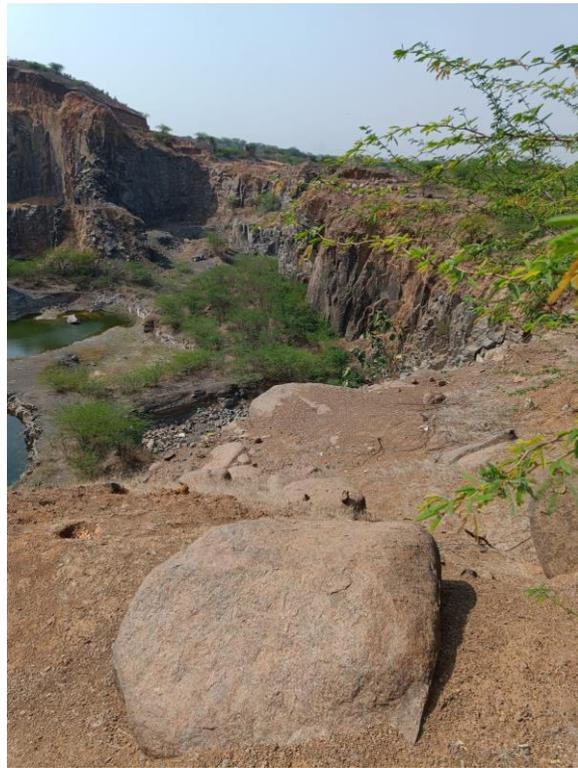
Kamla Stone Crusher Abandoned Mine



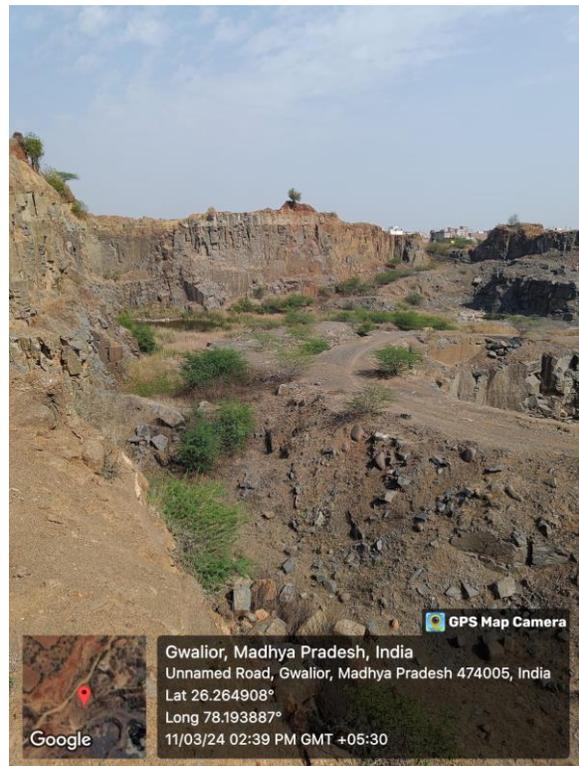
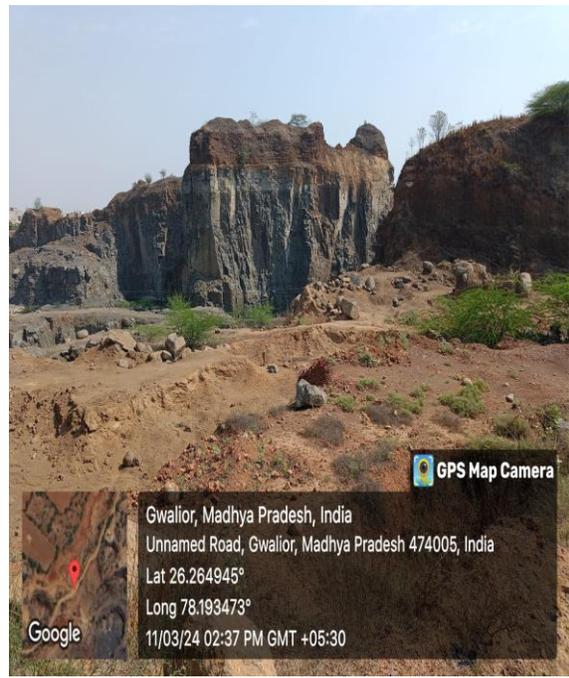
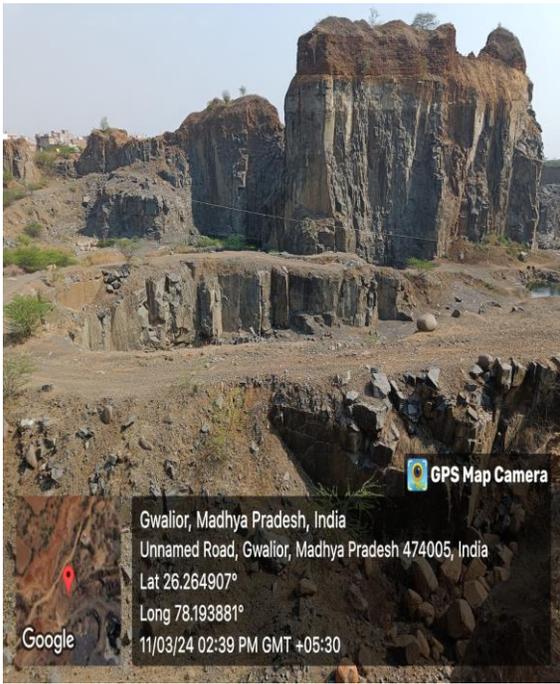
Shri Ram Stone Crusher Abandoned Mine



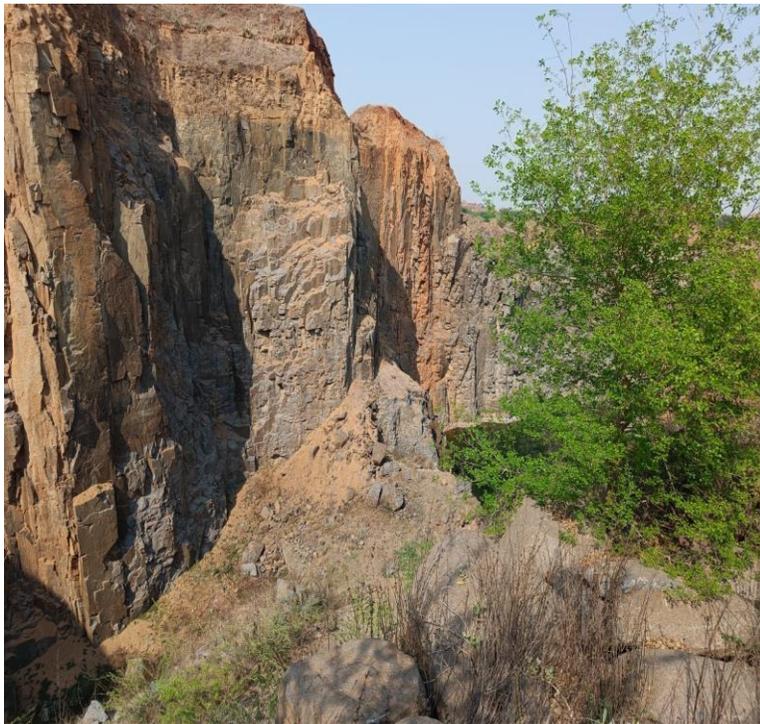
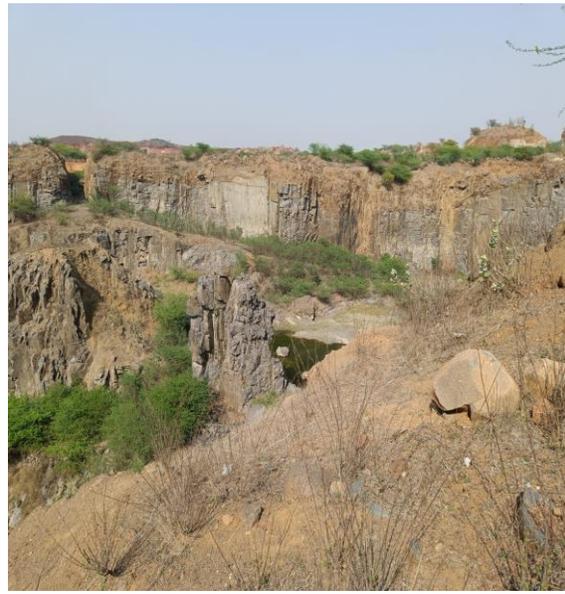
Aman Stone Crusher (Smt. Geeta Sharma) Abandoned Mine



Aman Stone Crusher (Shyam Sharma) Abandoned Mine



Shri Maya Devi Stone Industries Abandoned Mine



Shreyadeep Stone Crusher Abandoned Mine

VAKALATNAMA
[Rule 4(1) of the Rules framed under Advocates Act, 1961]

BEFORE THE NATIONAL GREEN TRIBUNAL
ORIGINAL APPLICATION NO. 173/2023(CZ)
(O.A. No. 598/2023(PB))
CENTRAL ZONE BENCH, BHOPAL

IN THE MATTER OF:

SANKET SAHU

.....APPLICANT

VERSUS

STATE OF MADHYA PRADESH & ORS.

.....RESPONDENT

I/We/Appellant/Claimant/Petitioner or Defendant/Respondent/Non-Applicant named below do hereby appoint, engage, and authorize advocate(s) named below to appear, act and plead as aforesaid case proceedings which shall include application for restoration, setting aside of ex- party orders, corrections, modifications, review and recall of orders passed in these proceedings, in this court or any other court in which the same may be tried/ heard/proceeded and also in appellate. Revisional and executing court in respect of proceedings arising from this case/ proceedings as per agreed terms and conditions and authorize him/them to sign and file pleadings, appeals, cross objections, applications, affidavit or other documents as may be deemed necessary for the proper prosecution/defence of the case in all its stages and also agree to ratify and confirm act done by him/them as if done by me.

In witness whereof i/we do hereunto set my/our hand to the presents, the contents of which have been duly understood by me /us this **13th March 2024**.

PARTICULARS OF EACH PARTY EXECUTING VAKALATNAMA

Name & Fathers Name	Registered Address	E-Mail Add & Telephone (If any)	Status in case	Signature
R.R. Singh Sengar , Regional Officer, MPPCB Regional Office Bhopal.	Deen Dayal Nagar Housing Board colony Gwalior- 474006	9827234137 romppcb_gwallior @rediff.com	Officer-in- Charge	

Accepted

Name & Enrollment. No.	Address (If any) E-Mail Add.	Telephone (If any)	Full Signature
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SHIVAM DWIVEDI MP 3857-2023	advshivamdwwivedi20@gmail.com	8878471359	