

**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH :: AT KOLKATA**

O.A NO. 186/2023/EZ

IN THE MATTER OF:-

SHRI. ANALSON SANGMA

.... APPLICANT

-VESUS-

STATE OF MEGHALAYA & ORS.

..... RESPONDENTS

**REPLY/ REJOINDER TO THE AFFIDAVITS-IN-OPPOSITION FILED
BY THE RESPONDENTS**

PAPER BOOK

(KINDLY SEE INDEX INSIDE)

ADVOCATE FOR THE APPLICANT : MR. K.C GAUTAM

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O.A NO. 186/2023/EZ

IN THE MATTER OF:-

Shri. Analsan Sangma
..... **Applicant**

-Versus-

State of Meghalaya and Ors.
..... **Respondents**

AND

IN THE MATTER OF:-

A reply/rejoinder to the affidavit-
in-opposition filed by the
Respondents.

I, Shri. Analsan. R. Sangma, Son of (L) Selsing Ch. Momin, aged about 56 years, R/o Budugre, Chokpot, South Garo Hills District, Meghalaya, do hereby solemnly affirm and state on oath as under:-

1. That the Applicant/deponent has filed a complaint dated 16.10.2023 before this Hon'ble Tribunal calling for an Order from the Hon'ble Tribunal to stop the illegal mining of stone in the village at Boldakgittim Wanchi Agitok, Budugre Chokpot. Aggrieved by the indifferent attitude and inaction on the part of the state respondents to act on the representation calling for cancellation of mining lease issued to the private Respondent No.

Instrument No. 96
date: 24/8/24



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4 for carrying out stone quarry activities at Budugre Chokpot on the grounds that the mining activity carried out is not conducive to the surrounding environment, polluting the river Dareng which is the source of drinking water to about 20 villages and that the mining activities carried out by the Respondent No. 4 is illegal, the deponent is before this Hon'ble Tribunal vide a complaint application numbered and registered as Original Application No. 186/2023/EZ.

2. That the Respondents have entered appearance and filed their respective affidavits-in-opposition to the application, copies of the same has been made over to the deponent, having gone through the counter affidavit and having understood the same the deponent/Petitioner with leave of this Hon'ble Tribunal is filing this rejoinder to the counter affidavit filed by the Respondents.
3. That the deponent states that being the Nokma he had made an internal inquiry and came to learn that one Shri. Morphin R. Marak had forged the Nokma's (Applicant) signature and on that basis obtained patta for 36 bighas of land from the Garo Hills Autonomous District Council (G.H.A.D.C.) whereas, the Nokma had issued patta only for 3 bighas of land to Shri. Morphin R. Marak for the purpose of homestead and farm and on the strength of the forged patta Shri. Morphin R. Marak executed a lease deed in favour of the respondent No. 4 who on the strength of such lease deed and other forged documents obtained the impugned mining lease.
4. That the deponent humbly submits that the operation of the stone quarry in question is being carried out in the forest area of



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Budugre Akhing which is adjacent to the village reserve forest. The area where the mining is carried out forms a part of the untouched forest within the Budugre A'khing. The forest where the quarrying operation is carried out by the Respondent No. 4 is the natural habitat of the endangered *Hoolock Gibbon* which has been classified and listed as an endangered species as per Schedule I of the Indian Wildlife Protection Act, 1972. Indiscriminate felling of trees to facilitate quarrying activities has led to decrease in the numbers of the *Hullocks* to the point of extinction. The Dareng river which is lifeline to about 20 villages in the area flows in close proximity of the mining area. It is pertinent to mention that the Dareng river is the major source of drinking water in the adjoining areas and A'khings and a portion of its course is marked and reserved as Fish Sanctuary.

(A photocopy of the Map of the Budugre A'khing as per records maintained in the Garo Hills Autonomous District Council is and the Satellite Map indicating the area of stone quarry in the forest area in close proximity with the Dareng river are enclosed herewith and marked as **Annexure-I and Annexure-II**)



5. That the quarrying activity is being carried out in close proximity to the Dareng River and the mining effluents/ waste (consisting of hazardous substances) and rock, soil spillage etc. is being released into the Dareng river. The quarrying activity is carried on uphill, resultantly; quarrying/ mining waste is released into the Dareng river thereby, causing a threat to the aquatic life besides rendering the water of the river unfit for consumption for

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humans and animals alike. Infact, the Report of the Committee clearly mentions that the river is about 100 mtrs away from the quarry and that trees etc that have been felled and large amounts of rocks and soil due to quarrying activity flows/ run off into the river during rainy season. From the Report, it is abundantly clear that a number of trees have been felled in-order to facilitate quarrying activity. The Respondent No. 4 in order to make the approach road to the stone quarry has carried out large scale earth-cutting and clearing of forest. The spillage of earth-cutting and felling of trees has run down to the Dareng river flowing below (downhill) resulting in pollution of the river. This fact is also reflected in the report of the Committee constituted by this Hon'ble Tribunal vide order dated 09.01.2024. Therefore, it is understood without any doubt that the quarrying activity carried out by the Respondent no. 4 is detrimental to the environment and not in conformity with the mining lease and other consent/ approval granted to the Respondent No. 4 by the competent authority. Therefore, for larger public interest and to protect the environment, it is imperative that the mining/ quarrying activity at Budugre A'khng carried out by the Respondent No. 4 has to be stopped with immediate effect.

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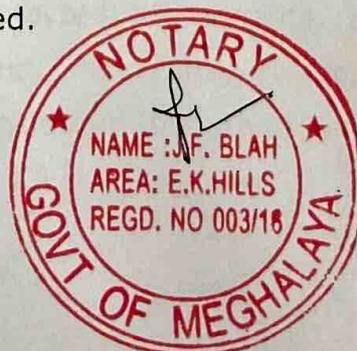
(Few photocopies of photographs depicting felling of trees and earth-cutting in the forest areas in order to make approach road to the stone quarry is enclosed herewith and marked as **Annexure-III**)

6. That the Respondent State, Meghalaya State Pollution Control Board in its show cause notice dated 29.01.2024 has mentioned

that as a result of the quarrying activity, the Respondent No. 4 has violated specific condition relating to Prevention & Control of Water Pollution specifically those in clause 1, 2, 3, 4 and 5 of the consent to operate issued by Respondent State, Meghalaya State Pollution Control Board in as much as the quarrying effluents is directly released into the nearby Dareng river. A coloured photograph of the polluted Dareng river as a result of the release of the effluent from the quarrying activity is annexed hereto. It can be seen from the photograph that due to constant release of mining/quarrying effluents into the Dareng river, the colour of the river has turned yellow.

(A Photocopy of the photographs of the Dareng River is enclosed herewith and marked as **Annexure-IV**)

7. That since the quarry is very close to the river, it has caused an extensive pollution to the river, causing great inconvenience to the settlers along the river by polluting it caused from dumping of dirt and rubbles and all other effluents from the quarrying activity to the extent that the river has now turned dirty yellow with foul smell making it unfit for consumption or use as well as harming the aquatic life therein. Similarly, large tracts of land have been excavated by cutting down huge forest area illegally causing extensive damage to the environment at large and destroying the natural topography of the area. Further, the mining and quarrying activities have extended to a large stretch into the reserve forest, which as a result, wild animals in the forest have relocated.

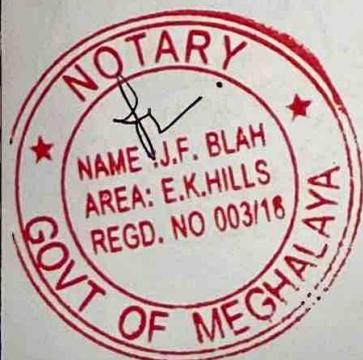


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8. That the deponent states that the consent to operate mining is subject to specific measures to be taken by the mine operator towards prevention of water, air and noise pollution including specific measures to be taken to ensure and prevent discharge of the mines effluent running into natural water courses. However, the discharge of the mine effluent in the instant case is release directly to the Dareng river thereby polluting the river water and making the same unfit for human use and at the same time poisoning threat to the aquatic life, moreover, large tracks of land have been excavated by cutting down huge forest areas have resulted in the permanent damaged to the natural topography, thereby, causing habitation destruction as a result causing threat to the flora and fauna therein. It is because of the systematic pollution of Dareng river and permanent damage caused to the environment due to the mining activity that the local villagers are opposed to the mining. Correspondingly, the quarrying activity ought to have been stopped solely that the Respondent No. 4 had clearly violated the terms and conditions specified in the consent to operate.

9. That the Respondent No. 4 has acted in clear violation of the report on Distance Criteria for Permitting Stone Quarrying circulated by the Central Pollution Control Board in pursuance to the order dated 28.02.2020 of the Hon'ble NGT in OA No. 304/2019 (**M. Haridasan & Ors. Vs. State of Kerela & Ors.**) which recommended a minimum distance of 100 meters, when blasting was not involved from residential, public buildings, inhabited sites, protected monuments, public roads, railways lines, bridges, dams, reservoirs, rivers, lakes or any other locations to be considered by states and when blasting was

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involved, CPCB has recommended that a minimum distance of 200 meters is to be maintained, whereas clearly, the quarrying activity carried out by the Respondent No. 4 involving blasting is being carried out in close proximity to the Dareng river in as much as the Report submitted by the Committee also observed that the river Dareng is located about 100 meters away from the quarry and one can clearly hear the sound of the river from the quarry site. In order to obtain necessary and required size, the activity of stone quarrying is done by blasting and drilling to loosen up the rocks materials for final use; this would only mean thereby, that the Respondent No. 4 is carrying out quarrying activity by blasting and as such while this process is causing environmental impacts, it requires mitigation measured to minimize the impacts on environment and nearby habitations in as much as the quarrying activity as per the report of the CPCB must be carried out at least 200 meters away from the Dareng river.

10. That the quarrying activity carried out by the Respondent No. 4 is clearly in violation of the specific conditions specified by the Respondent State, Meghalaya State Pollution Control Board to the extent that due to the quarrying activity, environmental pollution including water pollution and large tracks of land being excavated and felling of a large number of trees including those which are centuries old (which includes trees like *Shorea robusta*, *Tectona grandis*, *Terminalia chebula*, *Terminalia myriocarpa* and *Toona ciliate*) and similarly there is no development of green belt in the area where quarrying activity is carried out to maintain the environment and ecology of the area as specified by the Respondent State Authority. Thereby, calling



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for revocation of the consent to operate by the Board in whole for cause of violation of the terms and conditions of the consent.

11. That the deponent submits that the dispute arising out of the said mining and quarrying activities is not in any way a private dispute in as much as the damage is being caused to the environment and the river at large which in turn affects the settlers in and around the area. The fact that Shri. Morphin R. Marak had forged the Nokma's (Applicant) signature and on that basis obtained patta for 36 bighas of land for the purpose of homestead and farm while on that strength, he had then lease it to the Respondent No. 4 who then operated stone quarry activities to the extent of damaging the environment causing pollution to the river making it unfit for consumption, washing, bathing, irrigation and posing threat to the aquatic life, as well as large tracks of land being excavated by cutting down huge forest areas thereby causing threat to the flora and fauna therein cannot be a dispute in the nature of a private dispute but is as a matter of fact, a public issue at large as the Doctrine of Public Trust enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial exploitation to satisfy the greed of few.

12. That the deponent humbly submits that the quarrying activity is not in conformity with the mining lease and other consent/ approval granted to the Respondent No. 4 by the competent authority and is therefore ought to have been stopped with immediate effect. Further, the quarrying activity carried out by the Respondent No. 4 had caused large scale destruction of the natural environment besides polluting the Dareng river and

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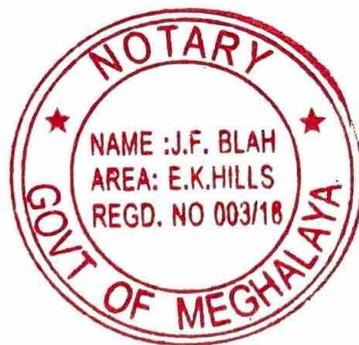
posing a serious threat to its aquatic life. The quarrying activity has resulted in large scale displacement of the Hoolock Gibbon from its natural habitat. The natural topography of the surrounding areas have been permanently destroyed and as such in greater public interest, the stone quarrying activity at Budugre A'khing carried on by the Respondent No. 4 has to be immediately stopped and specific directions are required to be passed directing the Respondents to adequately compensate the affected stake holders.

13. That the statements made in paragraphs No 1 to 12 being matters of records are true to the best of my knowledge and information and the rest are my humble submissions before this Hon'ble Tribunal and I sign this reply/ rejoinder affidavit on this the 21st day of August, 2024 at Shillong.

Identified by:

A. Rani

(Miss A. Rani)
Advocate.



Analson R. Sangma
DEPONENT

SOLENNLY AFFIRMED BEFORE ME THIS DAY
ON 21/8/24 THE DEPONENT IS IDENTIFIED BY A. Rani
I CERTIFY THAT THE CONTENTS OF THE AFFIDAVIT
ARE READ ORDER AND EXPLAINED TO THE
DEPONENT WHO VERIFIED THE SAME BEFORE ME

J.F. Blah
J. F. BLAH
NOTARY
East Khasi Hills District
Government of Meghalaya

VERIFICATION

I, Shri. Analsan. R. Sangma, Son of (L) Selsing Ch. Momin, aged about 56 years, R/o Budugre, Chokpot, South Garo Hills District, Meghalaya, do hereby solemnly affirm and state that the statements made paragraphs 1-13 of the accompanying affidavit are true and correct to the best of my knowledge, belief and information.

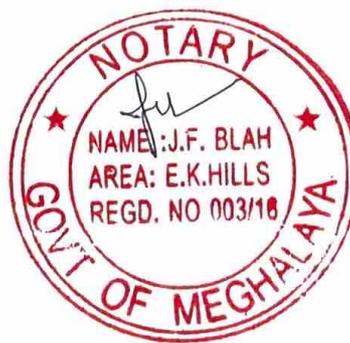
In verification whereof, I verify the contents of the same on this the 21st day of August, 2024 at Shillong.

Dated: Shillong

The 21st day of August, 2024

Analsan R. Sangma

HUMBLE PETITIONER

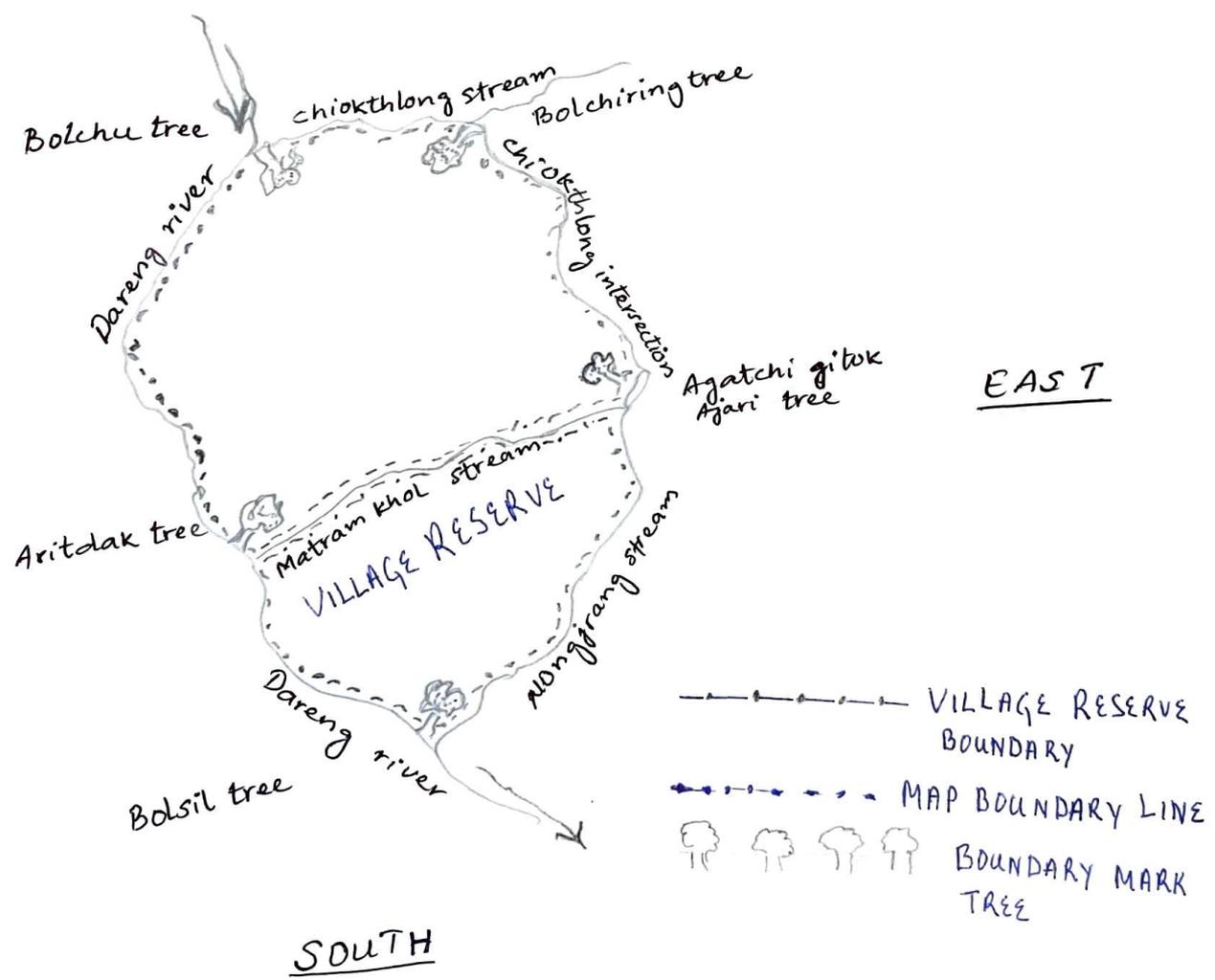


GINSENG SANGMA LASKAR, I-6, BUDUGIRI'S NOKMA MANTHANG
SANGMA'S NO. I MAP

NORTH

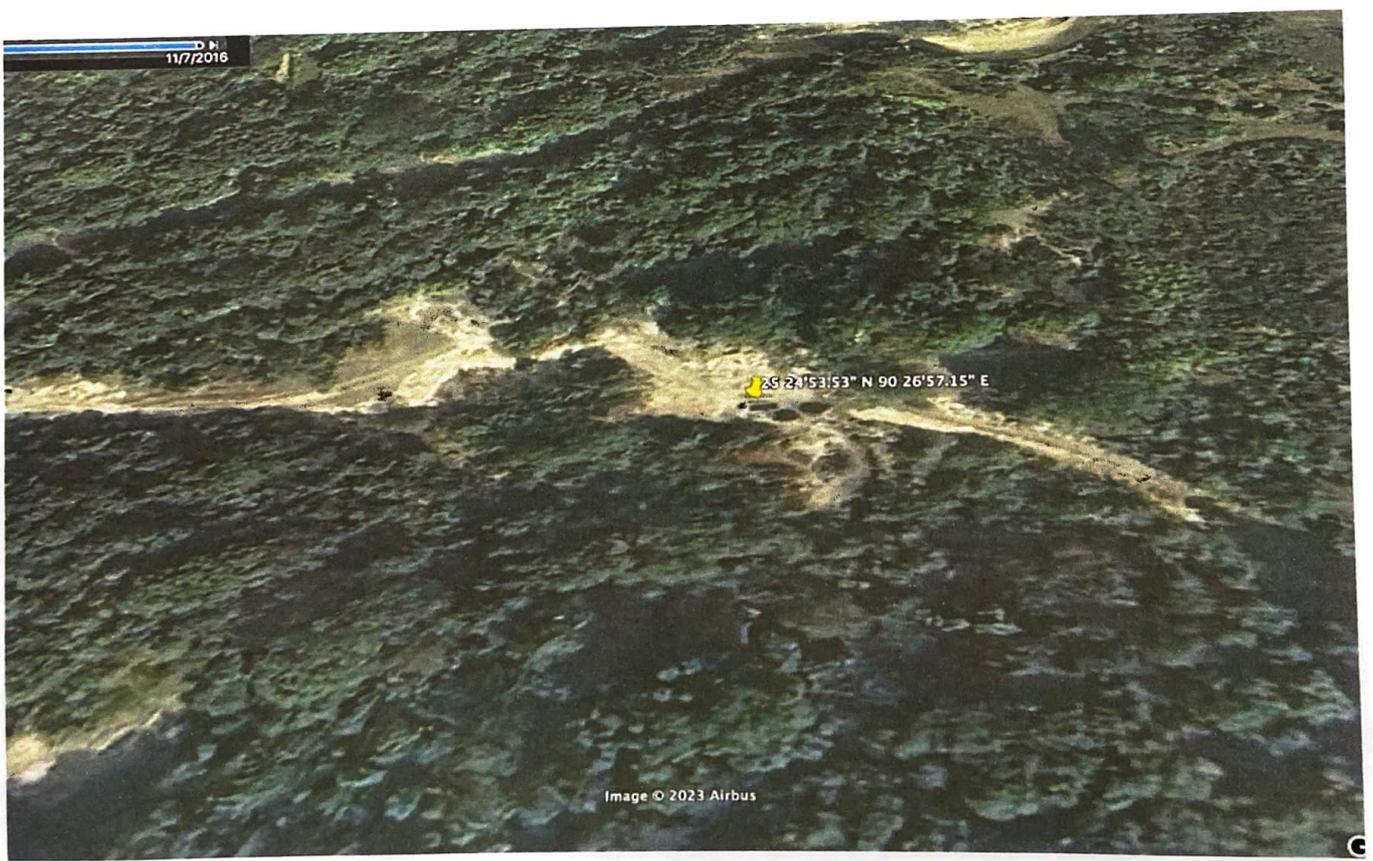
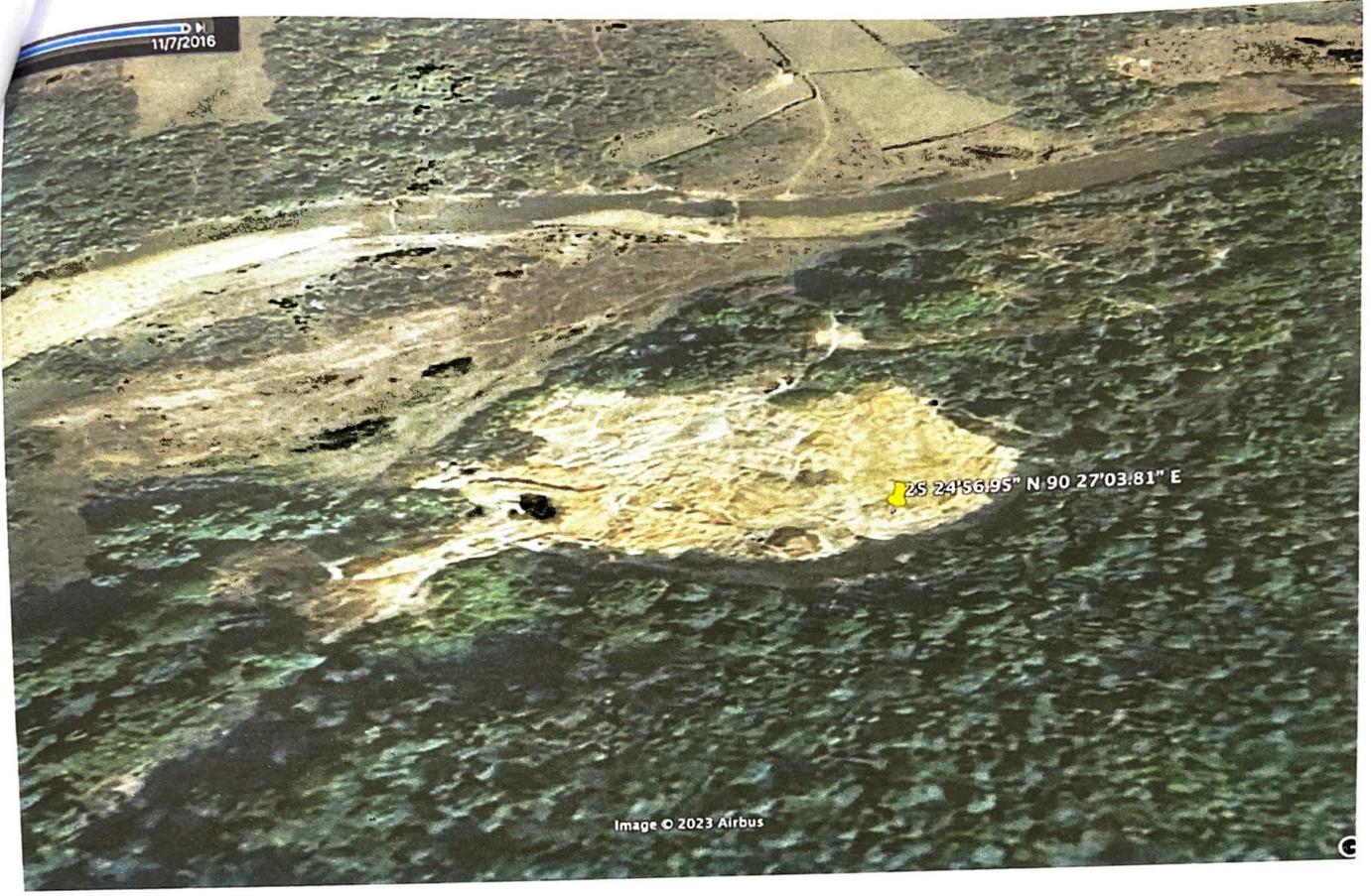
WEST

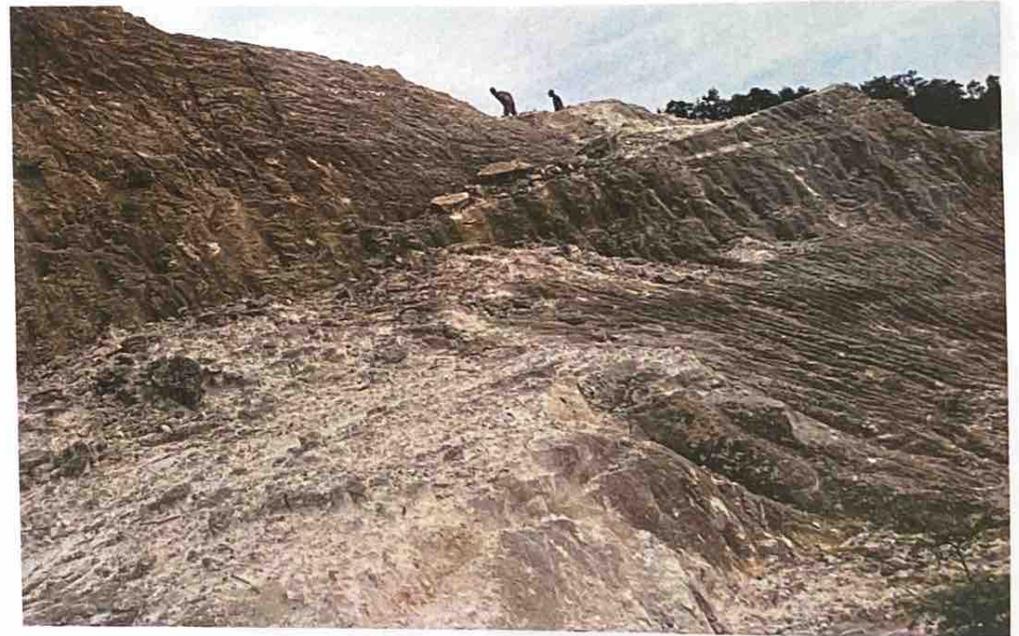
EAST



NORTH:- FROM DARENG RIVER TILL BOLCHU TREE THROUGH CHIOKTHLONG STREAM TILL BOLCHIRING TREE.

EAST:- FROM CHIOKTHLONG STREAM AND BOLCHIRING TREE TILL CHIOKTHLONG STREAM INTERSECTION





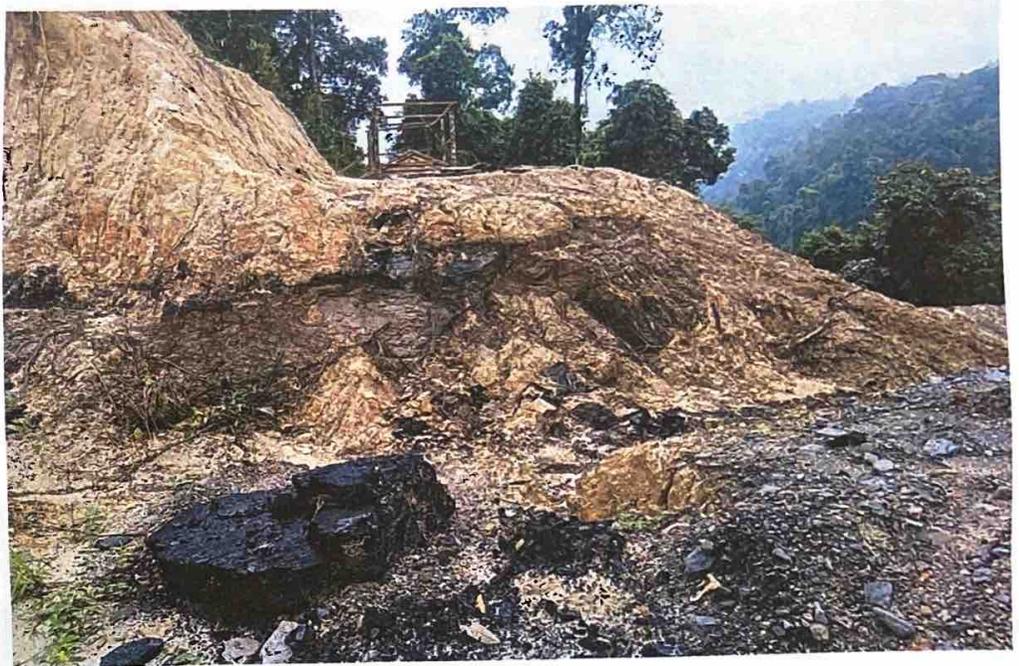


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7832
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7832
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