

ORDER passed in Original Application No. 41/2025

Notice
impledment
Compliance



न्यायिक अनुभाग Judicial Section <judicial-ngt@gov.in>

Thu, 27 Feb 2025 11:59:41 AM +0530

To "Deepto Ghosh" <registrarngt-kolkata@gov.in>, "National Green Tribunal, Eastern Zone Bench, Kolkata" <ngtjudicial-kolkata@gov.in>

Cc "chairman" <chairman@pcbassam.org>, "membersecretary" <membersecretary@pcbassam.org>, "info" <info@pcbassam.org>, "dc-nalbari" <dc-nalbari@nic.in>

Respected Sir/Madam,

I am directed to forward a copy of the Order dated 12/02/2025 passed in Original Application No. 41/2025 Mukul Haloi and Anr. Applicants Versus State of Assam & Ors. Respondents. for your kind perusal & necessary action.

It is also intimated have that, henceforth no pleadings/ report/ documents etc in pending case will be accepted except through E-filing module of NGT.

Pleadings/ report/ documents, etc. filed through E-mail will not be taken on record, unless otherwise directed.

भवदीय / Regards 🌸

परामर्शदाता (न्यायिक) / Consultant (Judicial) 🌸

राष्ट्रीय हरित अधिकरण / National Green Tribunal 🌸

प्रधान न्यायपीठ / Principal Bench 🌸

नई दिल्ली / New Delhi - 110001 🌸

☺ ☐☐ 2 Attachment(s) • Download as Zip • Add To >



Mukul Haloi and Anr.pdf
161 KB • ☺



OA NO 41 of 2025 LP No 22... .pdf
1.3 MB • ☺

Item No.03

Court No. 2

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

Original Application No.41/2025

Mukul Haloi and Anr.

Applicants

Versus

State of Assam & Ors.

Respondents

Date of hearing: 12.02.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

ORDER

1. The applicants-Mukul Haloi and Mridul Haloi have sent the present letter petition by email dated 27.11.2024 to this Tribunal, which has been treated and registered as O.A. No. 41/2025.
2. The relevant part of the letter petition enumerating grievances of the applicants is reproduced as follows:

*" Sub: Public Grievance Against J.P.I.S Brick Manufacturing Unit and M/S PASA Stone Crusher at Pagladiya Riverbed, Nalbari, Assam for Alleged Violation of Rules and Regulations Respected Sir/Madam,
We, Mukul Haloi and Mridul Haloi, residents of Chengnoi village under post office Chengnoi (781337) in Nalbari District of Assam, are writing this letter to bring to your attention the unlawful construction and operation by the J.P.I.S brick manufacturing unit and M/S PASA stone crusher. The two units are located on the Pagladiya riverbed in Chengnoi Village, Nalbari. The permission and construction of these two units*

blatantly violate The Assam Brick Kilns Establishment and Regulation Rules, 2013, and Stone Crusher Establishment & Regulation Rules, 2013. It also poses a serious threat to highly eco-sensitive riverine biodiversity and public health.

Below, we list the violations:

J.P.I.S Brick Manufacturing Unit:

- The unit has been constructed on top of the Pagladiya riverbed. The water flow of the Pagladiya River is 78 meters from the manufacturing unit. (Google map and photo evidence attached)
- The leveling and clearing of the topsoil of the riverbed have been ongoing day and night.
- From J.P.I.S brick manufacturing unit to the nearest temple (1): 300.19 Meters (Google map evidence attached)
- From J.P.I.S brick manufacturing unit to the nearest temple (2): 450.60 Meters (Google map evidence attached).
- From J.P.I.S brick manufacturing unit to Chengnoi khudra katara village (with less than 20 houses) distance: 212.35 Meters. (Google map evidence attached).
- From J.P.I.S brick manufacturing unit to Jamtola Chengnoi Suba (with more than 20 houses): 350.22 meters (Google map evidence attached).
- The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for the manufacturing unit.
- The complainants could not verify the classification of the land as agricultural or non-agricultural.

M/S Pasa Stone Crusher Unit :

- M/S PASA Stone Crusher is being constructed right at the heart of the Pagladiya River basin. The distance from the unit to the current river water body is 143.65 Meters. (Google map evidence attached)
- From M/S PASA Stone Crusher unit to Chengnoi khudra katara village (with less than 20 houses) distance: 112.07 Meters (Google map evidence attached)
- From Stone Crusher unit to Barkhanajan village (with more than 20 houses) distance: 304.97 Meters. (Google map evidence attached)
- From Stone Crusher unit to Chengnoi (katara) village (with less than 20 houses) distance: 208.53 Meters. (Google map evidence attached)
- From Stone Crusher unit to nearest school distance: 367.56 Meters. (Google map evidence attached)
- Distance from the Stone Crusher unit to the nearest temple: 447.56 meters (Google map evidence attached)
- The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for the crusher unit.

Additional Concerns:

- The air quality in Nalbari has been ranked as the 5th worst in the entire northeast region. Establishing additional polluting industries will further deteriorate air quality. (Newspaper report evidence attached)
- Chengnoi and the adjacent Balitara village report alarmingly high numbers of cancer patients, including cases of lung and throat cancer. Establishing additional polluting industries will further deteriorate public health complications. (Newspaper report evidence attached)
- Since 2023, wild elephants from the Baksa district on the Bhutan border have been using the Pagladiya riverbed for foraging up to the edge of NH31. The construction of these two

industries obstructs their natural movement, leading to elephants straying into villages outside the embankments, which has become a serious concern for the safety of the residents as well as for the wild elephants. (Newspaper report and photo evidence attached)

- *The Pagladiya river bed is an ecologically rich and sensitive area as many species of local fish, water birds, as well as migratory birds, and wild animals such as foxes, rabbits, Indian civets, etc, use the area for habitation, foraging, and reproduction. The two industries seriously threaten the riverine ecological balance.*

We kindly request your urgent intervention in this matter and demand strict action against these polluting industries. We urge you to inspect the legalities and violations involved and take immediate steps to halt and close down the unlawful construction of these factories. We hope for your understanding and prompt action to help restore a clean and healthy environment and prevent ecological and public health disasters."

3. *Prima facie*, the averments made in the letter petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have responses of (1) Government of Assam through Secretary, Environment and Forest Department, Government of Assam, (2) Assam State Pollution Control Board (ASPCCB), (3) District Magistrate, Nalbari, (4) M/s JPIS Brick Manufacturing Unit, Village Chengnoi, District Nalbari, Assam, (5) M/s Pasa Stone Crusher Unit, Village Chengnoi, District Nalbari, Assam who are impleaded as respondents no. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 5.

5. Notice be served on M/s JPIS Brick Manufacturing Unit and M/s Pasa Stone Crusher Unit through the District Magistrate, Nalbari and for this purpose notices issued to the M/s JPIS Brick Manufacturing Unit and M/s Pasa Stone Crusher Unit be sent to the District Magistrate,

Nalbari by E-mail for getting service of the same effected on it and sending his report in this regard.

6. In view of the averments made in the application, we also consider it necessary that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we also constitute a Joint Committee comprising of representatives of the Assam State Pollution Control Board (ASPCB) and District Magistrate, Nalbari and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, verify the factual position and suggest appropriate remedial action by following due course of law. The ASPCB will be the nodal agency for coordination and compliance.

7. Even though in the present case, cognizance has been taken by this Bench on the basis of letter petition received by email which has been treated as original application and assigned to this Bench with approval and under order of Hon'ble Chairperson, but in view of the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

8. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 03.04.2025 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

9. Report by the Joint Committee and replies/responses by the respondents may be filed before the next date of hearing before the Eastern Zone Bench of this Tribunal at Kolkata.

10. A copy of this order be sent by email to the Member Secretary, Assam State Pollution Control Board and District Magistrate, Nalbari for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 12th, 2025
O.A. No.41/2025
M

Public Grievance Against Brick Kiln and Stone Crusher at Pagladiya Riverbed, Nalbari, Assam

ha haloimukul@gmail.com
Wed, 27 Nov 2024 1:16:05 PM +0530
To "Public Grievance" <publicgrievance-ngt@gov.in>
Tags Not in Contacts

B+

Not cleared on
Assam PCB-7

S. Kij ✓

✓

To, 2280 JP/2024
09/12/24

The Chairperson,

National Green Tribunal

Faridkot House, Copernicus Marg, New Delhi - 110 001

Date: 27.11.2024

Sub: Public Grievance Against J.P.I.S Brick Manufacturing Unit and M/S PASA Stone Crusher at Pagladiya Riverbed, Nalbari, Assam for Alleged Violation of Rules and Regulations

Respected Sir/Madam,

We, Mukul Haloi and Mridul Haloi, residents of Chengnoi village under post office Chengnoi (781337) in Nalbari District of Assam, are writing this letter to bring to your attention the unlawful construction and operation by the J.P.I.S brick manufacturing unit and M/S PASA stone crusher. The two units are located on the Pagladiya riverbed in Chengnoi Village, Nalbari. The permission and construction of these two units blatantly violate The Assam Brick Kilns Establishment and Regulation Rules, 2013, and Stone Crusher Establishment & Regulation Rules, 2013. It also poses a serious threat to highly eco-sensitive riverine biodiversity and public health.

Below, we list the violations:

J.P.I.S Brick Manufacturing Unit:

- The unit has been constructed on top of the Pagladiya riverbed. The water flow of the Pagladiya River is 78 meters from the manufacturing unit. (Google map and photo evidence attached)
- The leveling and clearing of the topsoil of the riverbed have been ongoing day and night.

- From J.P.I.S brick manufacturing unit to the nearest temple (1): **300.19 Meters** (*Google map evidence attached*)
- From J.P.I.S brick manufacturing unit to the nearest temple (2): **450.60 Meters** (*Google map evidence attached*).
- From J.P.I.S brick manufacturing unit to Chengnoi khudra katara village (with less than 20 houses) distance: **212.35 Meters**. (*Google map evidence attached*).
- From J.P.I.S brick manufacturing unit to Jamtola Chengnoi Suba (with more than 20 houses): **350.22 meters** (*Google map evidence attached*).
- The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for the manufacturing unit.
- The complainants could not verify the classification of the land as agricultural or non-agricultural.

M/S Pasa Stone Crusher Unit :

- M/S PASA Stone Crusher is being constructed right at the heart of the Pagladiya River basin. The distance from the unit to the current river water body is **143.65 Meters**. (*Google map evidence attached*)
- From M/S PASA Stone Crusher unit to Chengnoi khudra katara village (with less than 20 houses) distance: **112.07 Meters** (*Google map evidence attached*)
- From Stone Crusher unit to Barkhanajan village (with more than 20 houses) distance: **304.97 Meters**. (*Google map evidence attached*)
- From Stone Crusher unit to Chengnoi (katara) village (with less than 20 houses) distance: **208.53 Meters**. (*Google map evidence attached*)
- From Stone Crusher unit to nearest school distance: **367.56 Meters**. (*Google map evidence attached*)
- Distance from the Stone Crusher unit to the nearest temple: **447.56 meters** (*Google map evidence attached*)
- The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for the crusher unit.

Additional Concerns:

- The air quality in Nalbari has been ranked as the 5th worst in the entire northeast region. Establishing additional polluting industries will further deteriorate air quality. (*Newspaper report evidence attached*)
- Chengnoi and the adjacent Balitara village report alarmingly high numbers of cancer patients, including cases of lung and throat cancer. Establishing additional polluting industries will further deteriorate public health complications. (*Newspaper report evidence attached*)
- Since 2023, wild elephants from the Baksa district on the Bhutan border have been using the Pagladiya riverbed for foraging up to the edge of NH31. The construction of these two

industries obstructs their natural movement, leading to elephants straying into villages outside the embankments, which has become a serious concern for the safety of the residents as well as for the wild elephants. (*Newspaper report and photo evidence attached*)

- The Pagladiya river bed is an ecologically rich and sensitive area as many species of local fish, water birds, as well as migratory birds, and wild animals such as foxes, rabbits, Indian civets, etc, use the area for habitation, foraging, and reproduction. The two industries seriously threaten the riverine ecological balance.

We kindly request your urgent intervention in this matter and demand strict action against these polluting industries. We urge you to inspect the legalities and violations involved and take immediate steps to halt and close down the unlawful construction of these factories. We hope for your understanding and prompt action to help restore a clean and healthy environment and prevent ecological and public health disasters.

Yours faithfully,

Mukul Haloi

Filmmaker and resident of Chengnoi Village, Nalbari, Assam

Mridul Haloi

Sahitya Akademi Awardee, Sub-editor at Assam Tribune Group,

Resident of Chengnoi Village, Nalbari, Assam

Attached to the document is

- 1. Public grievance complaint**
- 2. Google map/photo evidence**
- 3. Newspaper Reports**

☺ **3 Attachment(s)** • Download as Zip • Add To ›



Evidence_Brick Kiln _Stonepdf
5.2 MB •

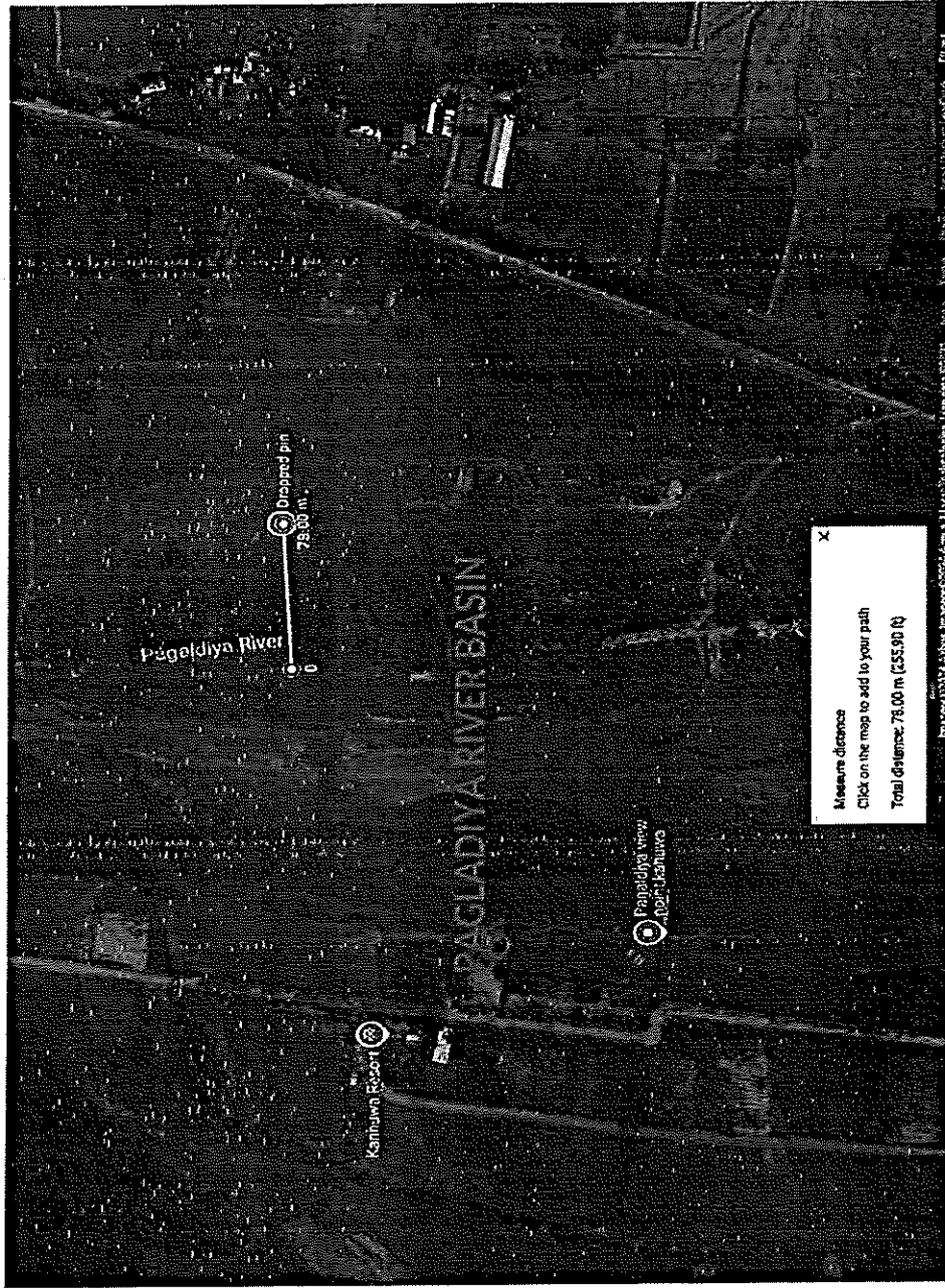


News Report evidence.pdf
10.6 MB •

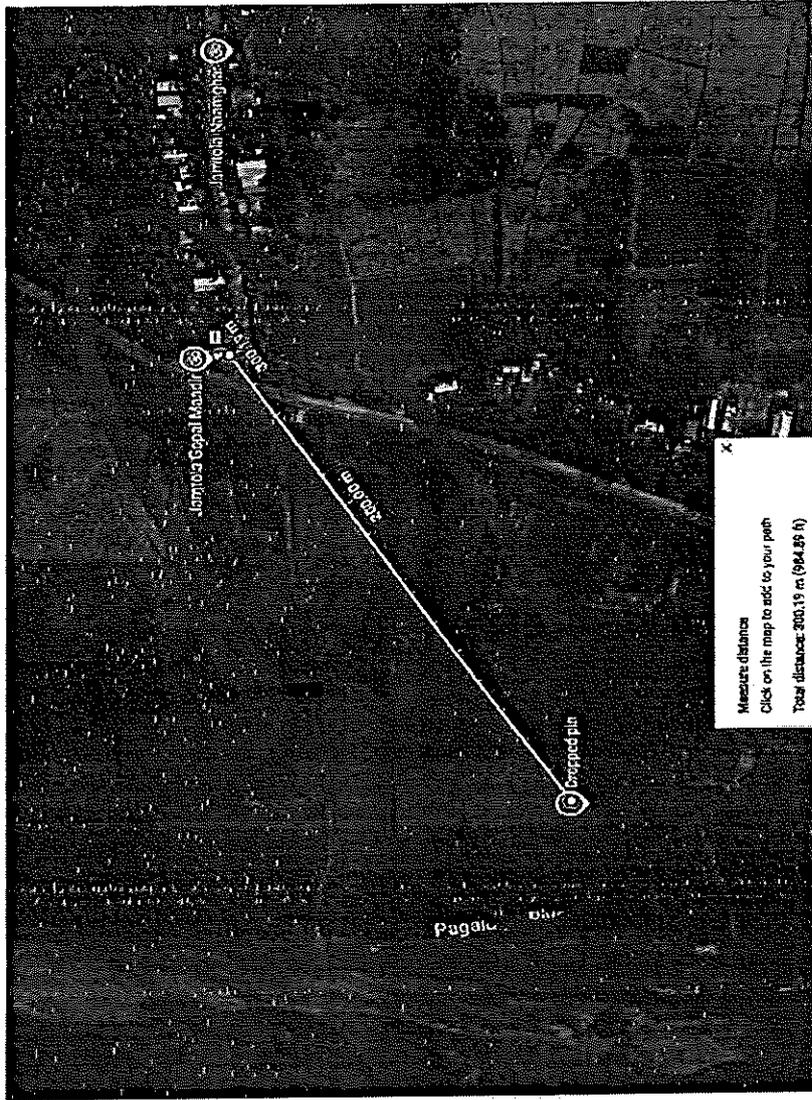


Public Grievance_Brick Kilnpdf
146.5 KB •

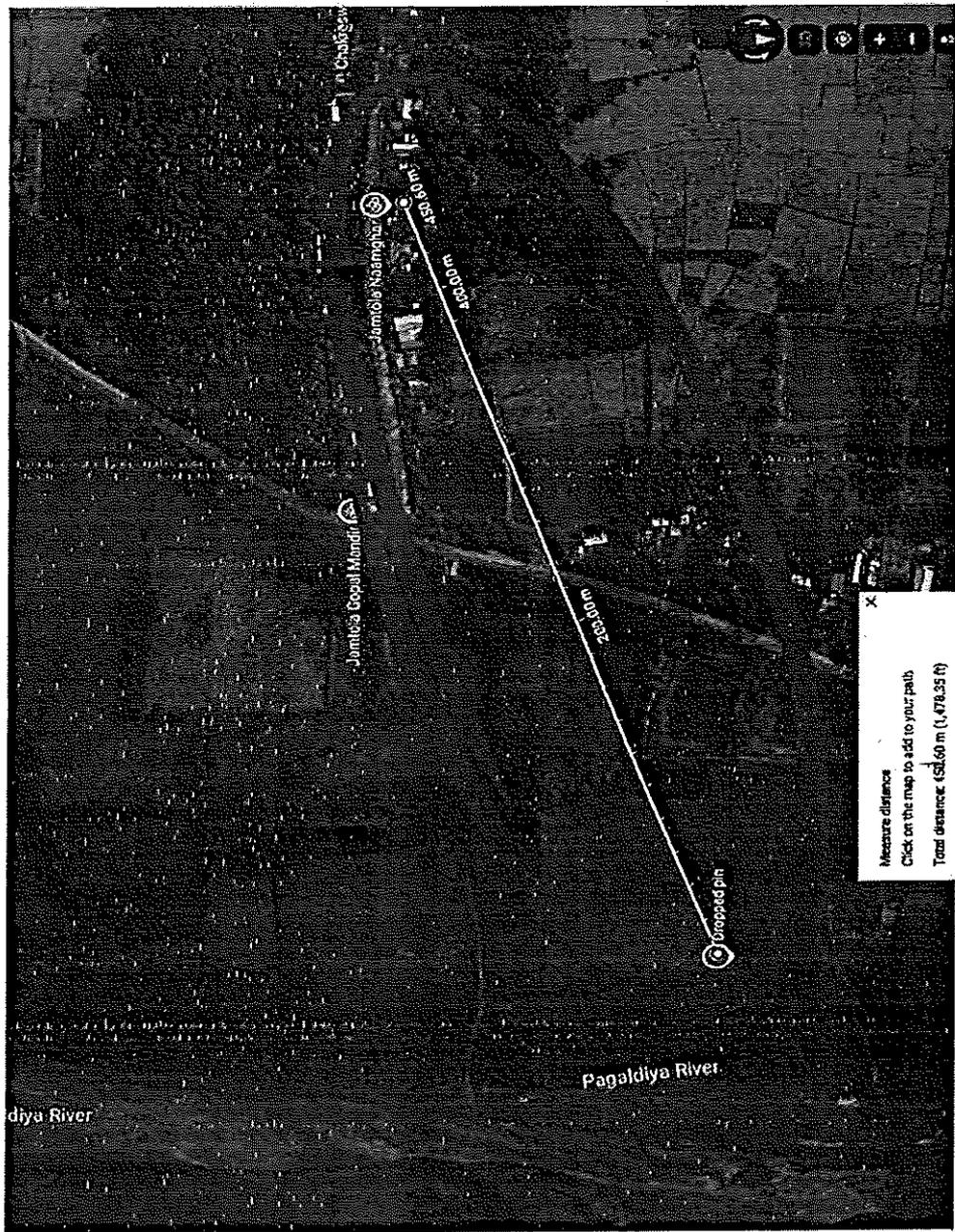
From J.P.I.S brick manufacturing unit (at Chengnoi Village) to Pagladiya river's flowing water body distance : 78 Meter



From J.P.I.S brick manufacturing unit at (Chengnoi Village) to closest temple (1) distance: 300.19 Meter



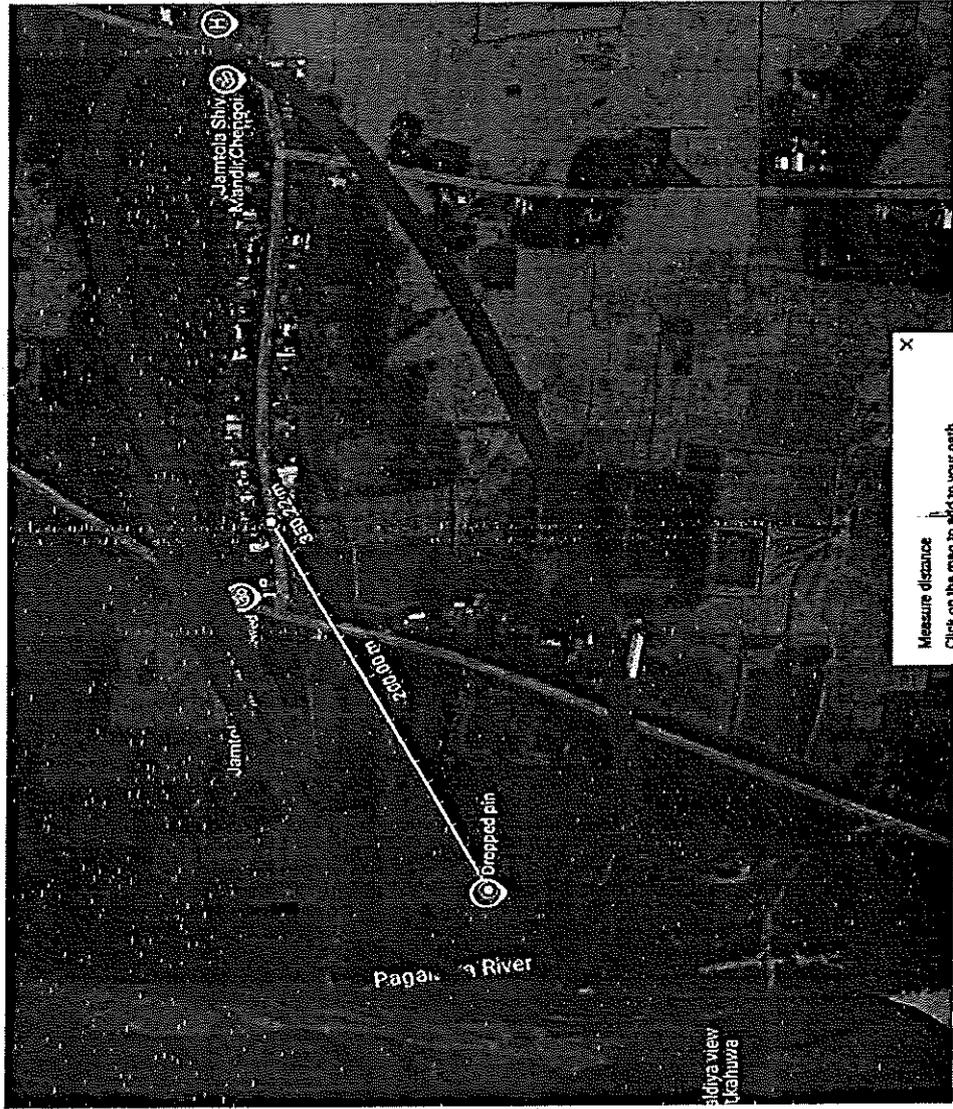
From J.P.I.S brick manufacturing unit at (Chengnoj Village) to closest temple (2) distance: 450.60 Meter



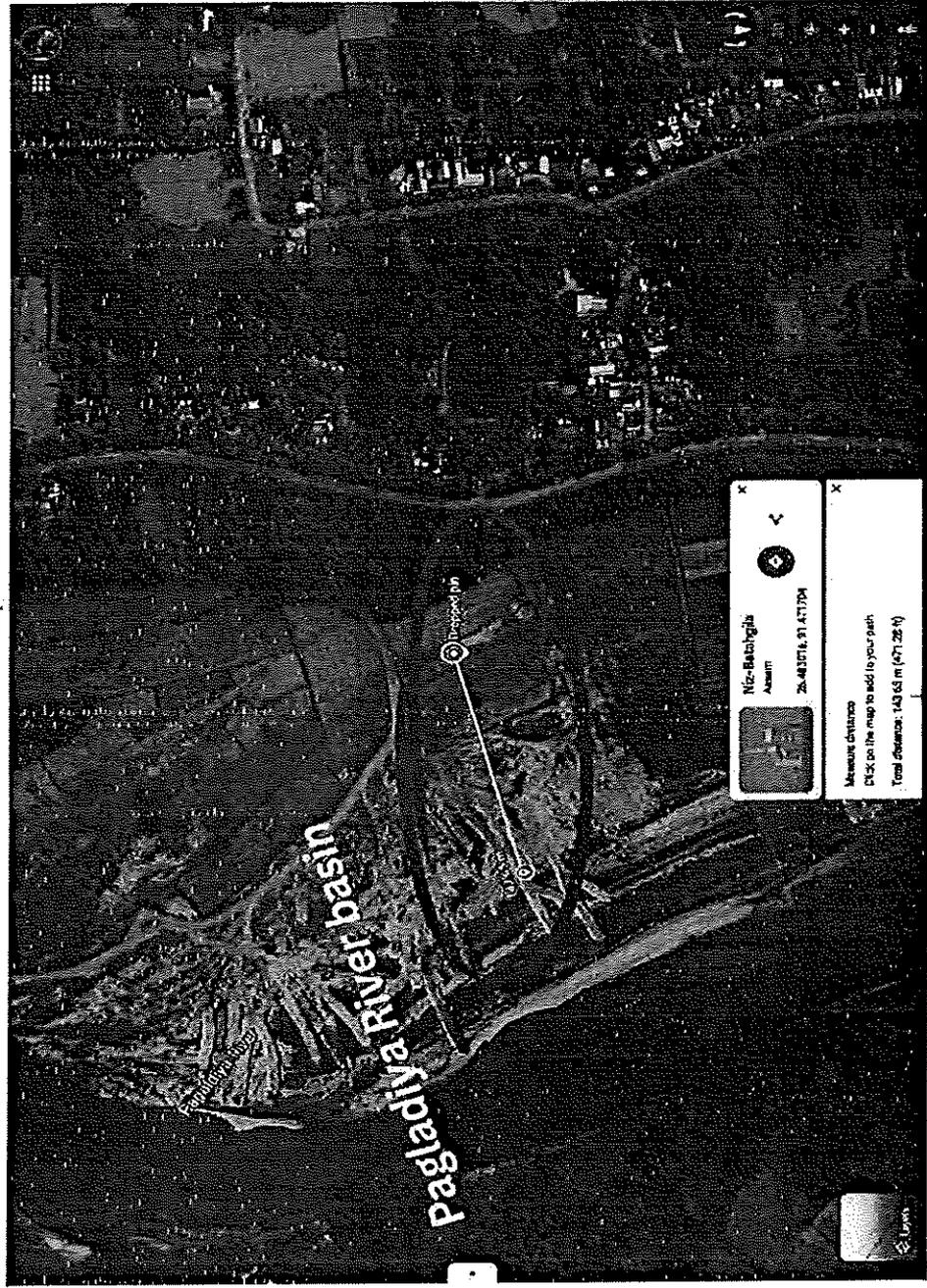
From J.P.I.S brick manufacturing unit to Chengnoi khudrakatara village (with less than 20 houses) distance : 212.35 Meter



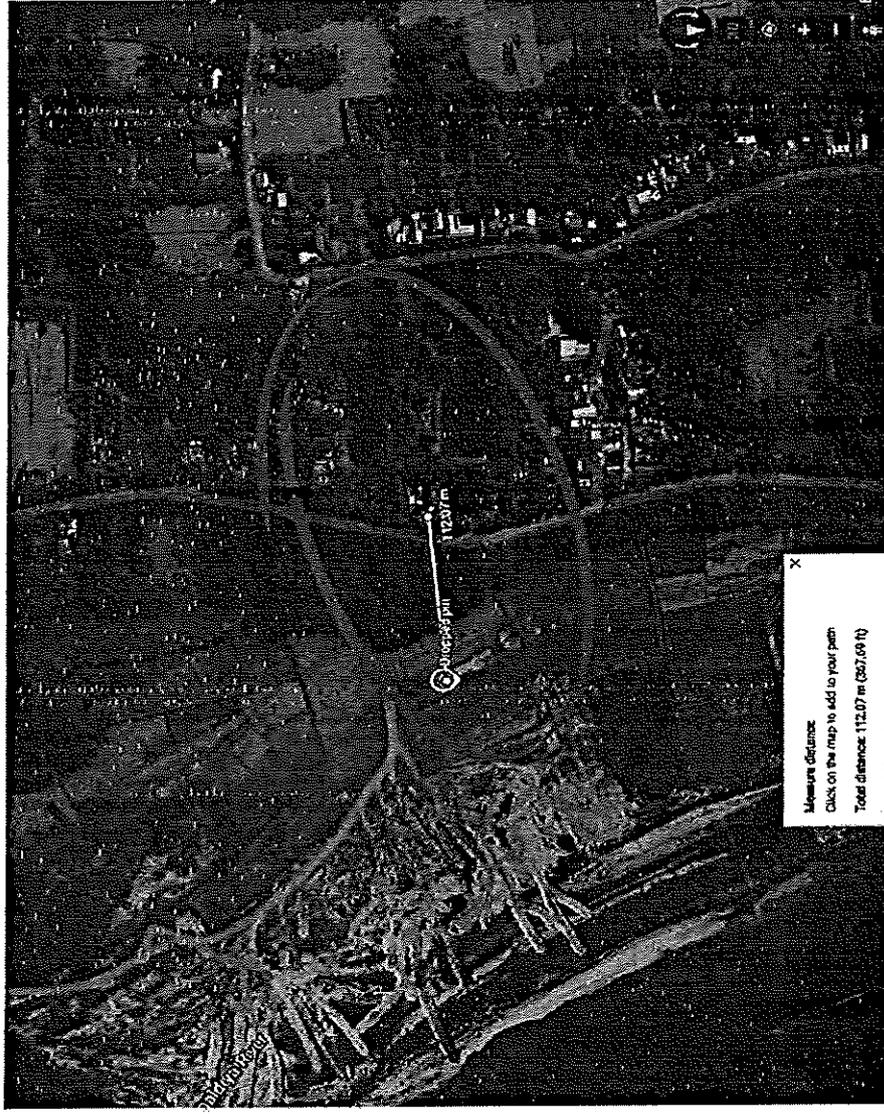
From J.P.I.S brick manufacturing unit to Chengnoi Jamtola village (with more than 20 houses) distance : 350.22 Meter



M/S PASA Stone Crusher is being constructed right at the heart of the Pagladiya river basin.
The distance from the unit to the current river water body is:143.65 Meters



From M/S PASA Stone Crusher unit to Chengnoi khudra katara village (with less than 20 houses) distance: 112.07 Meter



Measure Distance
Click on the map to add to your path
Total distance: 112.07 m (697.69 ft)

From Stone Crusher unit to Barkhanajan village (with more than 20 houses) distance : 304.97 Meter



From Stone Crusher unit to Chengnoi (katara) village (with less than 20 houses) distance: 208.53 Meter



From Stone Crusher unit to nearest school distance: 367.56 Meter



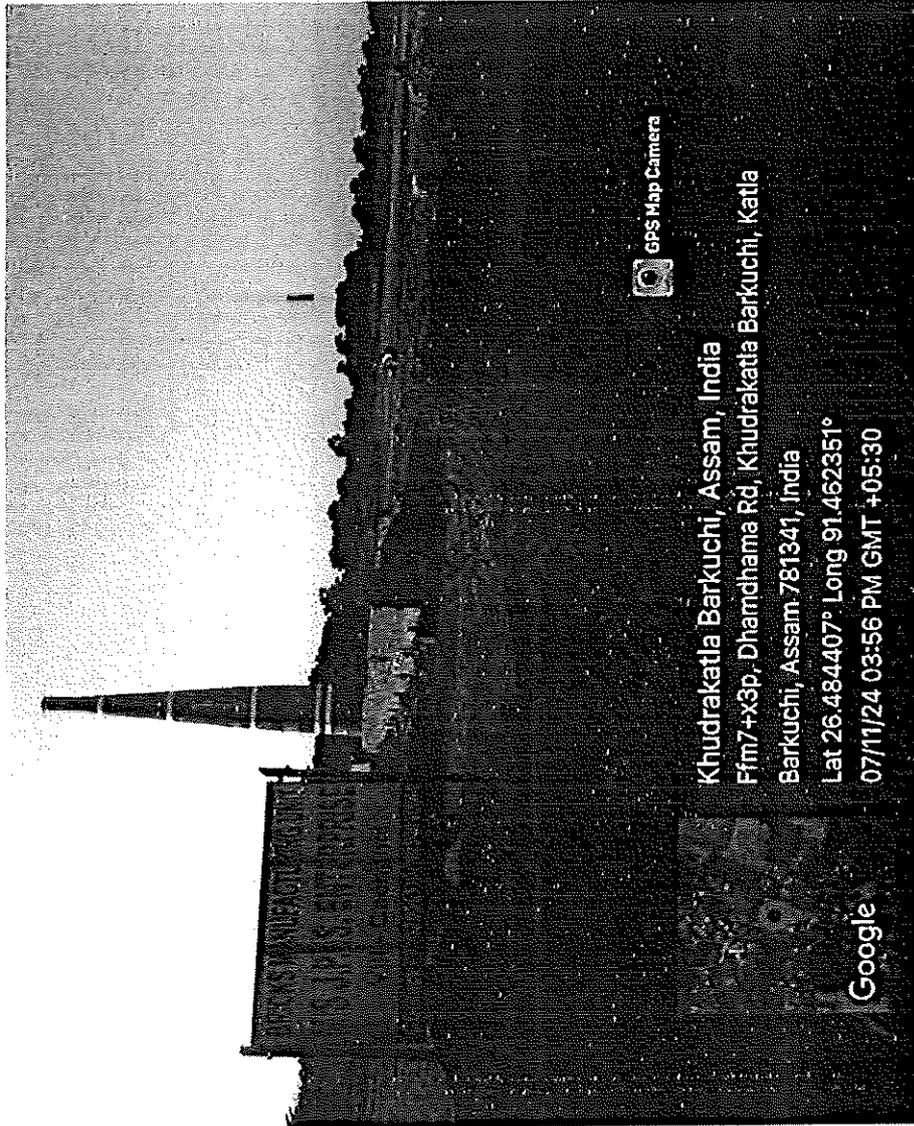
From Stone Crusher unit to nearest temple: 447.56 Meter



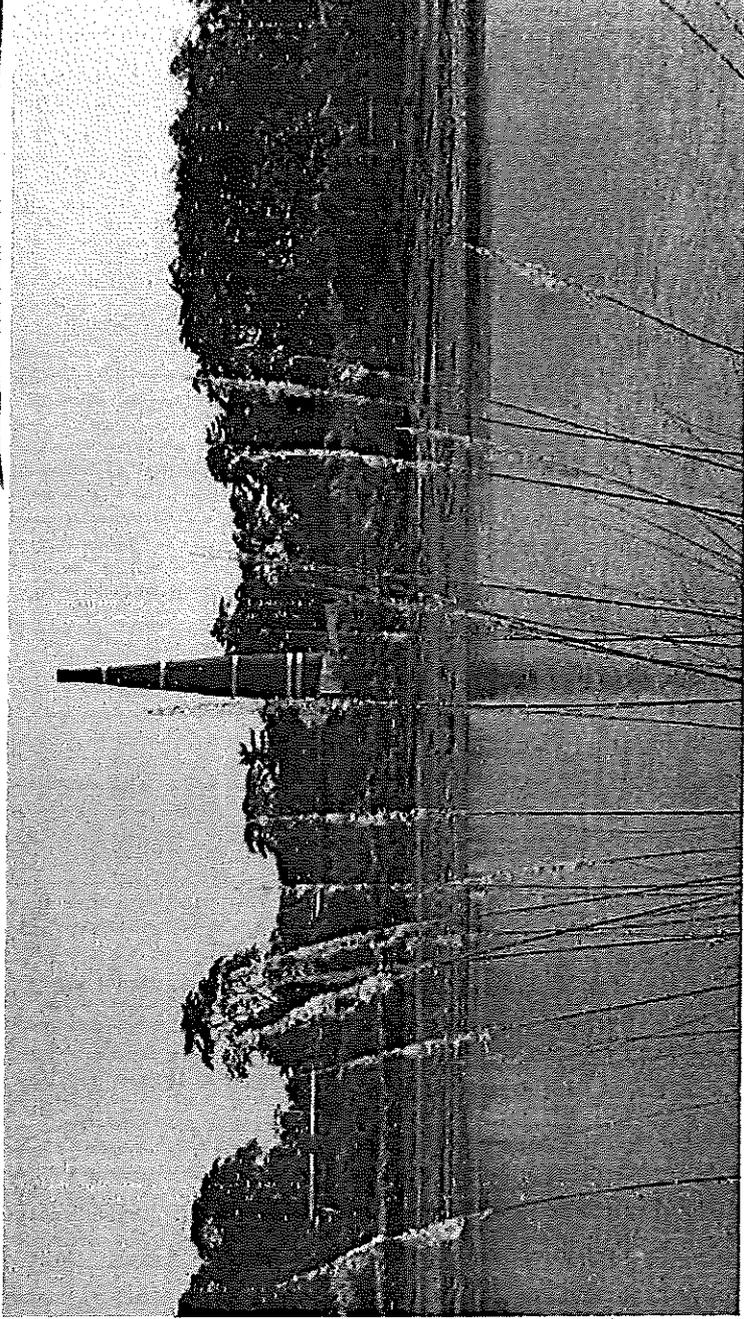
**From Stone Crusher unit to Chengnoi Khudrakatara village with more than 20 houses
(at west bank of Pagladiya River) temple: 419.00 Meter**



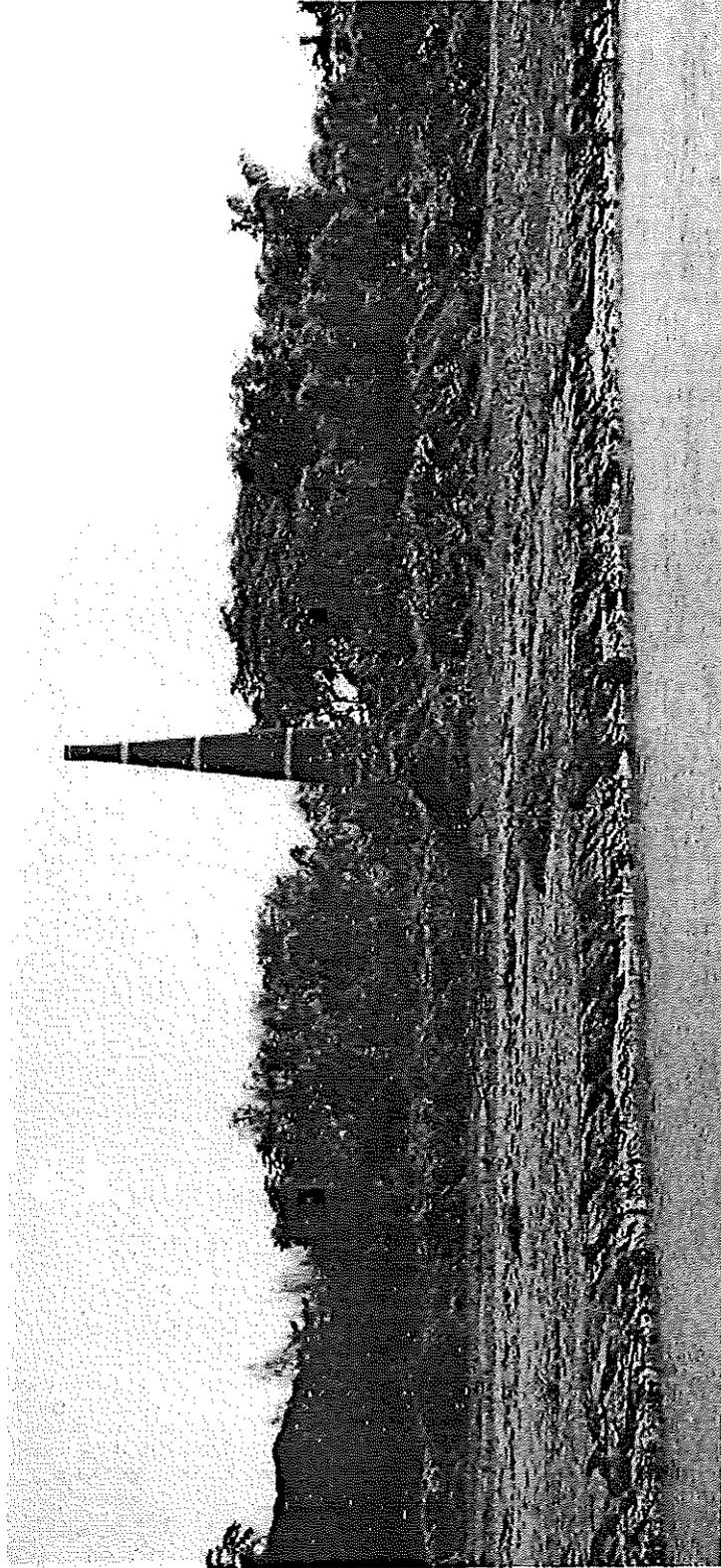
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED



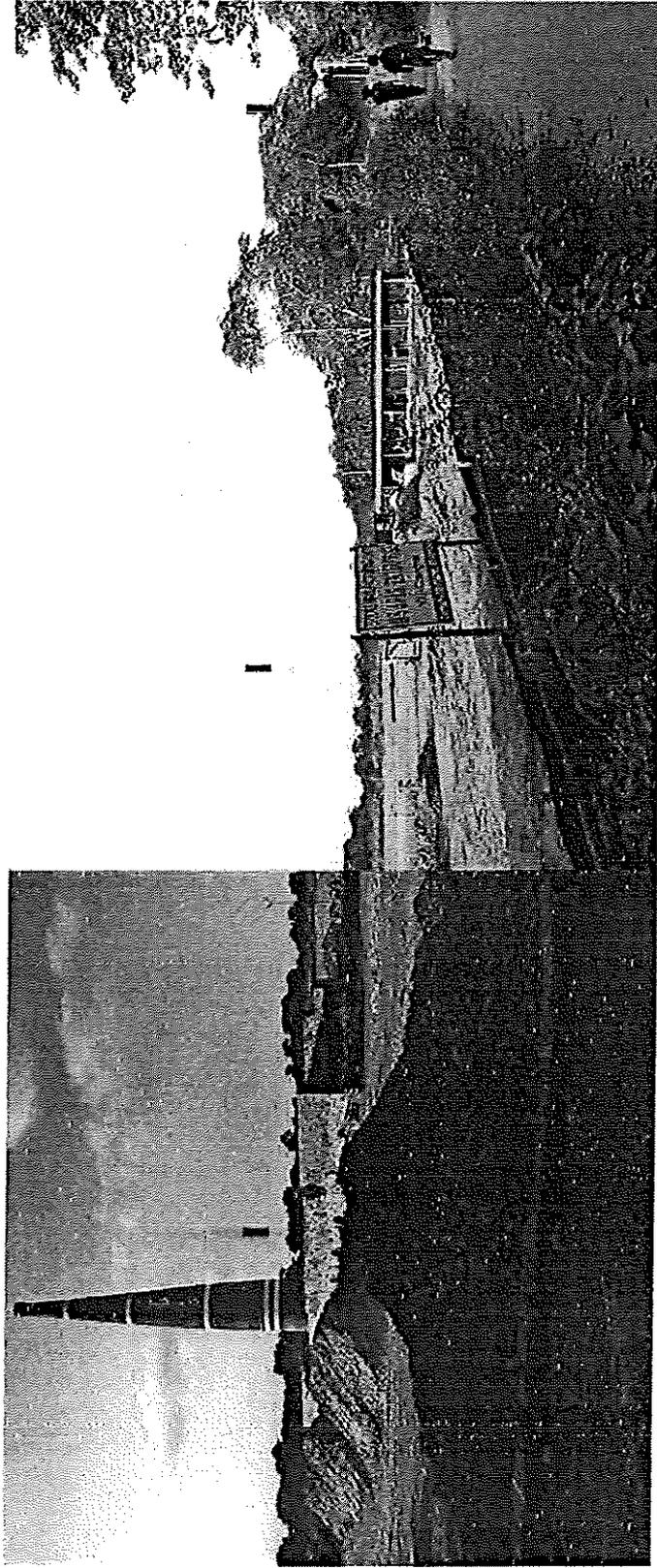
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED AT CHENGNUI



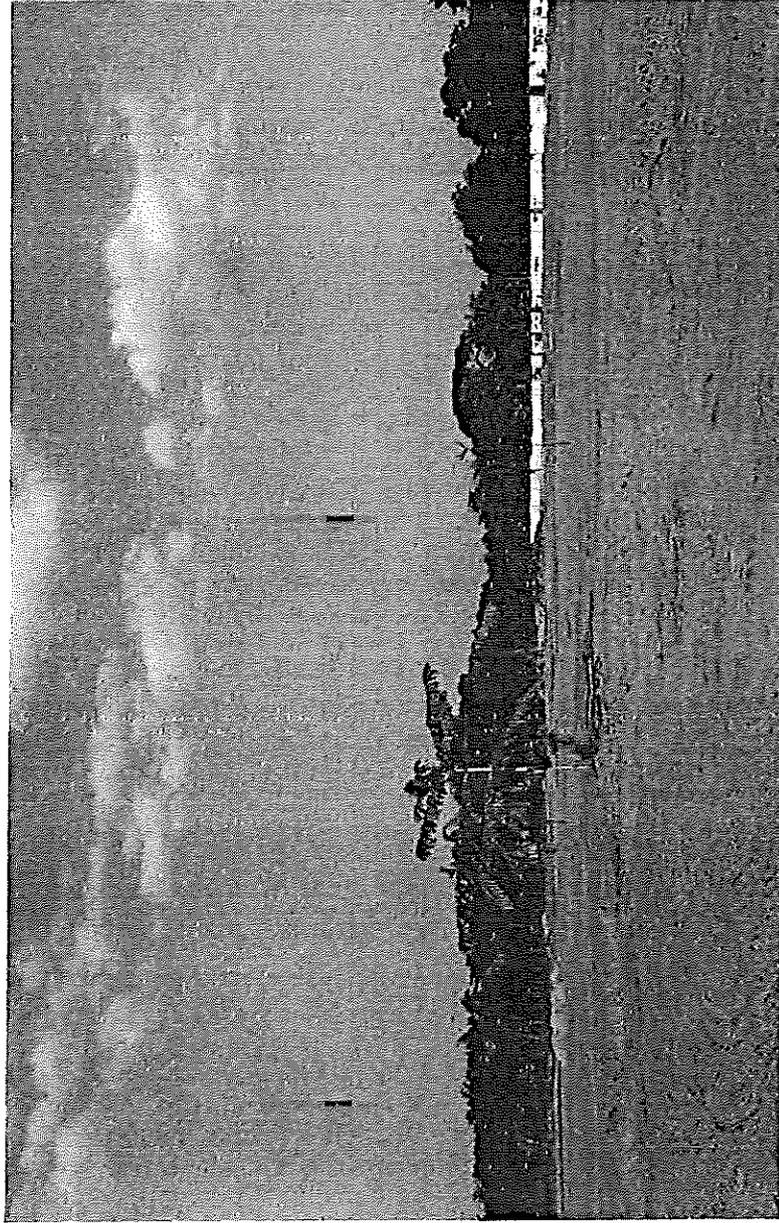
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED AT CHENGNOI



PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED AT CHENGNOI



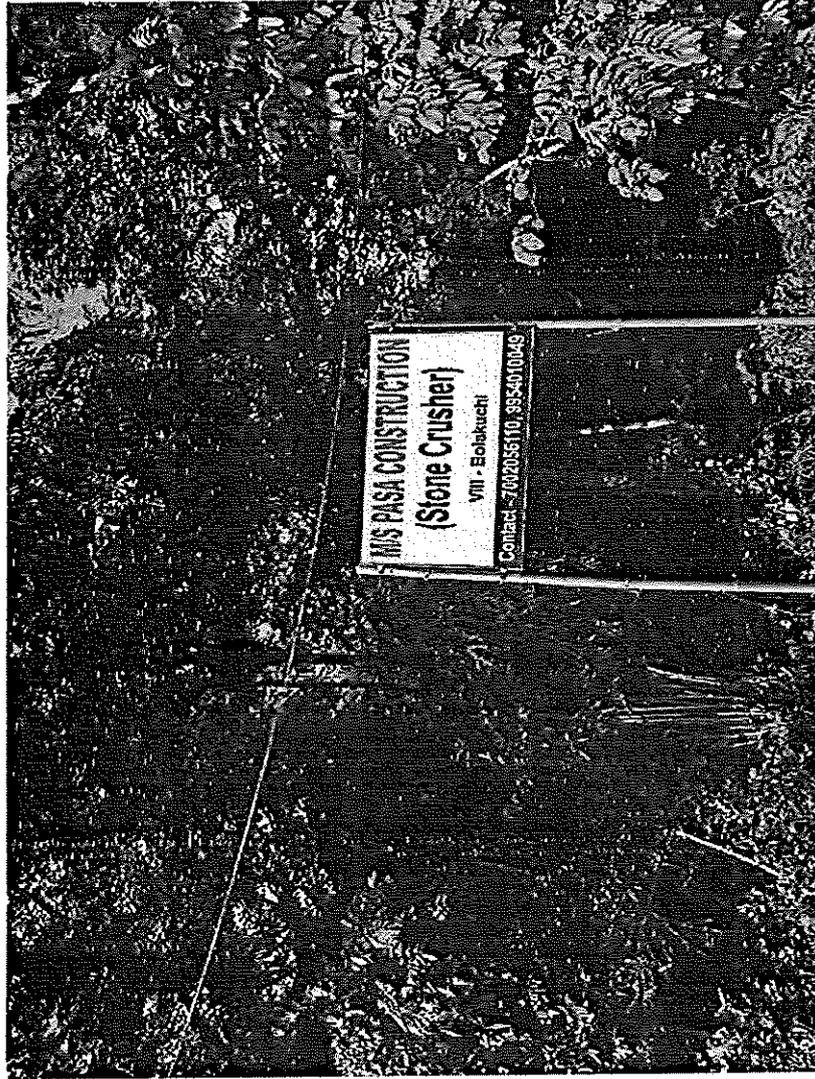
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED AT CHENGNOL



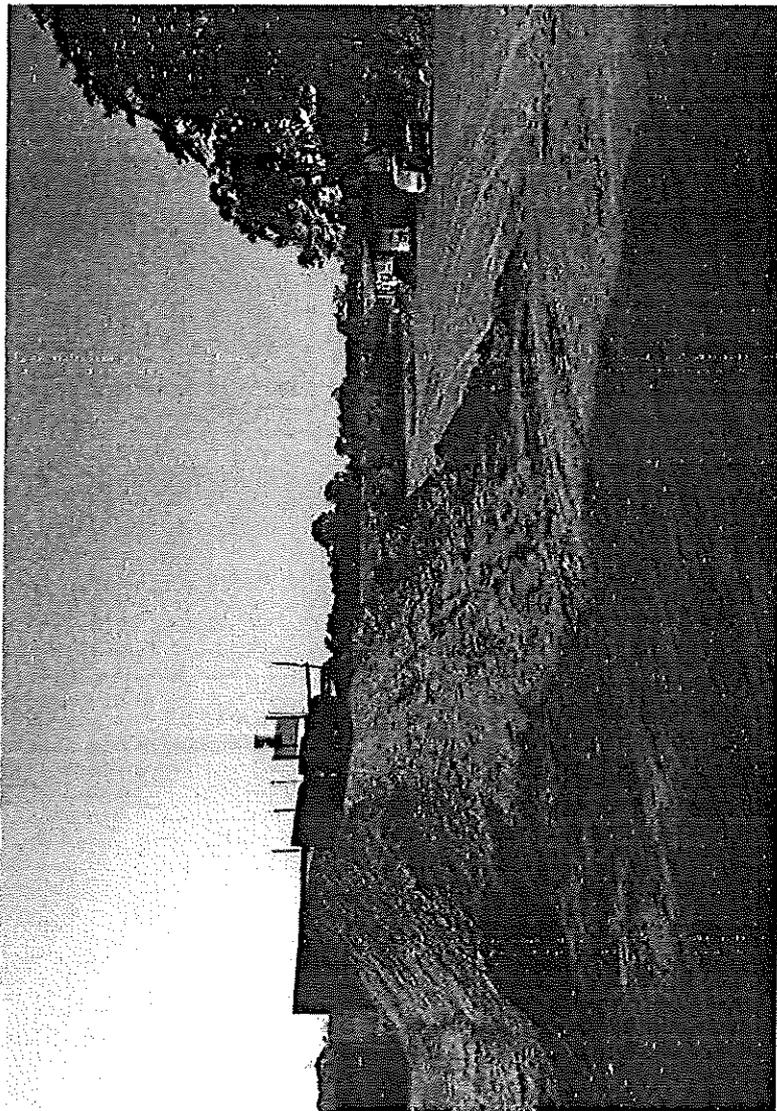
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT CONSTRUCTION AT PAGLADIYA RIVER BED AT CHENGNOI



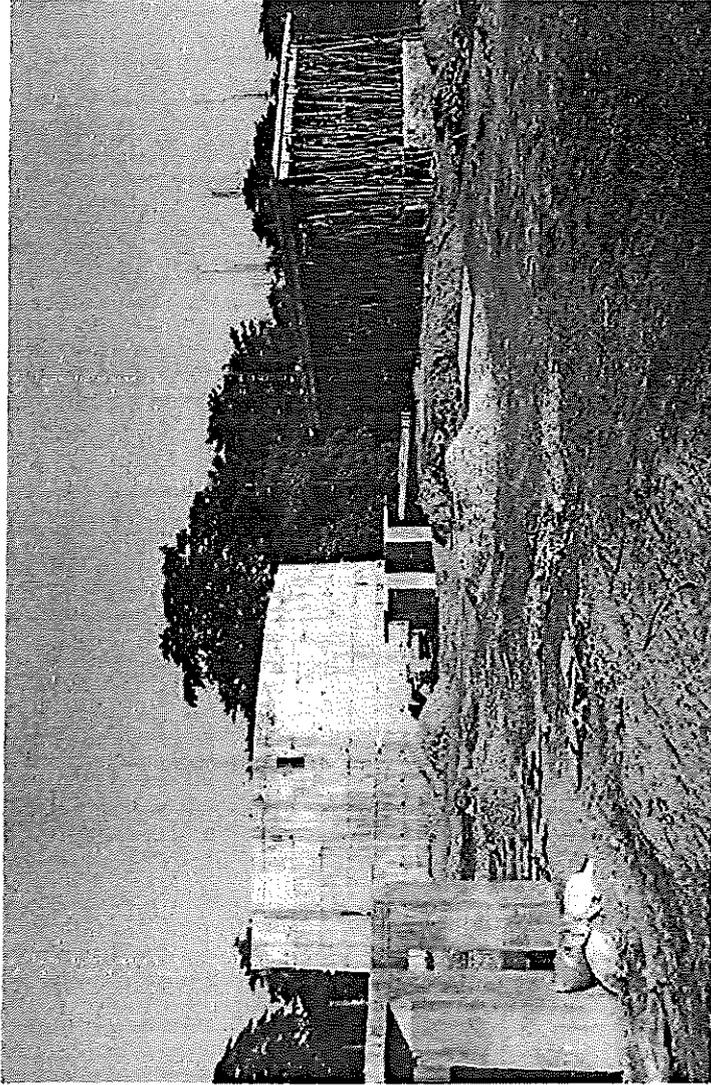
**PHOTOGRAPHIC EVIDENCE OF STONE CRUSHER CONSTRUCTION
AT PAGLADIYA RIVER BED AT CHENGNOI**



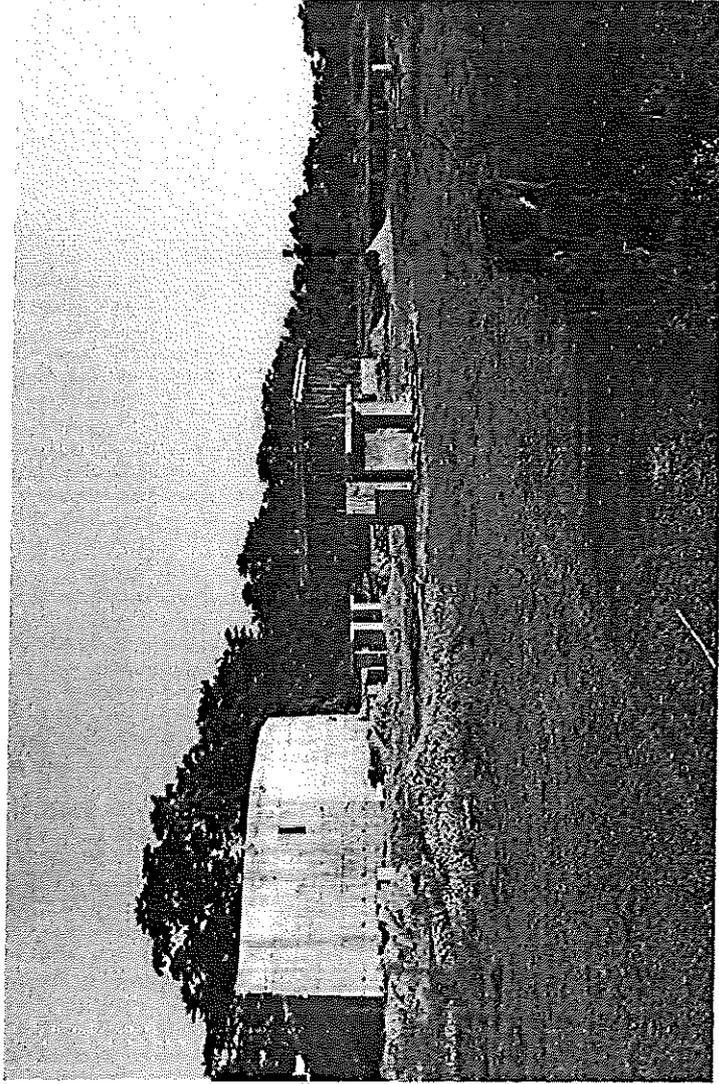
PHOTOGRAPHIC EVIDENCE OF STONE CRUSHER CONSTRUCTION
AT PAGLADIYA RIVER BED AT CHENGNOL



PHOTOGRAPHIC EVIDENCE OF STONE CRUSHER CONSTRUCTION
AT PAGLADIYA RIVER BED AT CHENGNOI



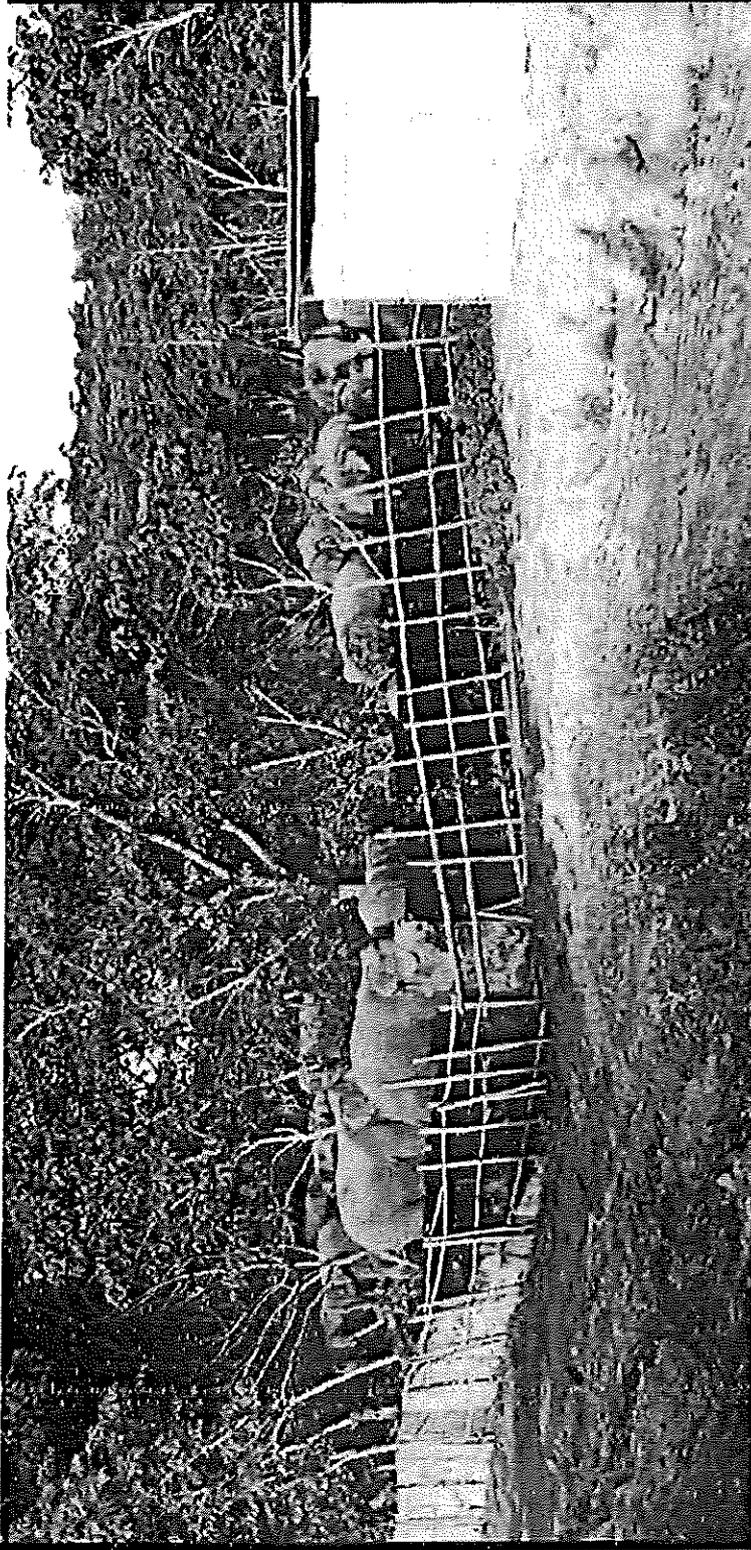
PHOTOGRAPHIC EVIDENCE OF STONE CRUSHER CONSTRUCTION
AT PAGLADIYA RIVER BED AT CHENGNOI



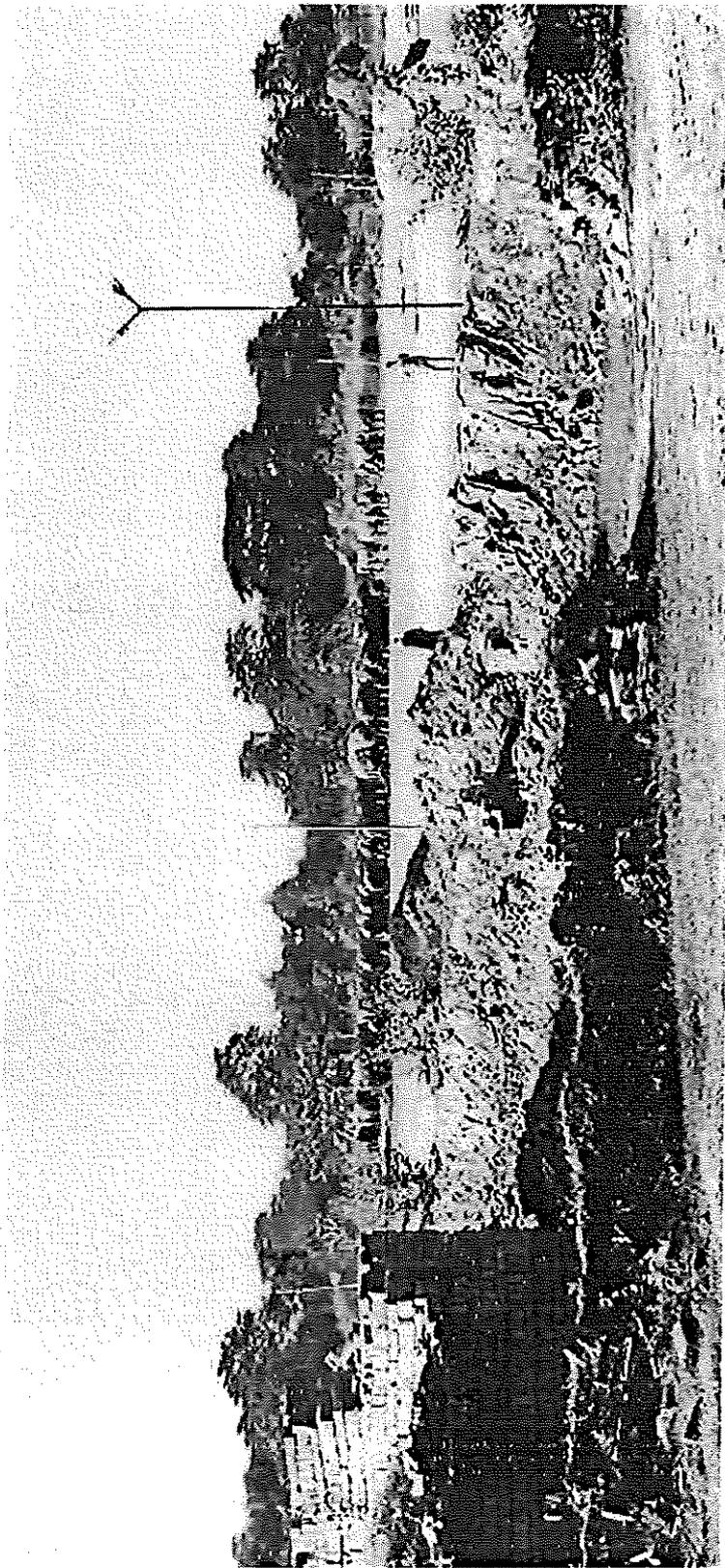
PHOTOGRAPHIC EVIDENCE OF BRICK UNIT AND STONE CRUSHER DISRUPTING THE WILD ELEPHANT
MOVEMENT AND THEIR NATURAL FORAGING LAND



PHOTOGRAPHIC EVIDENCE OF BRICK UNIT AND STONE CRUSHER DISRUPTING THE WILD ELEPHANT
MOVEMENT AND THEIR NATURAL FORAGING LAND



PHOTOGRAPHIC EVIDENCE OF BRICK UNIT AND STONE CRUSHER DISRUPTING THE WILD ELEPHANT
MOVEMENT AND THEIR NATURAL FORAGING LAND



PHOTOGRAPHIC EVIDENCE OF BRICK UNIT AND STONE CRUSHER DISRUPTING THE WILD ELEPHANT
MOVEMENT AND THEIR NATURAL FORAGING LAND

