

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONAL BENCH CHENNAI

IN

O.A. NO. 20 OF 2023

IN THE MATTER OF:

Burra Ravitheja

...Applicant

Versus

Union of India and Ors.

...Respondent(s)

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1.	Counter Affidavit on behalf of Respondent No. 2 i.e. Union of India, Ministry of Mines.	

धीरज कुमार / DHEERAJ KUMAR  
उप सचिव / Deputy Secretary  
खान मंत्रालय / Ministry of Mines  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi  
(Dheeraj Kumar)  
Deputy Secretary,  
Ministry of Mines,  
ShastriBhawan, New Delhi.

Filed Through Counsel

Dated: 24/7/2023

Place: Chennai

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COUNTER AFFIDAVIT FILED BY AND ON BEHALF OF RESPONDENT NO. 2 i.e.  
UNION OF INDIA, MINISTRY OF MINES

I, Dheeraj Kumar S/o Late Shri Bhola Prasad, aged about 40 years, presently working as Deputy Secretary in Ministry of Mines, Government of India, having office at Shastri Bhawan, New Delhi-110001, do hereby solemnly affirm and declare as under:

1. That I, in the capacity of Deputy Secretary in Ministry of Mines have been authorized to file the present counter affidavit. I am fully conversant with the facts and circumstances of the present case and hence, competent and authorized to depose and swear the present counter affidavit.



2. That the answering respondent has been arrayed merely as a proforma party, with no relief whatsoever, claimed or sought against the answering respondent. Likewise, the petitioner does not make any reference/allegation against the answering respondent of any kind.

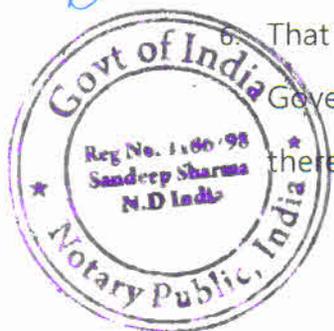
3. That the Ministry of Mines administers the Mines and Minerals (Development and Regulation) Act, 1957 [hereinafter referred to as 'MMDR Act'] and the rules made there under Section 3(e) of the MMDR Act, defines "minor mineral" as follows:

*"3(e) "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral"*

4. That as per Section 15(1) of the MMDR Act, State Government are empowered to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith.

5. That as per Section 23C of the MMDR Act, it empowers the State Government to frame rules to prevent illegal mining and the State Government may, by notification in the Official Gazette, make such rules for preventing illegal mining, transportation and storage of minerals (both major minerals and minor mineral) and for purposes connected therewith. Control of illegal mining, therefore, comes under the legislative and administrative jurisdiction of State Government.

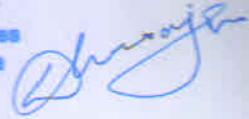
6. That the issues raised by the petitioner is totally under the domain of the State Government and none of the provisions of the MMDR Act and rules framed there under have been challenged nor any prayer made against Ministry of



Mines. However, this Respondent is ready and willing to initiate any action against the persons who are violating the provisions of the MMDR Act.

7. For all the reasons stated above it is therefore prayed that this Hon'ble Court may be pleased to dismiss the above O.A. against this Respondent and pass such further or other orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

धीरज कुमार / DHEERAJ KUMAR  
उप सचिव / Deputy Secretary  
खान मंत्रालय / Ministry of Mines  
भारत सरकार / Govt. of India  
नई दिल्ली / New Delhi



Solemnly affirmed at New Delhi on this  
the day of July 2023 and signed his  
name in my presence after reading the  
contents herein

\* BEFORE ME  
\*  
\*  
\*  
\* ADVOCATE, CHENNAI



**ATTESTED**  
  
**NOTARY PUBLIC**  
**Delhi (INDIA)**

14 JUL 2023

I identified the Dependent/Executant  
who has signed in my presence

भारत सरकार, नई दिल्ली  
8/23  
8702 700

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COUNTER AFFIDAVIT OF 2<sup>ND</sup>  
RESPONDENT

S.JANARTHANAM  
SENIOR PANEL CENTRAL GOVT.  
COUNSEL