

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

[CENTRAL BENCH], AT BHOPAL

IA No. **148**/2024

In

Original Application No. 63/2024

APPLICANT: ABDUL KALAM

V/S

RESPONDENT(S): STATE OF MADHYA PRADESH & OTHERS

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Date: 17/12/2024

Place: Bhopal

Applicant



Through Counsel

[Dharamvir Sharma, Adv.]

Office at: J-04, Fortune Glory, Bawadiya Kalan, Bhopal -43

Email: dharam.advocate33@gmail.com; Phone: 9200700009

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APPLICANT: ABDUL KALAM

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RESPONDENT(S): STATE OF MADHYA PRADESH & OTHERS

APPLICATION FOR DIRECTION TO HAVE
INDEPENDENT ENQUIRY REGARDING ILLEGAL
MINING BY THE RESPONDENTS, KEEPING IN VIEW
THE FACTS NARRATED IN THE BODY OF I.A.

MOST RESPECTFULLY SHOWETH,

1. That, the abovementioned O.A. has been filed before this Hon'ble Tribunal and is pending for final adjudication.
2. That, on dated 05.11.2024, the MPPCB filed Action Taken Report wherein vide Para 5 it was submitted w.r.t. the present case the Regional Officer, MPPCB Sagar has issued a letter to the concerned Mining Officer to ensure that no mine having EC from DEIAA should be allowed to operate after 07.11.2024. Copy of letter dated 18.10.2024 is annexed as Annexure R-2. It is respectfully submitted that in spite of letter 18.10.2024, there are many mines which are operating in violation of the Environmental rules and law. There is over-exploitation of

underground water by these mining leaseholders and many residential houses are also being damaged and cracks developed in their dwelling houses.

3. That, there are serious allegation in the O.A. regarding operation of crusher units by Project Proponents, many illegal mining as point out by the MPPCB and filing cases against them, notices issued by the authority to the Respondent PPs but in spite of all this still mining is being done and independent enquiry is liable to be initiated by directing in this regard by this Hon'ble Tribunal.
4. That, as per order dated 05.11.2024 passed by this Hon'ble Tribunal, Para 2 and 3, Ld. Counsel State sought a short time to file Parawise reply but till date no reply has been filed by the State. Further, no action taken report by State PCB has been filed, neither Private Respondents are caring to file the reply since they are having direct protection by the Mining Officer against whom the Applicant has specifically made prayer under clause (b) to take appropriate action against Respondent Mining Officer, who is averred as Respondent No. 6.
5. That, the Respondent authority is in complete disobeynce and disregard to the order of Hon'ble Tribunal. Further, Respondent authority in order to defeat the very purpose of filling this present OA, is not taking effective measures for the restoration of the area being over-exploited w.r.t. underground water and causing heavy air pollution.
6. That, the affidavit in support of this application is enclosed with this application and requisite fee is also deposited as per Act and Rule.

P R A Y E R

It is therefore respectfully prayed that Respondents State and PCB be directed to hold independent enquiry regarding illegal mining by the Respondents after taking into consideration the above-mentioned facts and impose environmental compensation for the violation, in the interest of justice.

Date: 17/12/2024

Place: Bhopal

Applicant



Through Counsel

[Dharamvir Sharma, Adv.]

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
[CENTRAL BENCH], AT BHOPAL

I.A. No. 148/2024

ORIGINAL APPLICATION No. 63/2024

APPLICANTS: ABDUL KALAM

//VERSUS//

RESPONDENTS: STATE OF MP & OTHERS

AFFIDAVIT

I, Abdul Kalam, S/o Of Abdul Salam, R/o H No. 1732/2, in Front of Ram Raja Dawa Bazar, Local Bagh Civil Lines, Jhansi (U.P.) at present in Bhopal do hereby solemnly affirm on oath and State as under:-

1. That, the deponent being applicant in the instant application and competent to sign the instant application.
2. That, application is drafted on deponent's instructions by applicant deponent's Counsel. The deponent has read and understood the same, which are true and correct. Pleading and prayer clause are true the best of the deponent's personal knowledge
3. That, this affidavit is executed in support of the I.A. being filed.



Abdul Kalam

Abdul Salam

Jhansi

1732/2

Kash

[Handwritten signature]

DEPONENT

VERIFICATION

The above deponent, do hereby verify that the contents of this affidavit from paragraphs 1 to 3 are true to my personal knowledge and belief. Signed and verified on this 7 day of 12, 2024 at

Bhopal

DEPONENT

[Handwritten signature]
शरण आदरत, गीत

[Handwritten signature]
IDENTIFIED BY ME

[Handwritten signature]



Dharamvir Sharma <dharam.advocate33@gmail.com>

I.A. in O.A. 63 of 2024 Abdul Kalam vs State of MP before NGT (CZ)

Dharamvir Sharma <dharam.advocate33@gmail.com>

Tue, Dec 17, 2024 at 3:11 PM

To: "Prashant M. Harne" <harneprashant02@gmail.com>, legalcell.pcb@mp.gov.in, Parul Bhadoria <parul.bhadoria04@gmail.com>

PFA,
Interlocutory Application filed in O.A. 63 of 2024 Abdul Kalam vs State of MP before NGT (CZ).

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Regards**Dharam Vir Sharma**

Advocate,

NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL.

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 **IA in 63 of 2024 in Abdul Kalam vs State of MP.pdf**

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