

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 85 of 2021 (SZ)**

IN THE MATTER OF:

M/s. Parisara Hitharakshana Samithi

...APPLICANT

Versus

Union of India and Ors.

...RESPONDENTS

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**SPOT INSPECTION REPORT ON BEHALF OF THE DEPUTY
COMMISSIONER, KOLAR DISTRICT, KARNATAKA**

MOST RESPECTFULLY SHOWETH:

1. That the present case pertains to the alleged illegal mining in Devarayasamudra Village, Mulbagal Taluk, Kolar District, Karnataka. Vide order dated 04.11.2022, this Hon'ble Tribunal had directed the following:

“4...The Deputy Commissioner who is the head of the revenue of the district is directed to file a report after making a spot inspection either by himself or deputing an officer not less than the rank of District Revenue Officer.”

2. That in compliance with the above order, the answering Respondent vide letter No. MIN/CR/95/2022-23, dated

10.11.2022 had authorized the Sub-Divisional Magistrate, Revenue, Kolar District to make the inspection on his behalf and to provide information in this regard. The spot inspection was accordingly carried out by the said officer on 11.11.2022, the findings of which are being placed before this Tribunal in the paragraphs below.

3. That, the land in question is Sy.No.199 of Devarayasamudra village, Mulbagal Taluk, Kolar District. It is submitted that the land in Sy.No.199 of Devarayasamudra village are classified as **Government Gomala Lands**. Total extent of Sy.No.199 is 1299.21 acres. A copy of Record Of Rights (R.O.R) of Sy.No.199 is produced as **DOCUMENT No.1**.
4. The Sub-Divisional Magistrate in the report, states that there are two crushers working in sy.No. 758 and Sy.No. 790 both of which are private lands which were granted within the sy.No. 199 following due procedure as stipulated in the Law. They have been obtained conversion for establishment of crushers. There areas have been declared as '**safer zones for crushers**' by the District Stone Crusher Licensing and Regulation committee in the

year 2012-13 vide order no. MMN/CR/45/2012-13 dated 16.02.2013.

5. The villagers present during the inspection have raised objection for the working of these crushers and quarries.

6. It is submitted that Senior Geologist, Department of Mines and Geology, Kolar Geologist, Junior Engineer along with Revenue Inspector of Devarayasamudra village inspected the stone quarry and crushing units granted in Sy.No.199 of Devarayasamudra village on 11.11.2022 and have measured the distance from public structure, water bodies, houses situated near to the stone quarry and crushing units using G.P.S instrument. There are a total of 06 quarry leases were granted in Sy.No.199 of Devarayasamudra village. No illegal stone quarrying and stone crushing activity running in the Sy.No.199 of Devarayasamudra village. There were no public structures like roads, schools, buildings, bridges, lakes, houses found in Sy.No.199 of Devarayasamudra village. The nearest public structure situated to stone quarrying and stone crushing is cholanakunte village situated at a

distance of 590 meters. The nearest water body situated to stone quarrying and stone crushing is Devarayasamudra lake situated at a distance of 220 meters. Nearest house situated is at a distance of 590 meters. The distance of public structure, water bodies and houses are marked in the map and Google Images. A copy of the report along with Google images were submitted as **DOCUMENT No.2.**

In pursuance to the directions of this Hon'ble Tribunal, Deputy Conservator of Forest, Kolar submitted report dated 26.07.2021 recording the opinion of the forest department with regard to the quarry lease in Sy.No.199 of Devarayasamudra village, Mulabagal Taluk, Kolar District. Out of the said lands, an extent of 746.00 acres were deemed forest. The 06 quarry leases granted in Sy.No.199 of Devarayasamudra village are situated outside the deemed forest. A report of the Range Forest Officer (R.F.O), Mulabagilu Range, Kolar District dated 26.07.2021 (Table-1) shows the distance of 06 quarry leases from the deemed forest and Kolar Leaf Nose Bat Conservation Reserve.

Table-1

SL. NO.	Lease Holder Name	Date of Grant and period	Distance from Deemed Forest	Distance from Conservation Reserve in KMS
1.	G.V.V.Infra. (QL.873)	17.09.2008. 20 Years	724 Meters	4.57
2.	M/s.PMJ Constructions Pvt Ltd. (QL.no.1018)	29.08.2016. 10 Years	280 Metres	4.62
3.	S.Kumar QL.922	01.02.2010 20 years	218 Metres	4.45
4.	T.V.Srinivas. (QL.928)	12.04.2010. 20 Years	156 Meters	4.45
5.	M/s.P.M.Granites. (QL.No.1017)	29.08.2016. 10 Years	0.00 Kms	3.88
6.	K.Sri Rama. (QL.1024)	19.03.2020. 10 Years	0.00 Kms	3.87

It is submitted that based on the opinion of the forest department, the lands in Sy.No.199 of Devarayasamudra village in which quarry leases granted were not forest lands. The lands were not classified/declared as "Deemed Forest". The report of Deputy Conservator of Forest, Kolar submitted report dated 26.07.2021 along with enclosures as **DOCUMENT No.3.**

1. The Joint Inspection reports received for grant of stone crusher licenses in Devarayasamudra village shows that the stone crusher licenses were granted in private lands and the said lands were converted from agriculture to non-agriculture as per law. The stone crusher licenses were granted within the declared Safer Zone area for stone crushing. Hence, it is stated that the stone crusher units

granted in the vicinity of Sy.No.199 of Devarayasamudra village were not forest lands. Copies of Land Conversion orders are produced as **DOCUMENT No.4.**

2. It is submitted that the first quarry lease in Sy No. 199 of Devarayasamudra village was granted in 2008 and quarry lease operational from 2008. The copies of quarry lease deeds and audit reports are produced as **DOCUMENT No.5**
3. It is submitted that in view of the above, it is observed that
 - i. The quarry leases and stone crusher licenses granted in Sy.No.199 of Devarayasamudra are not forest lands and lands were not classified as deemed forest.
 - ii. The stone quarrying leases granted in Government Gomal lands were not reserved for any purpose. The area comprises of granite rock suitable for stone quarrying and there is no tree growth in the said areas. Stone Quarries were operational in Sy.No.199 of Devarayasamudra from 2008.
 - iii. The lands in Sy.No.199 of Devarayasamudra village areas were hillock and not comprises of species of biological importance which needs to be protected.
 - iv. The lands in Sy.No.199 of Devarayasamudra village in which stone quarries and stone crushers were operational were not falling under Eco-Sensitive Zones. and the areas were not forest lands and

deemed forests. Based on the forest department opinion dated 26.07.2021, the stone quarries and stone crushers are falling outside of deemed forests and Conservation Reserve.

v. The Quarry Leases granted in Sy.No.199 of Devarayasamudra village have obtained Environmental Clearances. Copies of the Environmental Clearances are produced as **DOCUMENT No.6.**

vi. The 2 number of stone crushers operating in Sy.No.199 of Devarayasamudra village were within the declared Safer Zone area.


DEPUTY COMMISSIONER
KOLAR, KARNATAKA
Deputy Commissioner,
Kolar District
THROUGH


DARPAN KM
ADVOCATE FOR STATE OF KARNATAKA