

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO.09 OF 2022**

IN THE MATTER OF:

Pisati Indira Reddy
W/o Late P.Ram Reddy
R/o H.No.183, Sadashiva Heavens
Pedda Amberpet Village,
Abdullapurmet Mandal
Rangareddy District
Telangana & Anr

.....Applicant(s)

Versus

Union of India
Represented by its Secretary,
Union Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhavan
New Delhi & Ors

.....Respondents(s)

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Place: Hyderabad.

Date: 10-05-2022

H.Yasmeen Ali

Counsel for the Respondent

Independent Report of Mines & Geology Department.

1. Smt.P.Indra Reddy filed O.A No.09 of 2022 before the Hon'ble NGT, Chennai. The grievance in this application is regarding the pollution caused on account of the operation of stone crushing units, quarries, hot mix plants and other similar units carried on by the Respondents No.7 to 33 in Sy. No.268 and other private patta lands at Bandaravirala, Chinnaravirala, Guvvaleti, Taramatipet, Saddupalli, Desmukhi Villages of Abdullapurmet Mandal, Ranga Reddy District and Bhudan Pochampalli Mandal of Yadadri – Bhuvanagiri District of Telangana State. The main prayer of the applicant is as follows:

- (i) Appoint an independent expert Committee to ascertain the ground situation at stone mining quarries, stone crusher units and Hot mix, RCC Mix plants run by Private Respondents in Banda Raviryala, Chinna Raviryala, Guvvaleti, Taramatipet, Saddupalli, Deshmukhi Villages of Abdullapurmet Mandal, Rangareddy District and Bhudan Pochampalli Mandal of Yadadri-Bhuvanagiri Districts for taking appropriate action.
- (ii) Direct the Official Respondents to initiate action according to law against the Private Respondents for conducting illegal mining, stone crushing, hot mix and RCC mix activities,
- (iii) Impose exemplary fine as mandated by the Hon'ble Supreme Court of India against the Mining companies, stone crusher units for illegal mining and exploration of mineral without obtaining Mandatory Environmental Clearance without conducting mandatory Environment Impact Assessment according to the judgment of the Apex Court in Deepak Kumar Vs State of Haryana.
- (iv) Direct the District Collectors to assess the damage caused to health of population, agriculture, borewells in Banda Ravirala, Chinna Ravirala, Guvvaleti, Taramatipet, Saddupalli, Deshmukhi Villages, Abdullapurmet Mandal, Rangareddy District and Bhudan Poachmpalli Mandal of Yadadri-Bhuvanagiri Districts of Telangana State due to the polluting activities of Private Respondents,
- (v) Direct the District Collector to restore water bodies damaged by Private Respondents in Banda Ravirala Village of Rangareddy District.

(vi) Direct the Official Respondents to assess and collect the loss caused to Agriculture, ground water, structures, nature etc., due to illegal / unsafe blasting, mining, stone crushing, hot mix plant activities of Private Respondents to pay the aggrieved farmers according to the provisions Public Liability Insurance Act of 1991 and NGT Rule Nos.35, 36 & 37.

(vii) Direct the State of Telangana and Telangana PCB to implement the judgment passed by the Hon'ble Supreme Court in Mohd. Haroon Ansari Vs. District Collector, Rangareddy District, AP (2004) 1 SCC 491 and Judgment passed by this Hon'ble Tribunal in Application No.3 of 2016 (SZ) Suo Motu and submit a report,

(viii) Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The Hon'ble NGT heard the matter and vide orders dt:18.01.2022 constituted a Joint Committee comprising of the following officers:

- i) Senior Officer from the MoEF & CC, Regional Office, Hyderabad,
- ii) Senior Officer from the State Level Impact Assessment Authority (SEIAA), Telangana,
- iii) Senior Officer from the Directorate of Mines & Geology, Telangana as deputed by its Director;
- iv) Senior Officer from the Telangana State Pollution Control Board as deputed by its Chairman/Member Secretary and
- v) District Collectors of Rangareddy District and Yadadri-Bhuvanagiri District to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

3. The Department of Mines & Geology be the nodal agency for co-ordination and for providing all necessary logistics for this purpose. The Joint Committee is directed to submit the report to the Tribunal on or before 28.02.2022 by e-filing in the form of searchable PDF/OCR supportable PDF and not in the form of Image of PDF along with necessary hardcopies to be produced as per Rules.

4. In compliance to the above orders of the Hon'ble NGT, the Director of Mines & Geology being the Nodal Agency, addressed all the members of the Joint Committee vide letter no.1415897/LS/2022 dated 10.02.2022 and requested to inspect the area in question and submit a factual as well as action taken report as per the directions of the Hon'ble Tribunal.

5. Accordingly, the Committee was constituted comprising of following officers:

S. No.	Proposed by the Hon'ble NGT	Nominated by the concerned Department.	Name & Designation of the Officer
1	District Collector of Rangareddy & Yadadri-Bhuvanagiri Districts.	Revenue Department	The District Collector, Rangareddy and Yadadri-Bhuvanagiri Dist.,
2	Senior Officer from the MoEF & CC, Regional Office, Hyderabad	MoEF & CC, Integrated Regional Officer, Hyderabad.	Sri.E.Arockia Lenin, Scientist C, IRO, MoEF & CC, Hyderabad
3	Senior Officer from the State Level Impact Assessment Authority (SEIAA), Telangana	State Level Environmental Impact Assessment Authority	Sri G. Gangadhar, Joint Chief Environmental Engineer, TSPCB & Secretary-SEAC, Telangana.
4	Senior Officer from the Telangana State Pollution Control Board as deputed by its Chairman/Member Secretary	TSPCB	Sri.G.Hanumanth Reddy, Joint Chief Environmental Engineer, Zonal Office, R.C Puram
5	Senior Officer from the Directorate of Mines & Geology, Telangana as deputed by its Director	Director of Mines & Geology	Sri.R.Praveen, Asst. Director of Mines & Geology, Rangareddy District & Sri.A.Venkata Ramana, Asst. Director of Mines & Geology, Yadadri-Bhuvanagiri District,

6. The Joint Committee visited the area on 17.02.2022 and interacted with the Petitioner Smt. Pisati Indira Reddy and quarry lease holders / stone crushing unit holders / hot mix plant owners of Abdullapurmet Mandal of Rangareddy District and Pochampally Mandal of Yadadri-Bhuvanagiri District.

7. During the course of joint inspection, Smt. P. Indira Reddy expressed that she is spiritual person and continuing a meditation center in Ac.15.0 area, due to the stone crushing, mining units and hot mix plants, emanating lot of Noise, Air Pollution and vibrations due to blasting causing loss of agriculture/crop, property, throat infection, severe cough, breathing problems. Further, she shown her agriculture fields and expressed grievance due to the accumulation of dust on the fields, fertile Organic Agriculture lands became unfertile leading to damage in crops growth. It is also stated that the mining lease holders illegally encroached into her patta lands, damaged and requested the Joint Committee to take necessary action for stoppage of mining activity.

8. The Joint Committee have visited all the quarry leases represented in O.A.No.9 by the applicant and found that the lease holders are working within the granted area as per the executed sketch and no illegal quarrying is noticed.

9. The State Government vide G.O.Ms.No.89, Industries & Commerce (M.II) Department, dt:22-03-2006 declared the area falling in Sy.No.268 of Bandaraviryala Village, Hayathnagar (now Abdullapurmet) Mandal, Ranga Reddy District over an extent of Ac.670.29Gts (271.33Hects) as Mining Zone.

10. The Government in partial modification of the earlier orders, vide G.O.Ms.No.294, Industries & Commerce (M.II) Dept., dt:14-11-2007 allotted individual leases for stone & metal in Sy.No.No.268 of Bandaraviryala Village, Hayathnagar Mandal, Ranga Reddy District to displaced the quarry owners with certain conditions.

11. Accordingly, the Deputy Director of Mines & Geology, Hyderabad granted the quarry leases for stone & metal to (41) allottees @ Ac.12.45 each in Sy.No.268 of Bandaraviryala Village, Hayathnagar (Now Abdullapurmet) Mandal, Ranga Reddy District for a period of (15) years. The Asst. Director of Mines & Geology, Hyderabad executed the quarry lease deeds and issued work orders to (41) allottees for a period of (15) years.

12. Further, the Ministry of Environment and Forests issued notification No.1533, dt:14-09-2006 i.e., after declaration of Bandaraviryala Mining Zone on 22-03-2006. Therefore, the leases were granted prior to the Notification dt:14-09-2006.

13. The State Government vide G.O.Ms.No.48, dt:26-07-2017 issued amendments to Rule (7) of Telangana State Minor Mineral Concession Rules, 1966 for adoption of the concept of quarry plan and feasibility report for existing minor mineral including for stone & metal in order to comply with the notifications issued by the Ministry of Environment, Forest and Climate Change, Government of India, facilitating issuance of Environment Clearance both at the State Level and the Central Level Environment Impact Assessment Authority basing on the extent for a single quarry lease or leases in cluster vide S.O.141 (E), dt:15-01-2016, S.O.190(E), dt:20-01-2016 and S.O.2269(E), dt:01-07-2016.

14. Keeping in view of the Government orders, the quarry lease holders of Bandaraviryala Mining Zone have submitted the Scrutinized Quarry Plan pertaining to the quarry leases held by them.

15. Further, it is submitted that all the quarry lease holders who are mentioned in the O.A.No.9 by the applicant are falling in the Mining Zone declared by the Government vide G.O.Ms.No.89, dt:22-03-2006 which is very much prior to the issue of Notification No.1533.

16. It is submitted that quarry leases pertaining to Yadadri-Bhuavanagiri District, as mentioned in the O.A.No.9, there are (7) quarry leases for Rough Stone & Road Metal located in Deshmukhi Vg., Budan Pochampally Mdl. Out of which (2) quarry leases are having Environmental Clearance (EC); (1) quarry lease was expired; (1) quarry lease was surrendered on 31-12-2021, the remaining (3) quarry lease holders have submitted Scrutinized Quarry Plans as required under TSMMC Rules, 1966.

17. It is further submitted that after promulgation of these Rules as envisaged in G.O.Ms.No.48, the Mines & Geology Department is granting / renewing the quarry leases only after obtaining Environmental Clearance (EC); Consent of Establishment (CFE) issued by the concerned authorities.

18. Further as per the Joint Committee verification of all the quarry leases represented in O.A.No.9 by the applicant, the lease holders are working within the granted area as per the executed sketch and no illegal quarrying is noticed.

19. It is further submitted that the Hon'ble Tribunal directed the Chief Secretary, State of Telangana as well as the Mining Department for submission of independent reports indicating the nature of steps taken by them in compliance with the directions issued by the Tribunal in O.A.No.03 of 2016 (SZ). In this regard, it is submitted that the subject matter of O A No.3 of 2016 pertains to stone crusher units and they do not come under the purview of the Mines Department and the Mines Dept., does not have any control over the crusher units.

Hence the report.

Place : Hyderabad

Date: 10.05.2022


Joint Director of Mines & Geology

O/o Director of Mines & Geology
Hyderabad