

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH), CHENNAI**

ORIGINAL APPLICATION NO: 270 OF 2024 (SZ)
[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Suo Moto matter based on the News item appearing in "Deccan Herald" dated 19.06.2024 titled "Karnataka Government okays mining near 1200 year old temple"
... Applicant

Versus

Central Pollution Control Board (CPCB) and Ors. ... Respondent(s)

INDEX

| Sl.NO. | PARTICULARS | PAGE NO. |
|---------------|---|-----------------|
| 1. | Reply along with Affidavit on behalf of Respondent No. 1 , i.e., Central Pollution Control Board | 01-11 |
| 2. | Annexure-I: Copy of Central Government Notification in The Gazette of India No-04 dated January 4, 1954 under Ancient & Historical | 12-22 |

| | | |
|----|--|--------------|
| | Monuments and Archaeological sites and Remains (Declaration of National Importance) Act 1951 | |
| 3. | Annexure-II: Copy of the case information in the matter of W.P. No. 25173/2022 filed before the Hon'ble High Court of Karnataka, Bangalore. | 23-34 |
| 4. | Annexure-III: Copy of the CPCB Regional Directorate, Bengaluru letter dated 20.01.2025 to concerned Departments | 35-64 |
| 5. | Annexure-IV: Copy of response received from Karnataka SPCB vide letter dated 15-02-2025 | 65-70 |
| 6. | Annexure-V: Copy of Government of Karnataka Gazette Notification of "Commerce and Industries Secretariat" dated 12-09-2013 | 71-75 |

Perella

J Chandra Babu
25/3/2025
(J Chandra Babu)
Regional Director

COUNSEL FOR RESPONDENT NO.1

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH), CHENNAI**

ORIGINAL APPLICATION NO: 270 OF 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Suo Moto matter based on the News item appearing
in "Deccan Herald" dated 19.06.2024 titled
"Karnataka Government okays mining near 1200
year old temple" **... Applicant**

Versus

Central Pollution Control Board (CPCB) and Ors.
... Respondent(s)

**REPLY ON BEHALF OF CENTRAL
POLLUTION CONTROL BOARD (CPCB) i.e.
RESPONDENT NO. 1**

**Ms. Revathi M
Counsel for the 2nd Respondent
CPCB
M-7448350555**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI**

ORIGINAL APPLICATION NO: 270 OF 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Suo Moto matter based on the News item appearing in "Deccan Herald" dated 19.06.2024 titled "Karnataka Government okays mining near 1200 year old temple"
... Applicant

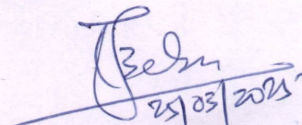
Versus

Central Pollution Control Board (CPCB) and Ors. ... Respondent(s)

REPLY ON BEHALF OF THE RESPONDENT NO. 1

i.e. CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That it is humbly submitted that, the instant matter was originally registered in Hon'ble National Green Tribunal (NGT), Principal Bench (PB), New Delhi as Original Application No. 1006 of 2024 (PB) based on the news item published in 'The Deccan Herald' dated 19.06.2024 titled "Karnataka Government okays mining near 1200 year old temple". The news item brings out that the first level clearance has been given by the Karnataka Government for a mining project near 1200-year-old Kumaraswamy Temple in Sandur, Ballari district (Karnataka).


25/03/2025

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

2. That, it is submitted that, the Hon'ble NGT (PB) vide order dated 28.08.2024 impleaded Central Pollution Control Board (hereinafter referred as CPCB) as Respondent 1 and directed to file the response and also transferred the matter to the Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai whereby the instant matter is renamed as OA No. 270 of 2024 (SZ). Subsequently, Hon'ble NGT (SZ) vide order dated 14.10.2024 in the instant matter has sought the reply from all the answering Respondents. Thereby, the reply is presented in the succeeding paragraphs.
3. That, it is submitted that, the CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
4. That, it is submitted that, as per the news item, the Karnataka government has recommended the first level clearance for a mining project near Sri Kumaraswamy Temple. The temple, believed to have been built in the 7th or 8th century CE, is a protected monument under the aegis and control of Archaeological Survey of India (hereafter referred to as ASI). The news item states that the Karnataka Forest Department has requested to accord "In-Principle" (Stage-1) approval for mining a 70-acre forest area known as Kumaraswamy Betta. The mining lease boundary approved by the government is within 400 meters of the temple, prompting concern from local activists and citizens.
5. That, it is humbly submitted that, the Parvathi and Karthikeya Temple also known as Sri Kumaraswamy Temple situated at Sandur Taluk, Bellary

J. Chandra Babu

REGIONAL DIRECTOR

CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

District, (also referred to as the Parvathi and Karthikeya Temple) has been declared as a Monument of National Importance by the Central Government vide Notification in The Gazette of India (No-04 dated January 4, 1954) under Ancient & Historical Monuments and Archaeological sites and Remains (Declaration of National Importance) Act 1951. Copy of the Notification is placed as **Annexure-I**. Presently, the Parvathi and Karthikeya Temple, Sandur extending to an area of 2.5 acres is declared as a Protected Monument as per the Ancient Monuments and Archaeological Sites and Remains Act 1958.

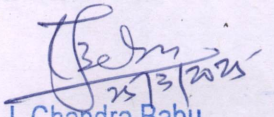
6. That, it is respectfully submitted that, as per the Ancient Monuments & Archaeological Sites and Remains Act 1958 (as amended in 2010 by Amendment and Validation Act, 2010) the description of prohibited and regulated areas is reproduced as below:

Prohibited Area:

According to Sec. 20 A - Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred meters in all directions shall be the prohibited area in respect of such protected area or protected monument.

Regulated Area:

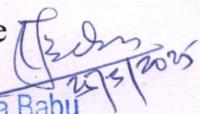
Further according to Sec. 20B "Every area beginning at the limit of prohibited area in respect of every ancient monument and archaeological sites and remains declared as on national importance under sec 3 and 4 and extending to a distance of two hundred meters in


25/3/2025
J. Chandra Babu

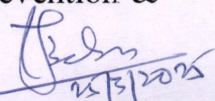
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

all directions shall be regulated area in respect of every ancient monument and archaeological sites and remains.

7. That, it is respectfully submitted that, Public Interest Litigation (PIL) (W.P. No. 25173/2022) was filed before the Hon'ble High Court of Karnataka seeking an interim order to restrain mining around the Parvathi and Karthikeya Temple in Sandur, Ballari District. In the said matter, the Hon'ble High Court directed the Archaeological Survey of India (ASI) to conduct a fresh Impact Assessment and Vibration Analysis Study around Parvathi and Karthikeya Temple situated in Sandur Taluk, Ballari District. In this regard it is further submitted that Archaeological Survey of India jointly with Chief Scientist and Head, of Environmental Audit and Policy Implementation Division, CSIR NEERI, Nagpur and IIT, Madras is in the process of carrying out Re-assessment Study and Vibration Analysis of the Blasting & its impacts on the monument of Parvathi and Karthikeya temple, Sandur, District Ballari. The said case filed before the Hon'ble High Court of Karnataka, Bangalore is still ongoing. Copy of the case information, in the matter of W.P. No. 25173/2022 filed, as downloaded from the official website of the Hon'ble High Court of Karnataka, Bangalore is placed as **Annexure-II**.
8. That, it is respectfully submitted that, in Karnataka State, Department of Mines and Geology, Govt. of Karnataka is entrusted with the responsibility of mineral exploration, mineral assessment, mineral quality analysis and Mineral Administration including grant of Mining Lease and quarry leases, collection of Royalty from major and minor minerals, curbing unauthorized mining and transportation of minerals and also promoting scientific, environment friendly mining activities towards the sustainable development in the State of Karnataka.


 J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE - BENGALURU
 (MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
 BENGALURU - 560 079. MOB: 9868278903

9. That, it is submitted that if the mines are operating in an area more than 250 hectares, then Environmental Clearance is granted by MOEFCC and if the Mine lease area is less than 250 hectares, EC clearance is issued by State Level Environment Impact Assessment Authority-Karnataka (Constituted by MoEFCC, Government of India, under section 3(3) of the Environment (Protection) Act, 1986. Environmental Clearance (EC) is granted to the Mining activity in the State of Karnataka as per the provisions of EIA Notification 2006.
10. That, it is respectfully submitted that, Indian Bureau of Mines (IBM) under the Department of Mines, Ministry of Mines, is engaged in promotion of conservation, scientific development of mineral resources and protection of environment in mines other than coal, petroleum & natural gas, atomic minerals and minor minerals. IBM performs regulatory functions with respect to the relevant provisions of Mines and Minerals (Development and Regulation) Act, 1957 and enforcement of the Rules framed there under, namely Mineral Conservation and Development Rules, 1988/2017 and Mineral Concession Rules, 1960/ 2016 and Environmental (Protection) Act, 1986 and Rules made there under.
11. That, it is submitted that Indian Bureau of Mines has developed an online portal for Mining Plan Approval System (IBM-MPAS) for mining tenement system to streamline the submission, processing, and approval of mining plans.
12. That, it is respectfully submitted that Karnataka State Pollution Control Board grant "Consent For operation" to the Mines under The Water (Prevention & Control of Pollution) Act, 1974 & The Air (Prevention &


22/5/2025

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

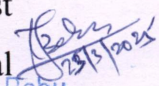
Control of Pollution) Act, 1981 in accordance with Approved IBM Mining Plan.

13. That, it is respectfully submitted that, the CPCB Regional Directorate Bengaluru vide letter dated 20.01.2025 has sought factual report on mining project near the Sri Kumaraswamy Temple in Sandur, Ballari District, Karnataka from Department of Mines and Geology, Karnataka, Karnataka State Pollution Control Board (KSPCB) and from Regional Office of Archaeological Survey of India, Karnataka. A copy of the CPCB Regional Directorate Bengaluru letter dated 20.01.2025 to concerned Departments is annexed as **Annexure-III**.

14. That, Karnataka SPCB vide letter dated 15-02-2025 has responded to CPCB (Copy of response is placed as **Annexure-IV**) and has provided the list of mine leases operating in 5KM radius of Sri Kumaraswamy Temple in Sandur, Ballari District, Karnataka for which CFE/ CFO is accorded by Karnataka SPCB. The summary of response received from Karnataka SPCB is as follows:

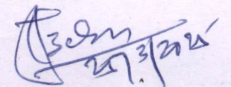
i. Karnataka SPCB has granted CFE & CFO to 15 mines in Kumaraswamy temple range in Sandur, Ballari District, Karnataka. Out of 15 mines, 12 are Iron ore mines, two are Manganese ore mines and one is both iron ore & manganese ore mine.

ii. A writ petition (Civil) No.562/2009 was filed by Samaja Parivarthana Samudaya, (SPS) before Hon'ble Supreme Court during 2009 alleging rampant illegal mining in the districts of Bellary, Chitradurga & Tumkur and encroachment by the lessees into the adjacent forest areas. The Hon'ble Supreme Court had directed the Central


 J. Chandra Babu
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE - BENGALURU
 (MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
 BENGALURU - 560 079. MOB: 9868278903

Empowered Committee (CEC) constituted by it to conduct survey of all the mining leases for iron ore in the above districts. After survey of all the mining leases by the joint team, the Central Empowered Committee submitted its final report to the Hon'ble Apex Court on 03.02.2012, wherein, the mines are classified into three categories based on quantum & magnitude of illegal mining activity:

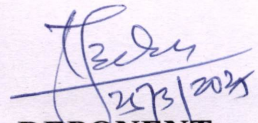
- a. Mine Category A : where no or negligible illegality found
 - b. Mine Category B: mines where marginal illegality found, and
 - c. Mine Category C: mines where gross illegality were noticed.
- iii. Out of 15 mines located within 5KM radius of Sri Kumaraswamy Temple, Sandur which have obtained CFO from Karnataka SPCB, seven mines are falling under Mine category A, two mines under category B, five mines under category C and one mine namely M/s Sathyanarayana Harishankar mine is considered as NA (Not Applicable). It is informed by Karnataka SPCB that the categorization was carried out by CEC for only the operating mines in Karnataka during the categorization year. M/s Sathyanarayana Harishankar Iron ore mine, Nandihalli Sandur Taluk, has executed fresh mining lease in the year 2021, hence it is not considered in the CEC categorization and mentioned as NA (Not applicable).
- iv. As per Gazette Notification of "Commerce and Industries Secretariat" dated 12-09-2013 (Copy placed as **Annexure-V**) The Central Empowered Committee had recommended for cancellation/termination of mining leases falling under category 'C' and to allot such mines to the end users through bidding in a transparent way. The CEC has further recommended that the cost of implementation of the



J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903.

Reclamation & Rehabilitation plan has to be borne by the lease holders themselves. Karnataka SPCB is according CFE/ CFO after the mining Authorities are obtaining concurrence from Central Empowered Committee (CEC) permissible fixed annual production capacity and NOC from all other Competent authorities for B & C categories of Mines.

- v. Out of 15 mines located within 5KM radius of Sri Kumaraswamy Temple, Sandur which have obtained CFE/ CFO from Karnataka SPCB, 14 mines are operational with valid Consent for Operation issued by KSPCB while one mine namely M/s JSW Steels, Ubbalagundi is not in operation since CFO has expired and the said Mine has applied for renewal.
- vi. Karnataka SPCB Regional Office Bellary has not received any complaints from the Public in the surrounding region.
15. That this answering respondent craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.
16. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.


27/3/2025
DEPONENT

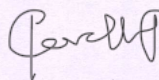
J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

VERIFICATION

It is verified that the contents of this above Reply Affidavit is correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Signed and verified at Bengaluru on this the 25th Day of March, 2025


25/3/2025
DEPONENT


**COUNSEL FOR
RESPONDENT NO.1**

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI**

ORIGINAL APPLICATION NO: 270 OF 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Suo Moto matter based on the News item appearing in “Deccan Herald” dated 19.06.2024 titled “Karnataka Government okays mining near 1200 year old temple”
... Applicant

Versus

Central Pollution Control Board (CPCB) and Ors. ... Respondent(s)

AFFIDAVIT

I, Jathikartha Chandra Babu, son of late Shri. J Balaramaiah, aged 56 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1st & 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under :

1. I humbly submit that, I am the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV. FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

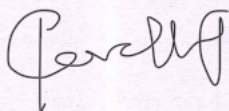
competent to verify, sign and swear this affidavit on behalf of the Respondent
CPCB.

2. I submit that the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. I submit that the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

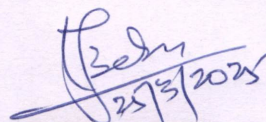
VERIFICATION

It is verified that the contents of this above Reply Affidavit is correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Signed and verified at Bengaluru on this the 25th Day of March, 2025

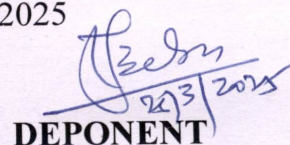


COUNSEL FOR RESPONDENT NO.1



DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903



DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

REGISTERED No. D. 221

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 4] NEW DELHI, MONDAY, JANUARY 4, 1954

MINISTRY OF LAW

New Delhi, the 4th January 1954

The following Acts of Parliament received the assent of the President on the 2nd January, 1954 and are hereby published for general information:—

THE CANTONMENTS (AMENDMENT) ACT, 1953

No. 2 OF 1954

[2nd January, 1954]

An Act further to amend the Cantonments Act, 1924.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Cantonments (Amendment) Act, 1953.

2. Amendment of section 2, Act II of 1924.—In section 2 of the Cantonments Act, 1924 (hereinafter referred to as the principal Act),—

(a) after clause (ii), the following clause shall be inserted, namely:—

“(ia) “boundary wall” means a wall which abuts on a street and which does not exceed eight feet in height;”;

(b) in clause (iv), for the brackets and words “(other than a boundary wall not exceeding eight feet in height and not abutting on a street)” the brackets and words “(other than a boundary wall)” shall be substituted.

3. Omission of section 2A, Act II of 1924.—Section 2A of the principal Act shall be omitted.

4. Amendment of section 4, Act II of 1924.—In sub-section (1) of section 4 of the principal Act,—

(a) after the words “The Central Government may” the words “after consulting the State Government and the Board concerned” shall be inserted; and

(b) for the words “a cantonment” wherever they occur, the words “the cantonment” shall be substituted.

5. Amendment of section 12, Act II of 1924.—In the proviso to sub-section (1) of section 12 of the principal Act, for the words “Provided that” the following shall be substituted, namely:—

“Provided that where a member of the Military Lands and Cantonments Service is not readily available for such appointment, a Military Officer may be appointed as the Executive Officer for a period not exceeding three months:

Provided further that”

6. Amendment of section 26, Act II of 1924.—In sub-section (3) of section 26 of the principal Act,—

(a) the words “or the inhabitants into classes,” shall be omitted; and

(b) the words “or class, as the case may be” shall be omitted.

7. Amendment of section 28, Act II of 1924.—In sub-section (8) of section 28 of the principal Act, after clause (dd), the following clause shall be inserted, namely:—

“(ddd) is a member of any other local authority; or”.

8. Omission of section 30, Act II of 1924.—Section 30 of the principal Act shall be omitted.

9. Amendment of section 31, Act II of 1924.—In section 31 of the principal Act,—

(i) in clause (a), the words “or of the inhabitants of a cantonment into classes, or both” shall be omitted;

(ii) in clause (b), the words “or class of persons” shall be omitted.

10. Amendment of section 34, Act II of 1924.—To clause (b) of sub-section (1) of section 34 of the principal Act, the following *Explanation* shall be added, namely:—

“*Explanation.*—In computing the aforesaid period of three consecutive months, no account shall be taken of any period of absence with the leave of the Board.”

11. Amendment of section 43A, Act II of 1924.—In sub-section (1) of section 43A of the principal Act, for the words “bazar areas” the words “civil areas” shall be substituted.

12. Amendment of section 73, Act II of 1924.—In sub-section (3) of section 73 of the principal Act, for the words “as the Executive Officer may direct,” the words “as may be determined by rules made under section 280,” shall be substituted.

13. Amendment of section 103, Act II of 1924.—For sub-section (2) of section 103 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) If any person, when called upon under sub-section (1) to furnish information, neglects to furnish it within the period specified in this behalf by the Executive Officer or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to one hundred rupees and shall also be liable to be assessed at such amount on account of tax as the Board may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.”

14. Amendment of section 113, Act II of 1924.—In clause (b) of sub-section (1) of section 113 of the principal Act, for the words “one hundred rupees” the words “two hundred rupees” shall be substituted.

15. Amendment of section 114, Act II of 1924.—In sub-section (1) of section 114 of the principal Act,—

(a) for the words “fifty rupees” the words “one hundred rupees” shall be substituted;

(b) in the proviso, for the words “two hundred rupees” the words “five hundred rupees”, shall be substituted.

16. Amendment of section 118, Act II of 1924.—In sub-section (4) of section 118 of the principal Act,—

(a) after the word “picketed” the words “or straying” shall be inserted; and

(b) the words “as if the animal had been found straying” shall be omitted.

17. Amendment of section 185, Act II of 1924.—In sub-section (1) of section 185 of the principal Act, for the words “six months” the words “twelve months” shall be substituted.

18. Substitution of new section for section 200, Act II of 1924.—For section 200 of the principal Act, the following section shall be substituted, namely:—

“200. *Power to transfer by public auction, etc.*—The Board may transfer by public auction, for any period not exceeding three years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter house, or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief of the Command,—

(a) either levy such stallages, rents or fees as it thinks fit; or

(b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time."

19. Amendment of section 210, Act II of 1924.—To sub-section (2) of section 210 of the principal Act, the words "or that the premises in which the business is intended to be established or maintained are unsuitable for the purpose" shall be added.

20. Amendment of section 235, Act II of 1924.—In section 235 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(b) after the words "before him" the words "or the Board, as the case may be" shall be inserted;

(c) for the words "he may" the words "the Officer Commanding the station or, as the case may be, the Board may" shall be substituted.

21. Amendment of section 237, Act II of 1924.—In section 237 of the principal Act,—

(a) after the words "Officer Commanding the station", wherever they occur, the words "or the Board" shall be inserted;

(b) for the words "as he thinks necessary" the words "as he or it thinks necessary" shall be substituted;

(c) for the words "he may" the words "he or, as the case may be, the Board may" shall be substituted.

22. Amendment of section 259, Act II of 1924.—In section 259 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "arrears of any tax and any other money recoverable by a Board under this Act," the words "arrears of any tax, rent on land and buildings and any other money recoverable by a Board or a Military Estates Officer under this Act or the rules made thereunder" shall be substituted;

(ii) for the words "tax or money" the words "tax, rent or money" shall be substituted;

(iii) for the words "growing crops or grass", the words "or growing crops" shall be substituted;

(iv) in the proviso, after the words "tools of artisans" the words "growing crops up to the value of five hundred rupees and implements and cattle used for the purposes of agriculture" shall be inserted;

(b) in sub-section (2), after the words "by the Executive Officer" the words "or the Military Estates Officer" shall be inserted.

23. Amendment of section 280, Act II of 1924.—In sub-section (2) of section 280 of the principal Act, after clause (k), the following clauses shall be inserted, namely:—

“(l) the grant of leave to the members of the Board;

(m) the form of notices required to be sent under this Act and the manner of their service.”

24. Amendment of section 286A, Act II of 1924.—Section 286A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Board may, by a resolution passed in this behalf, delegate to the President, Vice-President, Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under sub-section (3) of section 82, sub-section (3) or clause (b) of sub-section (6) of section 119, section 131, sub-section (2) of section 132, section 143, section 161, section 163, section 164, section 168, section 169, section 189, section 190, section 191, section 194, section 195, section 196 or section 197.”

THE ANCIENT AND HISTORICAL MONUMENTS AND ARCHÆOLOGICAL SITES AND REMAINS (DECLARATION OF NATIONAL IMPORTANCE) AMENDMENT ACT, 1953

No. 3 OF 1954

[2nd January, 1954]

An Act to amend the Ancient and Historical Monuments and
Archæological Sites and Remains (Declaration of
National Importance) Act, 1951.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Amendment Act, 1953.

2. Amendment of Schedule, Act LXXX of 1951.—In the schedule to the Ancient and Historical Monuments and Archæological Sites and Remains (Declaration of National Importance) Act, 1951,—

(1) below the words, figure and brackets ‘(See section 2)’ the following *Explanatory Note* shall be inserted, namely:—

“*Explanatory Note.*—The entries in this Schedule are intended only to identify the ancient and historical monuments and archæological sites and remains referred to or specified therein and any clerical mistakes, patent errors or errors arising from any accidental slip or omission in the description of any such ancient and historical monuments

or archæological sites and remains may at any time be corrected by the Central Government by notification in the Official Gazette.”;

(2) in Part I,—

(a) in item 1, the following shall be added at the end, namely:—

“except the following:—

| Serial No. | Name of monument | Locality |
|--|--|-------------|
| ASSAM STATE | | |
| <i>District Sadiya Frontier Tract.</i> | | |
| 1. | The stone boundary pillar of the Ahom period | Sadiya. |
| BIHAR STATE | | |
| <i>District Shahabad</i> | | |
| 1. | Arrah House | Arrah. |
| BOMBAY STATE | | |
| <i>District Bijapur</i> | | |
| 1. | Inscriptions | Almel. |
| 2. | Do. | Indi. |
| 3. | Do. | Tambe. |
| 4. | Do. | Salotgi. |
| <i>District East Khandesh</i> | | |
| 5. | Old Fort | Yawal. |
| <i>District Mehsana</i> | | |
| 6. | Old Vav or stepped well | Modhira. |
| 7. | Sun Temple | Kheralu. |
| <i>District Poona</i> | | |
| 8. | Narayaneshwar Mahadeo Temple. | Purandhar.” |

(b) in item II,—

(i) for the words and letter ‘Part B States’ the words and letters ‘Part A States and Part B States’ shall be substituted;

(ii) in the Table appended to that item,—

(a) the following shall be inserted before the heading ‘Hyderabad State’:—

“PART A STATES

ANDHRA STATE

District Kurnool

- | | | |
|----|--|-------------|
| 1. | Umamahesvaraswami Temple | Yaganti. |
| 2. | Old Cave Temple | Yaganti. |
| 3. | Nandavaram Temple including the Sculpture of Subrahmanya | Nandavaram. |

| Serial No. | Name of monument | Locality |
|------------------------------|--|--------------|
| BIHAR STATE | | |
| <i>District Bhagalpur</i> | | |
| 1. | Patalpuri cave and land adjoining Bateshwar cave on the Patharghata Hill | Madhorampur. |
| <i>District Muzaffarpur</i> | | |
| 2. | Juma Mosque | Hajipur. |
| BOMBAY STATE | | |
| <i>District Baroda</i> | | |
| 1. | Gateway or Torana | Karvan. |
| <i>District Kaira</i> | | |
| 2. | Jami Masjid | Cambay. |
| <i>District Kolaba</i> | | |
| 3. | Buddhist cave | Gomashi. |
| 4. | Janjira Fort | Rajpuri. |
| 5. | Kasa Fort | Murud. |
| 6. | Khadsamla caves | Nenavali. |
| 7. | Thanala caves | Nadsur. |
| 8. | Tombs at Khokari Najik Ghumaj (Khokari Ghumaj) | Rajpuri. |
| <i>District Kolhapur</i> | | |
| 9. | Buddhist caves | Pohala. |
| 10. | Kopeswar temple | Khidrapur. |
| 11. | Panhala Fort | Panhala. |
| | (a) Ambarkhana. | |
| | (b) Andra Vav. | |
| | (c) Dharma Kothi. | |
| | (d) Naikinicha Sajja. | |
| | (e) Teen Darwaja. | |
| | (f) Wagh Darwaja. | |
| | (g) Tatbandi together with bastions. | |
| <i>District Mehsana</i> | | |
| 12. | Jama Masjid | Sidhpur. |
| <i>District North Satara</i> | | |
| 13. | Jhabareshwar Mahadeo Temple | Phaltan. |

| Serial No. | Name of monument | Locality |
|---------------------------------|---|---|
| MADHYA PRADESH STATE | | |
| <i>District Bastar</i> | | |
| 1. | Ancient sculptures in Danteswari temple | Barsur. |
| 2. | Ardhanariswara image | Bhairam. Deo Guddi. |
| 3. | Chandraditya temple. | Barsur. |
| 4. | Danteswari Devi temple | Dantewada. |
| 5. | Ganesh Statues. | Barsur. |
| 6. | Kamma Memorial or urasagatta post | Dhilmili. |
| 7. | Karli Mahadeo temple | Sampur. |
| 8. | Mahadeo temple | Bastar. |
| 9. | Mamabhanjaka temple | Barsur. |
| 10. | Narayan temple | Narainpal. |
| <i>District Jabalpur</i> | | |
| 11. | Tapsimath | Bilhari. |
| MADRAS STATE | | |
| <i>District Chingleput</i> | | |
| 1. | Iravatanesvara temple | Big Kancheepuram. |
| <i>District Tanjore</i> | | |
| 2. | Airavatesvarar temple | Chattram Darasuram. |
| <i>District Tiruchirappalli</i> | | |
| 3. | Prehistoric dolmens | Peyal. |
| ORISSA STATE | | |
| <i>District Guttack</i> | | |
| 1. | Churangarh Fort locally known as Sarangarh, excluding the area acquired by the State Government | Dadhapatna. |
| <i>District Mayurbhanj</i> | | |
| 2. | Khichingeswari temple | Khiching. |
| <i>District Puri</i> | | |
| 3. | Chausath Yogini temple locally known as Mahamaya temple | Hirapur. |
| 4. | Churangarh Fort, excluding the area acquired by the State Government | Churanga. Bhalunka. Krishnanagar. |
| WEST BENGAL STATE | | |
| <i>District Birbhum</i> | | |
| 1. | Navaratna temple | Brahmanidhi". |

(b) after the entries as aforesaid and before the heading 'Hyderabad State', the heading 'PART B STATES' shall be inserted.

(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

| | |
|--|---------|
| '19A. Rock edicts of Asoka on two hillocks, known as Gavimath and Palkigundu. | Kopba |
| 19B. Rock edicts of Asoka | Maski'. |

(d) in the entries under the heading 'Madhya Bharat State',—

(i) entry 33 shall be omitted;

(ii) for the sub-heading 'District Gwalior' after the entries under the sub-heading 'District Dhar' the sub-heading 'District Gird' shall be substituted;

(iii) after entry 97, under the sub-heading 'District Gird' as so amended, the following entries shall be inserted, namely:—

"97A. The following ancient and historical monuments in the Gwalior Fort—

| | |
|---|----------|
| (i) Badal Mahal or Hindola Gate | Gwalior. |
| (ii) Chaturbhuj temple | Do. |
| (iii) Ganesh Gate | Do. |
| (iv) Gwalior or Alamgiri Gate | Do. |
| (v) Lakshman Gate | Do. |
| (vi) Mansingh's Palace | Do. |
| (vii) Rock-cut Jain colossi | Do. |
| (viii) Sas Bahu temples | Do. |
| (ix) Teli Ka Mandir | Do. |
| (x) Urwahl Gate | Do. |

97B. Tomb of Abul Fazl.....Antri."

(iv) the sub-heading 'District Gwalior' after entry 104 and the entries under that sub-heading shall be omitted;

(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading 'District Bangalore' and before the entries under 'District Chitaldrug' the following sub-heading and entry shall be inserted, namely:—

District Bellary

8A. Parvati and Kartikya temples Kumaraswami betta, Sandur.

(f) in the entries under the heading 'Rajasthan State'—

(i) for entry 36, the following entry shall be substituted, namely:—

"36. Baoris old locally known as Hadi Rani Ka Kund.....Todaraisingh";

(ii) for entry 39, the following entry shall be substituted, namely:—

“39. Laxmi Narainji's temple locally known as Gopinathji's temple.....Todaraisingh”;

(g) in the entries under the heading ‘Saurashtra State’,—

(i) after entry 4, the following entry shall be inserted, namely:—

“4A. Darbargadh.....Sihor.”;

(ii) entries 8, 10, 12, 14, 17, 20, 22, 23 and 24 shall be omitted;

(iii) after existing entry 15, the following entry shall be inserted, namely:—

‘15A. Old Parsvanath Temple Miyani.’

(3) in Part II,—

(a) in item II, for the words and letter ‘Part B States’, the words and letters ‘Part A States and Part B States’ shall be substituted;

(b) in the Table appended to the aforesaid item before the heading ‘Hyderabad State’, the following shall be inserted, namely:—

“PART A STATES

BIHAR STATE

District Bhagalpur

- | | | | |
|--|---|---|-------------------------------|
| 1. Ancient site of Vikramasila Monastery | • | • | Antichak, Madhorampur, Oriup. |
|--|---|---|-------------------------------|

BOMBAY STATE

District Ahmednagar

- | | | | |
|-------------------------------|---|---|--------|
| 1. Jarasangh Nagari | • | • | Jorve. |
|-------------------------------|---|---|--------|

District Amrali

- | | | | |
|---|---|---|------------|
| 2. Ancient site known as Gohilwad Timbo | • | • | Amreli. |
| 3. Ancient site | • | • | Venivadar. |

District Baroda

- | | | | |
|---------------------------|---|---|---------|
| 4. Ancient site | • | • | Karvan. |
|---------------------------|---|---|---------|

District Kolhapur

- | | | | |
|---------------------------------------|---|---|-----------|
| 5. Ancient site at Brahmपुरi. | • | • | Kolhapur. |
|---------------------------------------|---|---|-----------|

MADHYA PRADESH STATE

District Bastar

- | | | | |
|--|---|---|---------------|
| 1. Brick mound | • | • | Gadh Dhanora. |
| 2. Megalithic site containing Uraskals | • | • | Gammewada. |

District Jabalpur

- | | | | |
|---|---|---|--------|
| 3. Ancient site known as Karnabel | • | • | Tewar. |
|---|---|---|--------|

District Sagar

4. Ancient site Eran and Pahlejpur.

ORISSA STATE

District Mayurbhanj

1. Prehistoric sites Baldyapur.
 2. Do. Kuchal.
 3. Do. Kullana.
 4. Ruins of ancient fort Haripur.

PUNJAB STATE

District Ambala

1. Mound near College compound Rupar.

District Jullundur

2. Theh Gatti (Mound). Nagar.

WEST BENGAL STATE

District Cooch-Bihar

1. Rajpat site Khalisa Gosanmari.
 2. Taksal site Do. "

(c) after the entries as aforesaid and before the heading 'Hyderabad State' the heading 'PART B STATES' shall be inserted;

(d) in the entries under the heading 'Saurashtra State' for entry 1, the following entry shall be substituted, namely:—

- "1. Ancient mound. 1½ miles from the Brahma Kund at Sihor."

K. V. K. SUNDARAM,
 Secy. to the Govt. of India.

[Skip to main content](#)[← back](#)**Status: Pending**Case Number: **WP 25173/2022**
(KAHC010582582022)Classification: **GM MM_S**Date of Filing: **13/12/2022 10:33:03**Petitioner: **SRI. SREESHIALA**
ALADAHALLIPetitioner Advocate: **NIKHIL K**Respondent: **UNION OF INDIA**Respondent Advocate: **SHANTHI**
BHUSHAN HFiling No.: **WP 24472/2022**Judge: **CHIEF JUSTICE AND M.G.S.**
KAMALLast Posted For: **APPEARANCE**
MATTER/SLast Date of Action: **07/08/2023**Last Action Taken: **ADJOURNED**

Next Hearing Date:

Prayer Details: WP 25173/2022

THIS WP IS FILED PRAYING TO

a)ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE FINAL ASSESSMENT REPORT DATED 29/06/2018 ON IMPACT AND FEASIBILITY OF BLASTING FOR MINING OPERATIONS AROUND THE PARVATHI AND KARTHIKEYA TEMPLE (ALSO KNOWN AS THE KUMARASWAMY TEMPLE) SITUATED AT SANDUR, CONTAINED IN ANNEXURE-A HEREIN, THE MINUTES OF EXPERT COMMITTEE MEETING HELD ON 26/05/2020 SUBMITTING THE FINAL RECOMMENDATIONS ON THE FEASIBILITY OF BLASTING AND MINING OPERATIONS AROUND THE PARVATHI AND KARTHIKEYA TEMPLE, CONTAINED IN ANNEXURE-A1 AND APPROVAL LETTER DATED 28/12/2020 ISSUED BY RESPONDENT NO.5 APPROVING THE RECOMMENDATIONS ON THE FEASIBILITY OF BLASTING AND MINING OPERATIONS AROUND THE PARVATHI AND KARTHIKEYA TEMPLE, SANDUR TALUK, BALLARI DISTRICT CONTAINED ANNEXURE-B

b)ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NOS.1 TO 5 TO ENHANCE THE LIMITS OF PROHIBITED AND REGULATED AREA AROUND THE PARVATHI AND KARTHIKEYA TEMPLE, SANDUR AS PROVIDED UNDER THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT 1958 AND THE RULES FRAMED THEREIN.

c)ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.1 TO 13 TO IMPOSE NECESSARY CONDITIONS/RESTRICTIONS AND/OR TERMINATE MINING LICENCES OF RESPONDENT NO.13 TO 17, CARRYING ON MINING ACTIVITY IN THE VICINITY OF THE PARVATHI AND KARTHIKEYA TEMPLE AS PER THE FOREST CONSERVATION ACT 1980, THE ENVIRONMENT PROTECTION ACT 1986 AND AIR (PREVENTION AND CONTROL OF POLLUTION) ACT 1981 AND THE RULES FRAMED THEREIN.

d)ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO PREPARE AND IMPLEMENT A REHABILITATION PLAN TO PROTECT AND PRESERVE THE ANCIENT MONUMENT TEMPLE OF PARVATHI AND KARTHIKEYA AND ITS SURROUNDING FROM THE IMPACT OF MINING ACTIVITY IN ITS VICINITY AND TO COMPLY AS PER THE MINERAL CONCESSION RULES, 1960, MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT 1957, THE MINERAL CONSERVATION AND DEVELOPMENT RULES 1988.

e)ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO TAKE ADEQUATE MEASURES AND STEPS TO PROTECT AND PRESERVE THE PARVATHI AND KARTHIKEYA TEMPLE MONUMENT

f)PASS SUCH OTHER ORDERS.

INTERIM PRAYER

PENDING DISPOSAL OF THE INSTANT WRIT PETITION, IT IS MOST HUMBLY PRAYED THAT THIS HON BLE COURT MAY BE PLEASED TO PASS AN INTERIM ORDER RESTRAINING THE RESPONDENT NO.13 TO 17 FROM CARRYING OUT ANY MINING ACTIVITY AROUND THE PARVATHI AND KARTHIKEYA TEMPLE, SITUATED IN SANDUR TALUK, BALLARI DISTRICT.

THE FOLLOWING OFFICE OBJECTIONS TO BE COMPLIED WITH

- 1.COURT FEE OF RS.100/- TO BE MADE GOOD
- 2.BLANK DATE IN SYNOPSIS TO BE FILLED
- 3.AFFIDAVITS OF PETITIONERS-2 TO 5 TO BE PRODUCED
- 4.PAN NUMBER, AADHAR NUMBER, PHONE NUMBER AND E-MAIL ID OF THE PETITIONERS TO BE STATED IN WP CAUSE TITLE
- 5.COPY TO ADDITIONAL SOLICITOR GENERAL TO BE SERVED
- 6.BETTER/TYPED COPIES OF ANNEXURES-B AND G TO BE PRODUCED
- 7.AWF STAMP OF RS.50/- TO BE AFFIXED ON VAKALATHS
- 8.PIL TO BE FILED AS PER RULE-14(1) OF HIGH COURT OF KARNATAKA (PRACTICE AND PROCEDURE FOR PIL) RULES-2018
- 9.VERIFICATION IS NOT FORTHCOMING IN PROFORMA-A
- 10.PROFORMA-A TO BE PLACED IMMEDIATELY AFTER WP VERIFYING AFFIDAVIT
- 11.COLOUR PHOTOGRAPHS TO BE PRODUCED AT ANNEXURES-F10 AND F11 IN BOTH SETS
- 12.MARKING OF ANNEXURE-F SERIES TO BE CORRECTLY STATED IN WP MEMORANDUM (INDEX AND PAGINATION WILL BE CHECKED AFTER COMPLIANCE OF OFFICE OBJECTIONS)

POST THIS WRIT PETITION FOR ORDERS BEFORE REGISTRAR (P AND H) REG COMPLIANCE OF OFFICE OBJECTIONS (12 NOS.) (1ST TIME)

(GOVERNMENT ADVOCATE SERVED)

BRR

15/12/2022

THIS PIL IS FILED AS PER HIGH COURT OF KARNATAKA PIL RULES.

THE ABOVE WP IS FILED AS PIL AND THE SAME IS SCRUTINIZED AS PER PIL RULES 2018 BY THE PIL CELL.

THE COUNSEL FOR THE PETITIONER HAS FILED PETITION AS PER RULE 14 (1) AND PROFORMA - A AS PER RULE 14 (2) OF THE HCK PRACTICE AND PROCEDURE FOR PIL RULES, 2018.

SINCE, ALL THE OFFICE OBJECTIONS ARE COMPLIED THE SAME IS REGISTERED AS PIL AND WILL BE POSTED BEFORE ROSTER BENCH.

BRR
29/12/2022

THIS WP IS APPROVED BEFORE PIL CELL ON 02/01/2023.

THE COUNSEL FOR PETITIONER HAS COMPLIED ALL THE OFFICE OBJECTIONS, EXCEPT THE FOLLOWING OFFICE OBJECTION

1. BETTER/LEGIBLE COPY OF ANNEXURE-A TO BE PRODUCED

IN REPLY, THE COUNSEL FOR PETITIONER HAS GIVEN SUBMISSION WHICH READS AS HEREUNDER

COUNSEL SUBMISSION THE COPY OF ANNEXURE-A ISSUED BY THE RTI AND THE COPY OF LEGIBLE AND READABLE. KINDLY POST FOR THE COURT.

POST THIS WRIT PETITION FOR ORDERS BEFORE DIVISION BENCH REG OFFICE OBJECTION (BETTER/LEGIBLE COPY OF ANNEXURE-A TO BE PRODUCED) ALONG WITH COUNSEL SUBMISSION

(GOVERNMENT ADVOCATE SERVED)

BRR
02/01/2023

VIDE COURT ORDER DATED 05/01/2023, THE OFFICE OBJECTIONS ARE COMPLIED WITH.

(GOVERNMENT ADVOCATE SERVED)

(WITH THE ABOVE INFORMATION, THE FILE MAY BE SENT TO WRIT PETITION PENDING BRANCH TO TAKE FURTHER ACTION IN THIS MATTER)

BRR
17/01/2023

[Skip to main content](#)[← back](#)**Status: Pending**Case Number: **WP 25173/2022**
(KAHC010582582022)Classification: **GM MM_S**Date of Filing: **13/12/2022 10:33:03**Petitioner: **SRI. SREESHIALA**
ALADAHALLIPetitioner Advocate: **NIKHIL K**Respondent: **UNION OF INDIA**Respondent Advocate: **SHANTHI**
BHUSHAN HFiling No.: **WP 24472/2022**Judge: **CHIEF JUSTICE AND M.G.S.**
KAMALLast Posted For: **APPEARANCE**
MATTER/SLast Date of Action: **07/08/2023**Last Action Taken: **ADJOURNED**

Next Hearing Date:

Petitioner Details: WP 25173/2022

| Sl.No | Petitioner | Address |
|-------|-------------------------------|--|
| 1 | SRI. SREESHIALA ALADAHALLI | AGED ABOUT 45 YEARS, S/O LATE GOVINDAPPA RESIDENT OF NO 1430 K H B COLONY BEHIND ROTARY BALBHAVAN SANDUR BALLARI 583119 Advocate: NIKHIL K 9845XXXX16 |
| 2 | SRI VIJAY NISHANTH | AGED ABOUT 39 YEARS, S/O SRI SELVAN RESIDENT OF NO 29 36TH CROSS ROAD 9TH BLOCK JAYANAGAR BANGALORE 560069 Advocate: |
| 3 | SRI CHANDRAKANTA VADDU | AGED ABOUT 59 YEARS, S/O LATE S PAMPAPATHY RESIDENT OF FLAT NO M 203 HM TAMBOURINE APARTMENT JARAGANAHALLI KANAKAPURA MAIN ROAD J P NAGAR 6TH PHASE BENGALURU 560078 Advocate: |

Respondent Details: WP 25173/2022

| Sl.No | Respondent | Address |
|-------|---------------------------------------|--|
| 1 | UNION OF INDIA | REPRESENTED BY ITS SECRETARY MINISTRY OF CULTURE 502 C WING SHASTRY BHAVAN NEW DELHI 1100010 Advocate: SHANTHI BHUSHAN H 9448XXXX00 khsXXXXXXXXXX@gmail.com |
| 2 | STATE OF KARNATAKA | REPRESENTED BY ITS PRINCIPAL SECRETARY MINISTRY OF INDUSTRY AND COMMERCE VIKAS SOUDHA, BANGALORE 560001 Advocate: |
| 3 | DEPARTMENT OF MINES AND GEOLOGY | THROUGH ITS DIRECTOR NO 49 KHANIJA BHAVAN RACE COURSE ROAD BANGALORE 560003 Advocate: |

| | | |
|---|------------------------|---|
| 4 | SRI VINAYAK M | AGED ABOUT 33 YEARS, S/O VEERANNA M RESIDING NEAR KANTI BASAVESHWARA TEMPLE HUVINA HADAGALI TALUK VIJAYANAGARA DISTRICT NANDIHALLI 583219 Advocate: |
| 5 | SRI ERANNA MULEMANI | AGED ABOUT 63 YEARS, S/O LATE ERANNA RESIDING NEAR URAMMA TEMPLE LAXMIPURA SANDUR KARNATAKA 583119 Advocate: |

| | | |
|----|--|--|
| 4 | ARCHEOLOGICAL SURVEY OF INDIA | REGIONAL DIRECTORATE SOUTHERN DIVISION KSIMC BUILDING INDUSTRIAL ESTATE RAJAJINAGAR BANGALORE 560010 Advocate: |
| 5 | THE DIRECTOR (MONUMENTS) | ARCHAEOLOGICAL SURVEY OF INDIA DHAROHAR BHAWAN 24 TILAK MARG NEW DELHI 110001 Advocate: |
| 6 | NATIONAL INSTITUTE OF ROCK MECHANICS | OUTER RING ROAD ESHWAR NAGAR BANASHANKARI 2ND STAGE BENGALURU 560070 Advocate: |
| 7 | THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) | ARANYA BHAVAN 18TH CROSS MALLESHWARAM BENGALURU 560003 Advocate: |
| 8 | THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND HEAD OF FOREST FORCE | ARANYA BHAVAN 18TH CROSS MALLESHWARAM BENGALURU 560003 Advocate: |
| 9 | WATER RESOURCES DEPARTMENT | GOVERNMENT OF KARNATAKA NO 305, 306 3RD FLOOR VIKASA SODHA AMBEDKAR VEEDHI BENGALURU 560001 Advocate: |
| 10 | MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE (MOEF AND CC) | REGIONAL OFFICE (SOUTHERN ZONE) SANTOSHPURAM 1ST BLOCK KORAMANGALA KENDRIYA SADAN KORAMANGALA BENGALURU 560034 Advocate: |

| | | |
|----|--|---|
| 11 | KARNATAKA STATE POLLUTION CONTROL BOARD | REPRESENTED BY ITS CHAIRMAN PARISARA BHAVAN CHURCH STREET BENGALURU 560001 Advocate: |
| 12 | DEPARTMENT OF ARCHAEOLOGY MUSEUMS AND HERITAGE | REPRESENTED BY ITS COMMISSIONER KARNATAKA EXHIBITION AUTHORITY COMPLEX MYSURU 570010 Advocate: |
| 13 | NANDI IRON ORE MINE | M/S JSW STEEL LIMITED MALAGOLLA VILLAGE SANDUR TALUK BELLARY DISTRICT KARNATAKA 583275 ALSO AT MINE DIVISION NEAR TALUR CROSS VIDYANAGAR SANDUR TALUK BALLARI DISTRICT KARNATAKA 583123 Advocate: |
| 14 | KARNATAKA STATE MINERALS CORPORATION LIMITED | SUBBARAYANAHALLI VILLAGE SANDUR TALUK BALLARI DISTRICT KARNATAKA 583112 Advocate: G LAKSHMEESH RAO 9448XXXX08 |
| 15 | NATIONAL MINERAL DEVELOPMENT CORPORATION | DEOGIRI VILLAGE SANDUR TALUK BALLARI DISTRICT KARNATAKA 583119 Advocate: |
| 16 | SANDUR MANAGENESE AND IRON ORE PRIVATE LIMITED | SATYALAYA DOOR NO 266 (OLD NO 80) BEHIND TALUKA OFFICE WARD NO 1, PALACE ROAD SANDUR 583119 BELLARY DISTRICT KARNATAKA Advocate: RISHIKESH MADHAV |
| 17 | MSPL PRIVATE LIMITED | BALDOTA ENCLAVE ABHERAJ BALDORA ROAD HOSAPETE 583203 BELLARY DISTRICT KARNATAKA Advocate: SWAMY M M 9945XXXX88 |

[Skip to main content](#)[← back](#)**Status: Pending**Case Number: **WP 25173/2022**
(KAHC010582582022)Classification: **GM MM_S**Date of Filing: **13/12/2022 10:33:03**Petitioner: **SRI. SREESHIALA**
ALADAHALLIPetitioner Advocate: **NIKHIL K**Respondent: **UNION OF INDIA**Respondent Advocate: **SHANTHI**
BHUSHAN HFiling No.: **WP 24472/2022**Judge: **CHIEF JUSTICE AND M.G.S.**
KAMALLast Posted For: **APPEARANCE**
MATTER/SLast Date of Action: **07/08/2023**Last Action Taken: **ADJOURNED**

Next Hearing Date:

Daily Orders: WP 25173/2022

| | | |
|---|--------------------------------|-------------------|
| 1 | CHIEF JUSTICE AND M.G.S. KAMAL | <u>07/08/2023</u> |
|---|--------------------------------|-------------------|

Pursuant to our order dated 20.07.2023 a memo is filed to this Court on 31.07.2023.

2. Sri. H.Shanthi Bhushan, Deputy Solicitor General of India invited our attention to the copy of the communication dated 25.07.2023 annexed to the memo at page 8. It is submitted that the expert bodies such as the Director- NEERI, Nagpur and Dr. Arun Menon, Professor, IIT Chennai were requested for submission of an independent impact assessment report. Accordingly, Director-NEERI, Nagpur and Dr.Arun Menon, IIT expressed their willingness to the same and Regional Director (South), ASI will take appropriate steps expeditiously in co-ordination with these agencies and submit a report as early as possible.

3. Learned counsel for the respondent Nos. 13, 14 and 16 submit before this Court that exercise of impact assessment was carried out from time to time and the respective authorities have submitted the impact assessment reports.

4. Learned Senior counsel for the respondent No.13 submits that a report of the exercise carried out by National Institute of Rock Mechanics on 25.03.2019 is placed on record by the learned counsel for the petitioner himself and it is concluded in the said report at page 119 that (considering other material which is part of the report) blasts can be carried out safely in the mines beyond 500 meters from Kumaraswamy Temple complying to the permissible limit of 2 mm/s. Then it is submitted further that in the contents of the petition itself in para 29 the distance of the respondent No.13 and Iron ore is referred and it is 687 meters.

5. Learned Senior counsel for the respondent Nos.13 and 14 submits that the respondents have no objection for carrying out a fresh inspection by the expert bodies and submit the report to this Court. The only anxiety of the said respondents is that before the expert bodies proceed for exercise of fresh inspection respondent Nos.13, 14 and 16 be permitted to hand over all the relevant material in the form of earlier Impact Assessment reports submitted to ASI to the said expert bodies.

6. It is further submitted by the learned counsel for the respondent Nos.13, 14 and 16 that in case expert bodies and the representatives of the expert bodies are undertaking a fresh exercise of impact assessment by the blasting operation, necessary intimation be forwarded to the respondent Nos.13, 14 and 16 by the officer of ASI so that the representatives of respondent Nos. 13, 14 and 16 would remain personally present at the relevant time to assist the expert bodies.

7. As this permission sought for would not cause any serious prejudice to the respondent/ASI, we accept the submissions advanced by the learned counsel for the respondent Nos. 13, 14 and 16 and same is placed on record. Accordingly, respondent/ASI to provide an advance intimation to the respondent Nos. 13, 14 and 16 in case the expert bodies proceed to visit these Iron Ore Mines, and carrying out the blasting operation. Needless to state that after such inspection, the expert bodies to submit their report to this Court on the next scheduled date.

8. We further make it clear that the expert bodies and respondent/ASI to take all necessary steps to see that exercise above referred is completed expeditiously and in turn the respondents also are expected to extend all the necessary cooperation to the officers of the respondents/ASI.

9. The respondent Nos. 13, 14 and 16 are permitted to provide all necessary documents, such as, earlier impact assessment report or copy of the communication earlier forwarded to the ASI and any other technical data to the respondent/ASI within two (2) weeks from today. Let the report of the expert bodies be submitted to this Court six (6) weeks thereafter.

List this petition after eight (8) weeks.

Last Updated On: 2023-08-08 14:45:13

| | | |
|---|--------------------------------|-------------------|
| 2 | CHIEF JUSTICE AND M.G.S. KAMAL | <u>20/07/2023</u> |
|---|--------------------------------|-------------------|

1. Vide our order dated 12.07.2023, response was sought for from the Archeological Survey of India (ASI) as to whether it would undertake a fresh exercise of conducting survey for impact assessment particularly, on the backdrop of the incident of falling of one pillar of Parvathi and Karthikeya Temple situated at Sandur Taluk, Ballari District. If the answer would be yes, what would be the period required to complete the survey.

2. Sri H.Shanthi Bhushan, Deputy Solicitor General of India invited our attention to the memo, placed on record today, along with exchange of communications. It seems that the order of this Court was immediately communicated to the Superintending Archeologist, ASI, Hampi and the Regional Director (South) ASI through e-mail on 14.07.2023. In turn, the office of the Regional Director forwarded the order of this Court to the Director General, ASI, New Delhi through email on 16.07.2023 and recommended for cultural and structural impact assessment of the monument.

3. On 19.07.2023, the Superintending Archeologist, ASI, Hampi Circle, Hospete has sent an e-mail to the learned Deputy Solicitor General of India informing that the instructions regarding necessary approval is awaited from the office of the Director General, ASI, New Delhi. It is also stated in the communication that an incorrect statement was made before the Court that pillar had fallen but, it was only a stone block part of the wall which fell down, probably due to heavy rains and aging of the monument. It is further stated that cultural and structural impact assessment of the monument was recommended to know whether mining activities were affecting the monument.

4. In view of exchange of communications referred to above, response from the office of the Director General, ASI, New Delhi is awaited. On this ground, prayer for an adjournment is made. Accordingly, we grant two weeks' time to place on record necessary approval/information of the Director General, ASI, New Delhi. In case, no such approval is placed on record on the next date, the Director General, ASI to remain personally present before this Court

5. List the petition on 07.08.2023 at 10.30 a.m.

6. An authenticated copy of the order be furnished to the learned Deputy Solicitor General of India.

Last Updated On: 2023-07-26 10:17:41

| | | |
|---|--------------------------------|-------------------|
| 3 | CHIEF JUSTICE AND M.G.S. KAMAL | <u>12/07/2023</u> |
|---|--------------------------------|-------------------|

Heard the learned counsel appearing for the parties at length.

2. At the outset learned counsel appearing for respondent No.17 submits that petitioners under an erroneous impression added respondent No.17 as a contesting respondent to the petition. Learned counsel appearing for respondent No.17 invited our attention to paragraph 29 of the petition and in sub-clause V and particularly at page No.37 by referring to clause c i.e., Status, the counsel submits that this document clearly indicates that the Mining Lease No.2559 is Non-Active. The counsel further submits respondent No.17 participated in the auction process and was declared as the successful bidder. Thereafter only letter of intent is issued in favour of respondent No.17 and certain other procedural requirements to make the lease functional are yet to be completed and as such lease so granted in favour of respondent No.17 being successful bidder is non functional, non operational and as such by no stretch it can be said that the respondent No.17 is carrying out any such activity which justifies the apprehensions of the petitioners. Learned counsel for petitioners does not dispute that status of respondent No.17 is shown as Non-Active. Accordingly the petitioner is permitted to delete respondent No.17 from the array of respondents. The amendment in the nature of deletion of respondent No.17 be carried out during the course of the day.

3. Further it is necessary to note that the petitioners have approached this Court with an intention to protect the historical monument namely, Parvathi and Karthikeya Temple which is also known as, Sri Kumaraswamy Temple situated at Sandur Taluk, Ballari District, by preventing mining activities which are causing damage to the said historical monument.

4. The learned counsel for the petitioners invited our attention to the judgment of Hon'ble Apex Court in Civil Appeal No.4823/2013 reported in the case of K.GURUPRASAD RAO VS. STATE OF KARNATAKA AND OTHERS . wherein, the focus was on Jambunatheswara Temple. In its detailed judgment, the Hon'ble Apex Court referred to various aspects of the matter as well as the report submitted by the Expert Committee. The Expert Committee also provided certain conclusions and recommendations which find place at paragraph 49 of the said judgment. The Hon'ble Apex Court has also referred to the judgment in the case of M.C.MEHTA (TAJ TRAPEZIUM MATTER) VS. UNION OF INDIA . While allowing the aforesaid civil appeal, following important observations were made in paragraphs 101 and 102:

"101. With a view to ensure that other protected monuments in the State do not suffer the fate of Jambunatheswara Temple, we direct that the Committee appointed by this Court vide order dated 26.04.2011 shall undertake similar exercise in respect of other protected monuments in the State in whose vicinity mining operations are being undertaken and submit report to the State Government within a maximum period of nine months. The State Government shall release a sum of Rs.30 lakhs in favour of the Committee to meet the expenses of survey, investigation, etc. The report submitted by the Committee shall be considered by the Government within the next two months and appropriate order be passed.

102. We hope and trust that the Government of India will also appoint an expert committee/group to examine the impact of mining on the monuments declared as "protected monuments" under the 1958 Act and take necessary remedial measures."

5. The Deputy Solicitor General of India has filed counter affidavit dated 08.02.2023 on behalf of respondent Nos.1, 4 and 5 through Dr.Nihildas N, Superintending Archaeologist, Archaeological Survey of India. In paragraph 14 of the counter affidavit, it is stated that a request was made to the Director, National Institute of Rock Mechanics (NIRM) to assess the dust fall and vibration due to the mining activities around the centrally protected monument Parvathi and Karthikeya temple. In response to the same, an order has been issued by the Regional Director (South), Archaeological Survey of India, Bengaluru, to take up the survey work within the radius of 600 meters around the Centrally Protected Monument namely, Parvathi and Karthikeya temple and to submit a report.

6. In paragraph 16 of the counter affidavit, it is stated that it was informed that the Parvathi and Karthikeya temple is partially sandstone and partially granite. The colour of these stones are originally dull red in colour. It is further stated that minor cracks were observed even before commencement of the mining activities and in support of the same, certain annexures are placed on record such as, exchange of communications between different departments, the final report along with various photographs submitted by the National Institute of Rock Mechanics under the Ministry of Mines, the proceedings of the Expert Committee Meeting convened through WEBEX by the Regional director (Southern Region), ASI, Bangalore, on 26.05.2020 to submit the final recommendations on the feasibility of blasting and mining operations around the Parvathi and Karthikeya temple and the communication dated 03.02.2023 forwarded to the Director, National Institute of Rock Mechanics through the Superintending Archaeologist. Thus, it can safely be said that these exercises were carried out in the years 2015, 2019, 2020 and 2023 i.e., pursuant to the directions of the Hon'ble Apex Court. It may not be out of place to make a reference to paragraph 18 of the counter affidavit which reads as under:-

"18. In reply to Para No.31, it is to submit that the Archaeological Survey of India is sensitive to the implementation of the Act and undertakes conservation works as and when required."

(Emphasis supplied)

7. The learned counsel for the petitioners submits that very recently, an incident of falling of one pillar of the said temple occurred and this was post the exercise undertaken in the year 2019.

8. Considering these aspects and particularly, in view of the statement made in the counter affidavit in relation to implementation of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the preservative activities undertaken to protect the historical monument, we deem it appropriate to seek response from the Archaeological Survey of India as to whether it would undertake a fresh exercise of conducting survey for impact assessment particularly, on the backdrop of the incident of falling of one pillar of the said temple. If the answer is yes, what would be the period required to complete the survey and to submit the report. For this purpose, the petition is adjourned for one week.

9. It seems that the respondents have not received the complete set of the writ petition along with annexures and some respondents are desirous of filing their respective statement of objections. As such, we grant two weeks' time to enable the petitioners to provide complete set of the writ petition along with annexures as well as to file statement of objections by the respondents.

10. List on 20.07.2023.

Last Updated On: 2023-07-14 16:59:12

| | | |
|---|--|-------------------|
| 4 | CHIEF JUSTICE AND ASHOK S.KINAGI | <u>05/01/2023</u> |
| | <p>Sri S.S.Mahendra, learned Additional Government Advocate accepts notice for respondent Nos.2, 3, 7, 8 and 9.</p> <p>The petitioners are permitted to serve notice on Sri A. Mahesh Kadri, learned counsel for respondent No.11.</p> <p>Notice to respondent Nos.13 to 17, returnable within four weeks. The petitioners are also permitted to serve respondent Nos.13 to 17 by way of hand summons or any other legally permissible mode of service apart from court notice and to place on record an affidavit-of-service to that effect before the returnable date.</p> <p>Learned Additional Government Advocate as well as the learned Deputy Solicitor General, if so desirous, shall file reply/statement of objection within three weeks from today.</p> <p>Learned counsel for the petitioner undertakes to remove the office objection within two weeks.</p> | |



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

HON'BLE NGT MATTER
MOST URGENT

By Speed Post/E.mail

F.No. Tech/ 39/ NGTSZ (270/2024)/ RDB/2024-25
TUS

January 20, 2025

To

The Office of the Director
Department of Mines and Geology
49, Khanija Bhava Race Course Road
Bengaluru—560 001, Karnataka
(e.mail: dirmines@gmail.com & dir-mines@karnataka.gov.in)

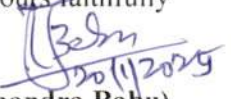
Sub: OA No. 270 of 2024 (SZ) (Earlier OA No. 1006/2024/PB) News item titled "Karnataka Govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024 Vs CPCB

Sir,

Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi registered a *suo-moto* case OA No: 1006 of 2024, based on the News item appearing in Deccan Herald dated 19.06.2024 titled "Karnataka Government okays mining near 1200-year-old temple. Said news item relates to the first level clearance given by the Karnataka Government for a mining project near 1200-year-old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). A copy of the Hon'ble NGT order dated 28.08.2024 is enclosed for ready reference and record.

In the said matter, Hon'ble NGT vide order dated 28.08.2024 impleaded Central Pollution Control Board, Department of Mines and Geology Karnataka, Karnataka State Pollution Control Board, Ministry of Environment Forest and Climate Change, Archaeological Survey of India and District Magistrate, Ballari and directed all the respondents to file response. Thereafter, afore-said matter was transferred to NGT Southern Bench, Chennai and the said matter is renumbered as OA No.270 of 2024(SZ) and the Hon'ble NGT (SZ), Chennai vide order dated 14.10.2024 directed all the respondents to file response. Now the case is listed for next hearing on 26-03-2025.As this Regional Directorate is not having the information on the above matter and in order to file the response by CPCB in compliance to the Hon'ble NGT orders dated 28.08.2024 and 14.10.2024, it is requested to arrange to send a factual report on mining project near the Kumaraswamy temple in Sandur, Ballari district (Karnataka), at an early date.

Yours faithfully


(J. Chandra Babu)
Regional Director

Encl: As above

क्षेत्रीय निदेशालय (बेंगलूरु) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिम्मय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (Bengaluru) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23222539, Fax : 080-23234059

ई-मेल / E-mail : zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

Item No.07

Court No. 1

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

Original Application No. 1006/2024

News item titled "Karnataka govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024

Date of hearing: 28.08.2024

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

Applicant: Mr. Rajat Jonathan Shaw, Adv. for R - 2 & 6 (Through VC)

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Karnataka govt okays mining near 1200-year-old temple" appearing in the Deccan Herald dated 19.06.2024.
2. News item relates to the mining near 1200 year old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). As per the news item, the Karnataka government has recommended the first level clearance for a mining project near the Kumaraswamy temple. The temple is believed to have been built in the 7th or 8th century CE, is a protected monument under the Archaeological Survey of India (ASI). The news item states that the Karnataka Forest Department has requested "In-Principle" (Stage-1) approval for mining a 70-acre forest area known as Kumaraswamy Betta. The mining lease boundary approved by the government is within 400 meters of the temple, prompting concern from local activists and citizens.
3. The news item highlights that the government's decision to grant clearance for mining near the temple was made possible after the withdrawal of a 1978 notification that prohibited mining within a 2 km

radius of protected monuments. The close proximity of the mining operations, which involves heavy machinery and blasting, threatens the structural integrity of the temple.

4. The news item asserts that activists have opposed the project and petitioned the Karnataka High Court in August 2023. The court ordered an expert committee to evaluate the potential impact of mining on the temple and its environment. Before the committee could finalize its findings, the Department of Mines and Geology and decided to restrict mining to 600 meters from the temple. This decision was seen by activists as a move to bypass the expert committee's recommendations, as the committee had only submitted a preliminary report highlighting the environmental risks but not yet determining the structural safety of the temple.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

6. The news item raises substantial issue relating to compliance of provisions of Environment Protection Act, 1986 and Mines and Minerals (Development and Regulation) Act, 1957.

7. Hence, we implead the following as respondents in the matter:

1. Central Pollution Control Board,

through its Member Secretary

PariveshBhawan, East Arjun Nagar, Delhi-110032;

2. Department of Mines and Geology Karnataka,

through its Director

Department of Mines and Geology # 49, Khanija Bhava Race Course Road Bangalore-560001.

3. **Karnataka State Pollution Control Board,**
through its Member Secretary,
"ParisaraBhavan", No.49, 4th & 5th Floor,
Church Street, Bangalore - 560001.
4. **Ministry of Environment and Forest,**
Through its Regional Office
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main Road, Koramangala II Block,
Bangalore - 560034.
5. **Archaeological Survey of India,**
Through its Director General
Dharohar Bhawan, 24 Tilak Marg, New Delhi-110001
6. **District Magistrate, Ballari**
DC Office, Station Road,
Ballari, Karnataka - 583101.

8. Issue notice to the above respondents for filing their response/reply in the form of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.
9. Mr. Rajat Jonathan Shaw, Advocate accepts notice on behalf of respondent no.2-Department of Mines and Geology Karnataka and respondent no.6-District Magistrate, Ballari and seeks time to obtain instructions in the matter.
10. On the previous date when the matter was listed, Learned Counsel for State of Karnataka had submitted that same issue is pending before the High Court and similar issue is pending before the Hon'ble Supreme Court. In spite of the opportunity, no details of such pending matters have been disclosed till now.

11. Learned Counsel appearing for respondent nos. 2 and 6 submits that details and compilation of such orders of High Court and Hon'ble Supreme Court have not been provided by concerned department to him till now.

12. Since the issue is relating to the Southern Zonal Bench of this Tribunal, therefore, the original application is transferred to the Southern Zonal Bench at Chennai for appropriate further action in the matter. The Registry is directed to transfer the record of this matter to the Southern Zonal Bench at Chennai.

13. List the matter on 14.10.2024 before the Southern Zonal Bench at Chennai.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28, 2024
Original Application No. 1006/2024
JG.

Item No.01:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.270 of 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the news item in Deccan
Herald dt.19.06.2024, titled '**Karnataka
Govt. okays mining near 1200 year old
temple'**

WITH

CPCB
Through its Member Secretary
New Delhi and Ors.

...Respondent(s)

Date of hearing: 14.10.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Suo Motu.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R2 & R6.
Mr. Devaraj Ashok for R3.

ORDER

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.1006 of 2024 (PB) based on the news item published in 'Deccan Herald' dated 19.06.2024 titled, "**Karnataka Govt. okays mining near 1200 year old temple**", which has been transferred to this Bench and renumbered as Original Application No.270 of 2024 (SZ).

2. Let notice be issued to the respondents through the Tribunal.

3. The learned counsel Mr. Rajat Jonathan Shaw representing Mr. Darpan K.M. accepts notice on behalf of Respondents No.2 & 6 and Mr. Devaraj Ashok accepts notice on behalf of Respondent No.3.

4. Post the matter on **03.01.2025**. In the meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.270/2024 (SZ)
14th October, 2024. Mn.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

HON'BLE NGT MATTER
MOST URGENT

By Speed Post/E.mail

F.No. Tech/ 39/ NGTSZ (270/2024)/ RDB/2024-25

January 20, 2025

To

The Office of the Director
Department of Mines and Geology
49, Khanija Bhava Race Course Road
Bengaluru-560 001, Karnataka
(e.mail: dirmines@gmail.com & dir-mines@karnataka.gov.in)

Sub: OA No. 270 of 2024 (SZ) (Earlier OA No. 1006/2024/PB) News item titled "Karnataka Govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024 Vs CPCB

Sir,

Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi registered a *suo-moto* case OA No: 1006 of 2024, based on the News item appearing in Deccan Herald dated 19.06.2024 titled "Karnataka Government okays mining near 1200-year-old temple. Said news item relates to the first level clearance given by the Karnataka Government for a mining project near 1200-year-old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). A copy of the Hon'ble NGT order dated 28.08.2024 is enclosed for ready reference and record.

In the said matter, Hon'ble NGT vide order dated 28.08.2024 impleaded Central Pollution Control Board, Department of Mines and Geology Karnataka, Karnataka State Pollution Control Board, Ministry of Environment Forest and Climate Change, Archaeological Survey of India and District Magistrate, Ballari and directed all the respondents to file response. Thereafter, afore-said matter was transferred to NGT Southern Bench, Chennai and the said matter is renumbered as OA No.270 of 2024(SZ) and the Hon'ble NGT (SZ), Chennai vide order dated 14.10.2024 directed all the respondents to file response. Now the case is listed for next hearing on 26-03-2025. As this Regional Directorate is not having the information on the above matter and in order to file the response by CPCB in compliance to the Hon'ble NGT orders dated 28.08.2024 and 14.10.2024, it is requested to arrange to send a factual report on mining project near the Kumaraswamy temple in Sandur, Ballari district (Karnataka), at an early date.

Yours faithfully

(J. Chandra Babu)
Regional Director

Encl: As above

Copy to

| | |
|---|---|
| <p>✓ The Member Secretary, KSPCB ms@kspcb.gov.in</p> | <p>For kind information and with a request to instruct concerned officials to furnish factual report in the matter.</p> |
|---|---|

क्षेत्रीय निदेशालय (बेंगलूरु) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिम्मय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (Bengaluru) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23222539, Fax : 080-23234059

ई-मेल / E-mail : zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

Copy to

| | | |
|---|--|--|
| 1 | The Member Secretary, KSPCB ms@kspcb.gov.in | For kind information and with a request to instruct concerned officials to furnish factual report in the matter. |
| 2 | O/o. The Senior Geologist, Dept. of Mines and Geology, "Khanija Bhavan" Near 2nd Railway Gate, Hosapete Road, Ballari sgmmbly@gmail.com | With request to furnish factual report in the matter |
| 3 | Senior Environmental Officer, KSPCB, Sri Sai Sharan plaza, No. 71/A, 2nd floor, Dam Road, Hosapete- 583203, Vijayanagar District seobly@kspcb.gov.in | With request to furnish factual report in the matter |
| 4 | Regional Officer, KSPCB Survey No.597 P, Ward No.25, 4th Main, Near Dr.Vishnuvardhana Park, Kuvempunagara, Ballari-583104 ballarikspcb@gmail.com | With request to furnish factual report in the matter |
| 5 | AO to MS, CPCB, Delhi | For kind information of 'MS' please |
| 6 | DH, IPC-II, CPCB Delhi | For information and record pl |
| 7 | DH-Law Division, CPCB Delhi | For information and record pl |


20/1/2025
(J. Chandra Babu)

Item No.07

Court No. 1

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

Original Application No. 1006/2024

News item titled "Karnataka govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024

Date of hearing: 28.08.2024

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

Applicant: Mr. Rajat Jonathan Shaw, Adv. for R - 2 & 6 (Through VC)

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Karnataka govt okays mining near 1200-year-old temple" appearing in the Deccan Herald dated 19.06.2024.

2. News item relates to the mining near 1200 year old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). As per the news item, the Karnataka government has recommended the first level clearance for a mining project near the Kumaraswamy temple. The temple is believed to have been built in the 7th or 8th century CE, is a protected monument under the Archaeological Survey of India (ASI). The news item states that the Karnataka Forest Department has requested "In-Principle" (Stage-1) approval for mining a 70-acre forest area known as Kumaraswamy Betta. The mining lease boundary approved by the government is within 400 meters of the temple, prompting concern from local activists and citizens.

3. The news item highlights that the government's decision to grant clearance for mining near the temple was made possible after the withdrawal of a 1978 notification that prohibited mining within a 2 km

radius of protected monuments. The close proximity of the mining operations, which involves heavy machinery and blasting, threatens the structural integrity of the temple.

4. The news item asserts that activists have opposed the project and petitioned the Karnataka High Court in August 2023. The court ordered an expert committee to evaluate the potential impact of mining on the temple and its environment. Before the committee could finalize its findings, the Department of Mines and Geology and decided to restrict mining to 600 meters from the temple. This decision was seen by activists as a move to bypass the expert committee's recommendations, as the committee had only submitted a preliminary report highlighting the environmental risks but not yet determining the structural safety of the temple.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

6. The news item raises substantial issue relating to compliance of provisions of Environment Protection Act, 1986 and Mines and Minerals (Development and Regulation) Act, 1957.

7. Hence, we implead the following as respondents in the matter:

1. Central Pollution Control Board,

through its Member Secretary

PariveshBhawan, East Arjun Nagar, Delhi-110032;

2. Department of Mines and Geology Karnataka,

through its Director

Department of Mines and Geology # 49, Khanija Bhava Race Course Road Bangalore-560001.

3. **Karnataka State Pollution Control Board,**
through its Member Secretary,
"ParisaraBhavan", No.49, 4th & 5th Floor,
Church Street, Bangalore - 560001.
 4. **Ministry of Environment and Forest,**
Through its Regional Office
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main Road, Koramangala II Block,
Bangalore - 560034.
 5. **Archaeological Survey of India,**
Through its Director General
Dharohar Bhawan, 24 Tilak Marg, New Delhi-110001
 6. **District Magistrate, Ballari**
DC Office, Station Road,
Ballari, Karnataka - 583101.
8. Issue notice to the above respondents for filing their response/reply in the form of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.
9. Mr. Rajat Jonathan Shaw, Advocate accepts notice on behalf of respondent no.2-Department of Mines and Geology Karnataka and respondent no.6-District Magistrate, Ballari and seeks time to obtain instructions in the matter.
10. On the previous date when the matter was listed, Learned Counsel for State of Karnataka had submitted that same issue is pending before the High Court and similar issue is pending before the Hon'ble Supreme Court. In spite of the opportunity, no details of such pending matters have been disclosed till now.

11. Learned Counsel appearing for respondent nos. 2 and 6 submits that details and compilation of such orders of High Court and Hon'ble Supreme Court have not been provided by concerned department to him till now.

12. Since the issue is relating to the Southern Zonal Bench of this Tribunal, therefore, the original application is transferred to the Southern Zonal Bench at Chennai for appropriate further action in the matter. The Registry is directed to transfer the record of this matter to the Southern Zonal Bench at Chennai.

13. List the matter on 14.10.2024 before the Southern Zonal Bench at Chennai.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

August 28, 2024
Original Application No. 1006/2024
JG.

Item No.01:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.270 of 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the news item in Deccan
Herald dt.19.06.2024, titled '**Karnataka
Govt. okays mining near 1200 year old
temple**'

WITH

CPCB
Through its Member Secretary
New Delhi and Ors.

...Respondent(s)

Date of hearing: 14.10.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Suo Motu.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R2 & R6.
Mr. Devaraj Ashok for R3.

ORDER

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.1006 of 2024 (PB) based on the news item published in 'Deccan Herald' dated 19.06.2024 titled, "**Karnataka Govt. okays mining near 1200 year old temple**", which has been transferred to this Bench and renumbered as Original Application No.270 of 2024 (SZ).

2. Let notice be issued to the respondents through the Tribunal.

3. The learned counsel Mr. Rajat Jonathan Shaw representing Mr. Darpan K.M. accepts notice on behalf of Respondents No.2 & 6 and Mr. Devaraj Ashok accepts notice on behalf of Respondent No.3.

4. Post the matter on **03.01.2025**. In the meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.270/2024 (SZ)
14th October, 2024. Mn.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA
HON'BLE NGT MATTER
MOST URGENT

By Speed Post/E.mail

F.No. Tech/ 39/ NGTSZ (270/2024)/ RDB/2024-25

January 20, 2025

To

The Office of the Director
Department of Mines and Geology
49, Khanija Bhava Race Course Road
Bengaluru-560 001, Karnataka
(e.mail: dirmines@gmail.com & dir-mines@karnataka.gov.in)

Sub: OA No. 270 of 2024 (SZ) (Earlier OA No. 1006/2024/PB) News item titled "Karnataka Govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024 Vs CPCB

Sir,

Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi registered a *suo-moto* case OA No: 1006 of 2024, based on the News item appearing in Deccan Herald dated 19.06.2024 titled "Karnataka Government okays mining near 1200-year-old temple. Said news item relates to the first level clearance given by the Karnataka Government for a mining project near 1200-year-old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). A copy of the Hon'ble NGT order dated 28.08.2024 is enclosed for ready reference and record.

In the said matter, Hon'ble NGT vide order dated 28.08.2024 impleaded Central Pollution Control Board, Department of Mines and Geology Karnataka, Karnataka State Pollution Control Board, Ministry of Environment Forest and Climate Change, Archaeological Survey of India and District Magistrate, Ballari and directed all the respondents to file response. Thereafter, afore-said matter was transferred to NGT Southern Bench, Chennai and the said matter is renumbered as OA No.270 of 2024(SZ) and the Hon'ble NGT (SZ), Chennai vide order dated 14.10.2024 directed all the respondents to file response. Now the case is listed for next hearing on 26-03-2025. As this Regional Directorate is not having the information on the above matter and in order to file the response by CPCB in compliance to the Hon'ble NGT orders dated 28.08.2024 and 14.10.2024, it is requested to arrange to send a factual report on mining project near the Kumaraswamy temple in Sandur, Ballari district (Karnataka), at an early date.

Yours faithfully

(J. Chandra Babu)
Regional Director

Encl: As above

Copy to

| | | |
|---|--|--|
| 1 | The Member Secretary, KSPCB ms@kspcb.gov.in | For kind information and with a request to instruct concerned officials to furnish factual report in the matter. |
|---|--|--|

क्षेत्रीय निदेशालय (बेंगलूरु) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिम्मय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (Bengaluru) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23222539, Fax : 080-23234059

ई-मेल / E-mail : zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

Copy to

| | | |
|---|--|--|
| 1 | The Member Secretary, KSPCB ms@kspcb.gov.in | For kind information and with a request to instruct concerned officials to furnish factual report in the matter. |
| 2 | O/o. The Senior Geologist, Dept. of Mines and Geology, "Khanija Bhavan" Near 2nd Railway Gate, Hosapete Road, Ballari sgmmbly@gmail.com | With request to furnish factual report in the matter |
| 3 | Senior Environmental Officer, KSPCB, Sri Sai Sharan plaza, No. 71/A, 2nd floor, Dam Road, Hosapete- 583203, Vijayanagar District seobly@kspcb.gov.in | With request to furnish factual report in the matter |
| 4 | Regional Officer, KSPCB Survey No.597 P, Ward No.25, 4th Main, Near Dr.Vishnuvardhana Park, Kuvempunagara, Ballari-583104 ballarikspcb@gmail.com | With request to furnish factual report in the matter |
| 5 | AO to MS, CPCB, Delhi | For kind information of 'MS' please |
| 6 | DH, IPC-II, CPCB Delhi | For information and record pl |
| 7 | DH-Law Division, CPCB Delhi | For information and record pl |


20/11/2025
(J. Chandra Babu)

Item No.07

Court No. 1

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

Original Application No. 1006/2024

News item titled "Karnataka govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024

Date of hearing: 28.08.2024

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

Applicant: Mr. Rajat Jonathan Shaw, Adv. for R - 2 & 6 (Through VC)

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Karnataka govt okays mining near 1200-year-old temple" appearing in the Deccan Herald dated 19.06.2024.
2. News item relates to the mining near 1200 year old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). As per the news item, the Karnataka government has recommended the first level clearance for a mining project near the Kumaraswamy temple. The temple is believed to have been built in the 7th or 8th century CE, is a protected monument under the Archaeological Survey of India (ASI). The news item states that the Karnataka Forest Department has requested "In-Principle" (Stage-1) approval for mining a 70-acre forest area known as Kumaraswamy Betta. The mining lease boundary approved by the government is within 400 meters of the temple, prompting concern from local activists and citizens.
3. The news item highlights that the government's decision to grant clearance for mining near the temple was made possible after the withdrawal of a 1978 notification that prohibited mining within a 2 km

radius of protected monuments. The close proximity of the mining operations, which involves heavy machinery and blasting, threatens the structural integrity of the temple.

4. The news item asserts that activists have opposed the project and petitioned the Karnataka High Court in August 2023. The court ordered an expert committee to evaluate the potential impact of mining on the temple and its environment. Before the committee could finalize its findings, the Department of Mines and Geology and decided to restrict mining to 600 meters from the temple. This decision was seen by activists as a move to bypass the expert committee's recommendations, as the committee had only submitted a preliminary report highlighting the environmental risks but not yet determining the structural safety of the temple.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

6. The news item raises substantial issue relating to compliance of provisions of Environment Protection Act, 1986 and Mines and Minerals (Development and Regulation) Act, 1957.

7. Hence, we implead the following as respondents in the matter:

1. **Central Pollution Control Board,**
through its Member Secretary
PariveshBhawan, East Arjun Nagar, Delhi-110032;
2. **Department of Mines and Geology Karnataka,**
through its Director
Department of Mines and Geology # 49, Khanija Bhava Race
Course Road Bangalore-560001.

3. **Karnataka State Pollution Control Board,**
through its Member Secretary,
"ParisaraBhavan", No.49, 4th & 5th Floor,
Church Street, Bangalore - 560001.
 4. **Ministry of Environment and Forest,**
Through its Regional Office
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main Road, Koramangala II Block,
Bangalore - 560034.
 5. **Archaeological Survey of India,**
Through its Director General
Dharohar Bhawan, 24 Tilak Marg, New Delhi-110001
 6. **District Magistrate, Ballari**
DC Office, Station Road,
Ballari, Karnataka - 583101.
8. Issue notice to the above respondents for filing their response/reply in the form of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.
9. Mr. Rajat Jonathan Shaw, Advocate accepts notice on behalf of respondent no.2-Department of Mines and Geology Karnataka and respondent no.6-District Magistrate, Ballari and seeks time to obtain instructions in the matter.
10. On the previous date when the matter was listed, Learned Counsel for State of Karnataka had submitted that same issue is pending before the High Court and similar issue is pending before the Hon'ble Supreme Court. In spite of the opportunity, no details of such pending matters have been disclosed till now.

11. Learned Counsel appearing for respondent nos. 2 and 6 submits that details and compilation of such orders of High Court and Hon'ble Supreme Court have not been provided by concerned department to him till now.

12. Since the issue is relating to the Southern Zonal Bench of this Tribunal, therefore, the original application is transferred to the Southern Zonal Bench at Chennai for appropriate further action in the matter. The Registry is directed to transfer the record of this matter to the Southern Zonal Bench at Chennai.

13. List the matter on 14.10.2024 before the Southern Zonal Bench at Chennai.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

August 28, 2024
Original Application No. 1006/2024
JG.

Item No.01:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.270 of 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the news item in Deccan
Herald dt.19.06.2024, titled '**Karnataka
Govt. okays mining near 1200 year old
temple**'

WITH

CPCB
Through its Member Secretary
New Delhi and Ors.

...Respondent(s)

Date of hearing: 14.10.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Suo Motu.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R2 & R6.
Mr. Devaraj Ashok for R3.

ORDER

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.1006 of 2024 (PB) based on the news item published in 'Deccan Herald' dated 19.06.2024 titled, "**Karnataka Govt. okays mining near 1200 year old temple**", which has been transferred to this Bench and renumbered as Original Application No.270 of 2024 (SZ).

2. Let notice be issued to the respondents through the Tribunal.

3. The learned counsel Mr. Rajat Jonathan Shaw representing Mr. Darpan K.M. accepts notice on behalf of Respondents No.2 & 6 and Mr. Devaraj Ashok accepts notice on behalf of Respondent No.3.

4. Post the matter on **03.01.2025**. In the meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.270/2024 (SZ)
14th October, 2024. Mn.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

HON'BLE NGT MATTER
MOST URGENT

F.No. Tech/ 39/ NGTSZ (270/2024)/ RDB/2024-25
744

January 20, 2025

To

Regional Director South Zone
Archaeological Survey of India
KSIMC Building, Industrial Estate,
Rajajinagar, Bengaluru 560010, Karnataka
Rdsouth.asi@gov.in, rdsouth.asi@gmail.com

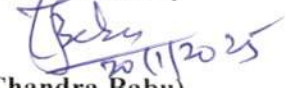
Sub: OA No. 270 of 2024 (SZ) (Earlier OA No. 1006/2024/PB) News item titled "Karnataka Govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024 Vs CPCB

Sir,

Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi registered a *suo-moto* case OA No: 1006 of 2024 dated 28.08.2024, based on the News item appearing in Deccan Herald dated 19.06.2024 titled "Karnataka Government okays mining near 1200 year old temple. News item relates to the mining near 1200 year old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). As per the news item, the Karnataka government has recommended the first level clearance for a mining project near the Kumaraswamy temple. A copy of the Hon'ble NGT order dated 28.08.2024 is enclosed for ready reference and record.

In the said matter, Hon'ble NGT dated 28.08.2024 has impleaded Central Pollution Control Board, Department of Mines and Geology Karnataka, Karnataka State Pollution Control Board, Ministry of Environment Forest and Climate change, Archaeological Survey of India and District Magistrate, Ballari and directed the respondents to file response. The case was then transferred to Southern Bench, Chennai and renumbered as OA No.270 of 2024(SZ). As this Regional Directorate is not having the information on the above matter and in order to file the response by CPCB in compliance to the Hon'ble NGT orders dated 28.08.2024 and 14.10.2024, it is requested to arrange to send a factual report on mining project near the Kumaraswamy temple in Sandur, Ballari district (Karnataka), at an early date.

Yours faithfully


(J. Chandra Babu)
Regional Director

Encl: Copy of Hon'ble NGT Orders

क्षेत्रीय निदेशालय (बेंगलूरु) : निसर्ग भवन, ए-ब्लॉक, प्रथम एवं द्वितीय तल, तिममय्या रोड, 7-डी मैन, शिवनगर, बेंगलूरु - ५६० ०७९.

Regional Directorate (Bengaluru) : " Nisarga Bhawan ", A-Block, 1st & 2nd Floors, Thimmaiah Road, 7th D - Main, Shivanagar, Bengaluru - 560 079.

दूरभाष / Telephone : 080-23233739, 23233827, 23222539, Fax : 080-23234059

ई-मेल / E-mail : zobangalore.cpcb@nic.in

प्रधान कार्यालय : परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली- ११० ०३२.

Head Office : Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Telephone : 011-43102030, Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / E-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

Item No.07

Court No. 1

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

Original Application No. 1006/2024

News item titled "Karnataka govt okays mining near 1200- year-old temple" appearing in Deccan Herald dated 19.06.2024

Date of hearing: 28.08.2024

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

Applicant: Mr. Rajat Jonathan Shaw, Adv. for R - 2 & 6 (Through VC)

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Karnataka govt okays mining near 1200-year-old temple" appearing in the Deccan Herald dated 19.06.2024.
2. News item relates to the mining near 1200 year old Kumaraswamy Temple in Sandur, Ballari district (Karnataka). As per the news item, the Karnataka government has recommended the first level clearance for a mining project near the Kumaraswamy temple. The temple is believed to have been built in the 7th or 8th century CE, is a protected monument under the Archaeological Survey of India (ASI). The news item states that the Karnataka Forest Department has requested "In-Principle" (Stage-1) approval for mining a 70-acre forest area known as Kumaraswamy Betta. The mining lease boundary approved by the government is within 400 meters of the temple, prompting concern from local activists and citizens.
3. The news item highlights that the government's decision to grant clearance for mining near the temple was made possible after the withdrawal of a 1978 notification that prohibited mining within a 2 km

radius of protected monuments. The close proximity of the mining operations, which involves heavy machinery and blasting, threatens the structural integrity of the temple.

4. The news item asserts that activists have opposed the project and petitioned the Karnataka High Court in August 2023. The court ordered an expert committee to evaluate the potential impact of mining on the temple and its environment. Before the committee could finalize its findings, the Department of Mines and Geology decided to restrict mining to 600 meters from the temple. This decision was seen by activists as a move to bypass the expert committee's recommendations, as the committee had only submitted a preliminary report highlighting the environmental risks but not yet determining the structural safety of the temple.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

6. The news item raises substantial issue relating to compliance of provisions of Environment Protection Act, 1986 and Mines and Minerals (Development and Regulation) Act, 1957.

7. Hence, we implead the following as respondents in the matter:

1. Central Pollution Control Board,

through its Member Secretary

PariveshBhawan, East Arjun Nagar, Delhi-110032;

2. Department of Mines and Geology Karnataka,

through its Director

Department of Mines and Geology # 49, Khanija Bhava Race Course Road Bangalore-560001.

3. **Karnataka State Pollution Control Board,**
through its Member Secretary,
"ParisaraBhavan", No.49, 4th & 5th Floor,
Church Street, Bangalore - 560001.
4. **Ministry of Environment and Forest,**
Through its Regional Office
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main Road, Koramangala II Block,
Bangalore - 560034.
5. **Archaeological Survey of India,**
Through its Director General
Dharohar Bhawan, 24 Tilak Marg, New Delhi-110001
6. **District Magistrate, Ballari**
DC Office, Station Road,
Ballari, Karnataka - 583101.

8. Issue notice to the above respondents for filing their response/reply in the form of affidavit before the appropriate Bench of the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

9. Mr. Rajat Jonathan Shaw, Advocate accepts notice on behalf of respondent no.2-Department of Mines and Geology Karnataka and respondent no.6-District Magistrate, Ballari and seeks time to obtain instructions in the matter.

10. On the previous date when the matter was listed, Learned Counsel for State of Karnataka had submitted that same issue is pending before the High Court and similar issue is pending before the Hon'ble Supreme Court. In spite of the opportunity, no details of such pending matters have been disclosed till now.

11. Learned Counsel appearing for respondent nos. 2 and 6 submits that details and compilation of such orders of High Court and Hon'ble Supreme Court have not been provided by concerned department to him till now.

12. Since the issue is relating to the Southern Zonal Bench of this Tribunal, therefore, the original application is transferred to the Southern Zonal Bench at Chennai for appropriate further action in the matter. The Registry is directed to transfer the record of this matter to the Southern Zonal Bench at Chennai.

13. List the matter on 14.10.2024 before the Southern Zonal Bench at Chennai.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28, 2024
Original Application No. 1006/2024
JG.

Item No.01:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.270 of 2024 (SZ)

[Earlier O.A. No.1006 of 2024 (PB)]

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the news item in Deccan
Herald dt.19.06.2024, titled '**Karnataka
Govt. okays mining near 1200 year old
temple**'

CPCB
Through its Member Secretary
New Delhi and Ors.

WITH

...Respondent(s)

Date of hearing: 14.10.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant (s): Suo Motu.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R2 & R6.
Mr. Devaraj Ashok for R3.

ORDER

1. The above case has been Suo Motu registered by the Principal Bench of the National Green Tribunal, New Delhi as Original Application No.1006 of 2024 (PB) based on the news item published in 'Deccan Herald' dated 19.06.2024 titled, "**Karnataka Govt. okays mining near 1200 year old temple**", which has been transferred to this Bench and renumbered as Original Application No.270 of 2024 (SZ).

2. Let notice be issued to the respondents through the Tribunal.

3. The learned counsel Mr. Rajat Jonathan Shaw representing Mr. Darpan K.M. accepts notice on behalf of Respondents No.2 & 6 and Mr. Devaraj Ashok accepts notice on behalf of Respondent No.3.

4. Post the matter on 03.01.2025. In the meanwhile, the respondents are directed to file their respective replies/reports.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.270/2024 (SZ)
14th October, 2024. Mn.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ
ಮಂಡಳಿ, ಸರ್ವೆ ನಂ.597ಪಿ, ವಾರ್ಡ್.ನಂ.25
4ನೇ ಮುಖ್ಯ ರಸ್ತೆ, ಡಾ.ವಿಷ್ಣುವರ್ಧನ
ಉದ್ಯಾನವನದ ಹತ್ತಿರ, ಕುವೆಂಪು ನಗರ,
ಬಳ್ಳಾರಿ-583 104.

web site:- kspcb@gov.in

Regional Office

Karnataka State Pollution Control
Board, Sy No.597P, Ward No. 25,
4th Main, Near, Dr. Vishnuvardhana
Park, Kuvempunagara,
Bellary.583 104. Ph:08392-240514

e-mail:- bellary@kspcb.gov.in

towards a cleaner Karnataka

NO.KSPCB/RO(BLY)/EO/DEO/AEO/2024-25/ 1425

Date: 15-02-2025

To,
The Regional Director
Central Pollution Control Board,
Nisarga Bhavana, A-Block,
1&2 Floors, Thimmaiah Road,
7th D-Main, Shivanagara,
Bengaluru-560079

//RPAD//

Sir,

Sub: Submitting factual report w.r.t. O. A. No. 270/2024 (Earlier OA No. 1006/2024/PB) News item titled "Karnataka Govt okays mining near 1200-year old temple" at Mining project near Kumarswamy Temple, Sandur Taluk & Ballari District appearing in Deccan Herald dated 19.06.2024 Vs CPCB - reg.

Ref: 1) KSPCB Circular Vide No: 6416 Dtd: 12-02-2014

2) CPCB letter dated 20.01.2025 received by this office vide inward No:2692
Dated 28.01.2025.

With reference to the above cited subject, please find herewith enclosed the list of the mine leases operating in 5 km radius of Sri Kumaraswamy Temple, Sandur Taluk, Ballari District for which Board has accorded CFE/CFO (List enclosed as Annexure - 1). Further it is to bring to your kind notice that this office has not received any complaints from the publics of the surrounding region. As per Board office Circular vide ref(1) the blasting activities are not covered under the purview of the Board (copy enclosed as Annexure - 2).

This is for your kind information and further needful.

Encl: As above

Your's faithfully

[Signature]
Environmental Officer
KSPCB, Ballari

For n.a. file (May be included as a part of (500000))
[Signature]
24/2/2025
ScE (SMTM)

LIST AND STATUS OF MINE LEASE SURROUNDED /LOCATED NEAR KUMWARSWAMY RANGE, SANDUR TQ.

| Sl.No | PCB ID | Name | Address | Area/Place | Taluk | Category Of The Mine | Lease Area as per CEC (Ha) | EC Status | EC Capacity | Production /Consent Capacity | Consent Valdity |
|-------|--------|--|---|------------------|--------|----------------------|----------------------------|--|---|--|-----------------|
| 1 | 19764 | N.M.D.C. (Donimalai Iron Ore Mines) | MI No. 2396, Donimalai Reserve Forest | Donimalai | Sandur | A | 597.54 | J-11015/151/2008-IA-II(M) Date: 07-08-2009 | Iron Ore - 7 MTPA; BHJ/BHQ Benefication Plant - 1.8 MTPA; Pellet Plant/Slime Benefication Plant - 1.2 MTPA | Iron Ore Mine - 7 MTPA; Pellet Plant/Slime Benefication Plant - 1.2 MTPA | 30.06.2028 |
| 2 | 19767 | N.M.D.C Ltd. (Kumarswamy Iron Ore Mines) | M.L. N. 1111, Kumarswamy Range, | Deogiri | Sandur | A | 639.8 | J-11015/20/2002-IA.II(M) dtd:29.10.2004 F.No.J-11015113/2021-IA.II(M) dtd:10.07.2023 | Expansion of production capacity from 8.6 MTPA[Iron Ore (ROM):7 MTPA * Waste: 1.6 MTPA] to 16.25 MTPA [Iron Ore (ROM):10 MTPA + Waste:6.25 MTPA] along with 1800 TPH Crushing & Screening plant | Iron Ore Mine - 8.628 MTPA | 30.06.2026 |
| 3 | 30740 | Sandur Manganese & Iron Ores Ltd (Deogiri) | MI. No. 2580/2678, Deogiri | Deogiri | Sandur | A | 1860.1 | File No: IA-J-11015/45/2021-IA-II(M) Dtd: 25-04-2023 | Increase of Iron Ore production from 1.60 to 4.50 MTPA retaining the Manganese Ore production at 0.55 MTPA with total excavation of 26.42 MTPA (Iron Ore ROM -7.85 MTPA, Manganese Ore ROM-1.34 MTPA, Top Soil-0.19 MTPA & Waste - 17.04 MTPA) along with proposed 7.0 MTPA Ore Benefication Plant, 1.2 km Down Hill Conveyor System, & 0.15 MTPA CruShing & Screening Plant of Iron Ore and Manganese Ore | Iron Ore production-1.60 MTPA Manganese Ore -0.55 MTPA | 30.06.2028 |
| 4 | 19436 | Karnataka State Minerals Corporation Ltd(Formerly Mysore Minerals Ltd, | Subbarayanahalli lom, MI No. 2629, Nandihalli Vill. | Nandihalli | Sandur | B | 80.6 | J-11015/503/2007-IA-II(M) Date: 09-06-2009 | Iron Ore Mine - 3 MTPA | Iron Ore Mine - 1.34 MTPA | 31.03.2025 |
| 5 | 19438 | Mysore Minerals Limited (Thimmappanagudi Iron Ore Mine) | MI No.2605, Thimmappanagudi, Sandur | Sandur | Sandur | A | 136.94 | J-11015/190/2008-IA-II(M) Date: 15-02-2011 | Iron Ore Mine - 4 MTPA; BHJ/BHQ - 1 MTPA | Iron Ore Mine - 0.65 MTPA | 30.06.2025 |
| 6 | 37811 | The Sandur Manganese & Iron Ore Ltd. | M.L. NO. 2679, | Deogiri | Sandur | A | 80.6 | J-11015/88/2006-IA-II(M) Date: 24-01-2007 SEIAA 287MIN2023 Dtd. 07.06.2024 | Iron Ore production of 0.216MTPA by retaining the existing Manganese ore production 0.05MTPA involving total excavation of 1.297MTPA. | Manganese ore mine - 0.032 MTPA | 30.06.2028 |
| 7 | 32548 | Sri B. Rudra Gowda | MI No.2516, Haddinapade Iron Ore Mine, S.M. Block, Kumarswamy Range | Kumarswamy Range | Sandur | A | 79.806 | J-11015/540/2006-IA.II(M), dated 10-12-2015 | Iron Ore mine - 2 MTPA | Iron Ore mine - 1.71 MTPA | 13.03.2026 |
| 8 | 28392 | Sree Gavisiddeshwara Minerals | MI No. 2552, Donimalai Iron Ore Mine, | Donimalai Range | Sandur | A | 136.25 | J-11015/118/2006-IA.II(M), dated 24-12-2006 | Iron ore mine - 1.8 MTPA | Iron Ore Mine - 0.26 MTPA | 31.03.2027 |

| | | | | | | | | | | | |
|----|--------|--|--|-----------------|--------|----|--------|---|----------------------------------|------------------------------------|------------|
| 9 | 31860 | Jsw Steels Ltd (Devadari lom) | Lakshmipura | Lakshmipura | Sandur | C | 100.54 | J-11015/913/2007- IA.II(M), dated 18-01- 2010 (Transfer Dtd: 31-05-2017) | Iron ore mine - 3.1 MTPA | Iron ore mine - 1.29 MTPA | 30.06.2028 |
| 10 | 77014 | Jsw Sttels Ltd (Ubbalgundi Iron Ore Mine (Formerly Mysore Minerals Ltd) | MI. No.995 | Ubbalagun di | Sandur | C | 32.89 | (Trasfer SEIAA 22 MIN 2007 Dtd:15-12- 2018) | Iron Ore-1.073MTPA | Iron ore mine - 0.0283 MTPA | 30.06.2024 |
| 11 | 31858 | Jsw Steels Ltd (Nandi- Hothur Mines) | Malagolla | Malagolla | Sandur | C | 21.61 | SEIAA 63 MIN VIOL 2018 Dtd: 04/12/2023 | Iron ore Mine - 0.8 MTPA | Iron ore Mine - 0.705 MTPA | 30.09.2028 |
| 12 | 101686 | Kirloskar Bharat Iron Ore Mines Of M/S. Kirloskar Ferrous Industries Ltd, | MI No.2245 | Nandihalli | Sandur | C | 24.47 | (Trasfer SEIAA 12 MIN 2007 Dtd:31-01- 2019) | Iron Ore-15LTPA | Iron ore Mine - 0.124 MTPA | 30.06.2025 |
| 13 | 133928 | Marwa Mining Company, | Jiginihalli Managnese Mine, | Jiginihalli | Sandur | B | 24.82 | SEIAA 655 MIN 2019 Dtd 03.02.2023 | Manganese ore mine - 0.2688 MTPA | Manganese ore mine - 0.226 MTPA | 30.06.2025 |
| 14 | 134454 | N Sathyanarayana Harishankar Iron Ore Mine | MI No. 017, Sm Block, Kumarswamy Range, | Nandihalli | Sandur | NA | 14.66 | J-11015/181/ 2006 - IA. II(M) Date:22- 03.2007 | Iron Ore mine - 0.03 MTPA | Iron Ore mine - 0.03 MTPA | 31.03.2025 |
| 15 | 181560 | Ubbalagundi Iron Ore Mines Of Minera Steel And Power Pvt Ltd | MI No. 022 | Ubbalagun di | Sandur | C | 29.49 | J-11015/345/ 2006 - IA. II(M) Date:13-02- 2007 (Transfer SEIAA 30 MISC 2022) | Iron Ore mine - 0.6 MTPA | Iron ore mine - 0.314 MTPA | 30.06.2028 |

☎ / Fax : 080-25586321

✉ / E-mail : ho@kspcb.gov.in

🌐 / Website : http://kspcb.gov.in

☎ 25581383, 25589112
25588151, 25588270
25588142, 25586520

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

NO.KSPCB/BO/SEO-MINES/Circular/2013-14/51/64-16

Date 12 FEB 2014

CIRCULAR

Sub:-Coverage of Stone quarrying activities under the Water (Prevention & Control of Pollution) Act 1974 & the Air (Prevention & Control of Pollution) Act 1981.

Ref :- 1. RSEO, Dharwad letter No 151, dated 07/09/2013.
2. ORC Meeting held on 27.11.2013.

The matter of coverage of stone quarrying activity under consent mechanism of Water and the Air pollution control Acts was discussed in the Officers Meeting held on 27.11.2013. At present the Board is not covering the quarrying activities. In many quarrying related cases before the Hon'ble High Court, the Board has filed affidavit stating that the quarry activities is not covered under the Water & Air Acts. Further few quarry owners/representatives/occupiers are approaching the Board seeking Consents under Water & Air Acts. In this background the technical issues relating on issue of Consent viz., imposing of conditions, monitoring of the conditions were deliberated in length.

The Officers opined that the stone quarrying activities does not have any point source of emissions and it is not a continuous process. The Ambient Air quality monitoring has to be conducted for 8 hours period, whereas the quarrying/blasting is only momentary/sporadic. Besides, the Department of Mines & Geology is leasing the areas for quarrying after detailed study of the location and contents of mines. The Explosive Department is monitoring the quarrying and blasting operations. Further, opined that, it is technically not viable to provide any air pollution control devices for the quarries. Also, the activity does not generate any kind of effluent.

In order to streamline the process, it was discussed in the Officers Meeting held on 27.11.2013 and resolved not to cover the quarrying activity under the provisions of Water

....2/-

"ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆ ನಿಲ್ಲಿಸಿ, ಪರಿಸರ ಹಾನಿ ತಪ್ಪಿಸಿ"

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

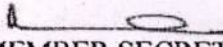
-2-

(Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981. Hence the following Orders:

ORDERS

The stone Quarrying/Blasting activities are not to be covered under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 and also under consent mechanism.

BY ORDER OF THE SECRETARY,


MEMBER SECRETARY

To,

1. Chief Environmental Officer - 1 & 2.
2. Help Desk.
3. Law Officer, SEO-HWM Cell, SEO-17 category, SEO- Mining Steel & Stone Crusher, SEO-Infrastructure, SEO-Non EIA Bangalore, SEO-Non EIA other than Bangalore,
4. SEO-Mysore, SEO-Bangalore City, SEO-Bangalore East, SEO-Dharwad, SEO-Bangalore South, SEO-Bangalore North, SEO-Mangalore SEO-Bellary, SEO-Chitradurga for information.
5. **Regional Officer, Regional Office:**
Bangalore city-1, Bangalore city-2, Bangalore City-3, Bangalore East-1, Bangalore East-2, Bangalore-North-1, Bangalore North-2 Bangalore-South-1, Bangalore-South-2, Bangalore (R.R. Nagar), Mahadevapura, Nelamangala, Sarjapura, Yelahanka (Bytarayanapura), Dasgrahalli, Anekal, Bommanahalli, Doddaballapura, Peenya, Hoskote, Belguam, Bijapur, Bidar, Bagalkot, Bellary, Chitradurga, Chamarajnagar, Chickmagalore, Chickballapura, Dharwad, Davangere, Gulbarga, Hassan, Karwar, Kolar, Koppal, Mandya, Mysore-1, Mysore - 2, Gadag, , Mangalore, Raichur, Shimoga. Tumkur, Udipi, Ramanagara, Yadgiri, Haveri, Kodagu, for information and not to receive application for the granite quarries.
6. P.A to Chairman for information and to bring it to the notice of Hon'ble Chairman.
7. Master file.

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ
ಮಂಡಳಿ, ಸರ್ವೆ ನಂ.597ಪಿ, ವಾರ್ಡ್.ನಂ.15
4ನೇ ಮುಖ್ಯ ರಸ್ತೆ, ಡಾ.ವಿಷ್ಣುವರ್ಧನ
ಉದ್ಯಾನವನದ ಹತ್ತಿರ, ಕುವೆಂಪು ನಗರ,
ಬಳ್ಳಾರಿ-583 104.



Regional Office

Karnataka State Pollution Control
Board, Sy No.597P, Ward No. 15,
4th Main, Near, Dr. Vishnuvardhana
Park, Kuvempunagara,
Ballari-583 104.

Ph:-08392-240514

e-mail:- bellary@kspcb.gov.in

towards a cleaner Karnataka

web site:- kspcb.gov.in

No:-KSPCB/RO(BLY)/EO/DEO/AEO/2024-25

1424 Date 04-03-2025

To,

The Regional Director
Central Pollution Control Board,
Nisarga Bhavana, A-Block,
1&2 Floors, Thimmaiah Road,
7th D-Main,
Shivanagara,
Bengaluru-560079
Sir.

Sub: Reply to query w.r.t. mining units-reg.

Ref: This office received query raised through mail on 02.03.2025.

With reference to the above cited subject, this office had forwarded list and status w.r.t. mining units in Ballari District on 05.02.2025. Further, this office has received query on said matter vide reference. Hence, please find the reply to your query as below:-

| Sl No | Query /Clarification | Reply |
|-------|--|---|
| 1 | During which period did the CEC committee categorize the mines. | Information may be sought from Mines & Geology Department. |
| 2 | Out of the 15 mines granted permission, one mine namely M/s Sathyanarayan Harishankar iron ore mine is classified as NA, It is requested to kindly clarify as What is NA categorization. | The categorization by the CEC was done for only the operating mines in Karnataka during the categorization year. M/s Sathyanarayan Harishankar Iron Ore Mine, ML No. 017, SM Block, Nandihali, Sandur Taluk & Ballari District, have executed fresh mining lease in the year 2021. Hence it was not considered in the CEC categorization. Therefore, it mentioned as NA. |
| 3 | If the violations or if the mines are categorised under B & C category, what action is being taken and how these mines are permitted to operate. | This office is according CFE/CFO after the Mining authorities are obtaining concurrence from Central Empowared Committee (CEC) permissible fixed annual production capacity and NOC from the all other competent authorities for these B&C categories of mines. |

This is for your kind information and further needful.

Yours faithfully

Arundhathi Babu
Environmental Officer
KSPCB, Ballari

Annexure-V

GOVERNMENT OF KARNATAKA

No.DMG/MLS/Cat. C/2013-14

Office of the Director
Department of Mines and Geology
Khanija Bhavan, Race Course Road
Bangalore-1, dated:26.10.2013.

By Regd. A/D

Sub: Hon`ble Supreme Court order dtd:18.04.2013 in
WP (Civil) No.562/2009.
Ref: Notification No.CI 79 MMM 2013 Bangalore
dtd:12.09.2013.

Pursuant to the Hon`ble Supreme Court order dtd:18.04.2013 in WP (Civil) No.562/2009, Government of Karnataka has cancelled all the mining leases falling under Category - C. Gazette copy of the said order/notification is sent herewith for information.

To

S. S. S. S.
DIRECTOR *28/10/13*

30 OCT 2013

✓ Copy to Computer Section for uploading in the Departmental Website.

RNI No. KARBIL/2001/47147



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

| | | |
|----------|--|----------|
| ಭಾಗ - I | ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಅಕ್ಟೋಬರ್ ೧೭, ೨೦೧೩ (ಅಶ್ವಯುಜ ೨೫, ಶಕ ವರ್ಷ ೧೯೩೫) | ನಂ.೧೨೦೩ |
| Part - I | Bangalore, Thursday, October 17, 2013 (Aashwayuja 25, Shaka Varsha 1935) | No. 1203 |

COMMERCE AND INDUSTRIES SECRETARIET

NOTIFICATION

No. CI.79:MMM.2013, Bangalore, dated:12.09.2013

READ: Hon'ble Supreme Court Order in Writ Petition (civil) No.562 of 2009, Samaja Parivarthana Samudaya & others [vs] State of Karnataka & others. With SLP.(C)Nos.7366-7367 of 2010, SLP(C)Nos.32690-32691 of 2010, W.P.(CrI)No.66 of 2010, SLP(C)Nos.17064-17065 of 2010, SLP(C)No (CC.No.16829 of 2010), SLP (C) No (CC.No.16830 of 2010), W.P.(C)No.411 of 2010, SLP (C) No.353 of 2011 and W.P(C)No.76 of 2012, Dated:18.04.2013.

A writ petition (Civil) No.562/2009 was filed by Samaja Parivarthana Samudaya, (SPS) before Hon'ble Supreme Court alleging rampant illegal mining in the districts of Bellary, Chitradurga & Tumkur and encroachment by the lessees into the adjacent forest areas. The Hon'ble Supreme Court had directed the Central Empowered Committee (CEC) constituted by it to conduct survey of all the mining leases for iron ore in the above districts with the help of a joint team comprising of representatives of the Karnataka Forest Department, the Department of Mines & Geology, Hon'ble Karnataka Lokayukta, and one member of the Central Empowered Committee.

After survey of all the mining leases by the joint team, the Central Empowered Committee submitted its final report to the Hon'ble Apex Court on 03.02.2012, wherein, the following points have been highlighted:-

- (i) Massive illegal mining and transportation of iron ore by few individuals has lead to severe environmental degradation;
- (ii) To considering the quantum and magnitude of illegal mining activity, the leases have been categorized into

Category A: where no or negligible illegality found,

Category B: where marginal illegality found and

Category C: where gross illegality were noticed.

The CEC had recommended for cancellation/ determination of mining leases falling under category 'C' and to allot such mines to the end users through bidding in a transparent way. The CEC has further recommended that the cost of implementation of the Reclamation & Rehabilitation plan has to be borne by the lease holders themselves.

The Hon'ble Supreme Court in its Order dated 18.04.2013 has accepted the recommendations of the Central Empowered Committee contained in para (VI & VII) page 56 to 57 of the said dated 03.02.2012 report, all the mining leases meaning thereby, falling under Category 'C' will stand cancelled.

Since, the above Orders of the Hon'ble Supreme Court have to be implemented in letter and spirit, it is incumbent upon the State Government to cancel the mining leases falling under category 'C'. Accordingly, all the 51 mining leases issued under Sec.8 of the Mines and Minerals (Development and Regulation) Act, 1957 contained in the list of "C" category mines appended to this Notification as **Annexure-A** showing the lessees name, Mining Lease numbers, extent of area, lease for which mining of minerals is permitted, location, taluk, district of the Mining Leases stands cancelled with immediate effect.

The Director of mines and Geology is directed to recover any dead rent, royalty, penalty and dues whatsoever compounded, Forest Development Tax(FDT), tax, fee or other sums payable to the Government by the erstwhile holder of these mining leases which are cancelled herewith. Such dues shall be calculated by the Director, Department of Mines and Geology and the erstwhile lease holders of these cancelled mining leases cannot be absolved/ abstained from clearing the sums under any circumstances.

Further, the cost of the implementation of the Reclamation & Rehabilitation Plan should be borne by the above lease holders of the cancelled mining leases.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF KARNATAKA,

P.S. KANTHARAJ

Deputy Secretary to Government (Mines)
Commerce & Industries Department

ANNEXURE-A

LIST OF CANCELLED "C" CATEGORY MINING LEASES
(Annexure to Notification No. CI 79 MMM 2013 Dtd.12-09-2013)

| Sl. No | Name of lease holder | Mining Lease No. | Extent Area (in hectares) | Permitted Mineral | Location | Name of the Taluk & District |
|--------|---|------------------|---------------------------|--------------------------------|--------------------------------------|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | J.M. VRISHABENDRAYYA | 2173 | 3.36 | Iron & redoxide | Ramgad | Sandur Bellary |
| 2 | VEEYAM PVT LTD | 2615 | 20.23 | Iron Ore | NEB Range | Sandur Bellary |
| 3 | AMBIKA GHORPADE | 2354 | 4.95 | Iron Ore | Kammateravu Sy No.57, 65-67 | Sandur Bellary |
| 4 | MYSORE MANGANESE COMPANY | 2603 | 3.24 | Iron Ore & Mn. | D.B.Kere Sy.No.38 | Hosadurga Chitradurga |
| 5 | HOTHUR TRADERS | 2313 | 21.11 | Iron Ore & Mn. | Malagolla | Sandur Bellary |
| 6 | M.DASHARATHA RAMI REDDY | 2560 | 19.95 | Iron Ore & Mn. | Kenkere Sy.No.63 | Hosadurga Chitradurga |
| 7 | BHARAT MINES AND MINERLS | 2245 | 26.20 | Iron Ore & Mn. | Nandihalli | Sandur Bellary |
| 8 | ASSOCIATED MINING | 2434 | 10.12 | Iron Ore | RM Block | Sandur Bellary |
| 9 | B.R YOGINDRANATH SINGH | 2186 | 13.00 | Iron Ore & Redoxide | Kakubalu | Hospet Bellary |
| 10 | LATHA MINING CO. (D. NARAYANA) | 958 | 4.05 | Iron Ore & Mn. | Gollahalli Honnebagi | C.N. Halli Tumkur |
| 11 | CANARA MINERALS | 2635 | 11.34 | Iron Ore & Mn. | Shivasandra Sy.No.45 | Gubbi Tumkur |
| 12 | THANGAVELU & OTHERS | 2585 | 60.70 | Iron Ore, Mn. & other minerals | D.B. Kere Sy.No.59 | Hosadurga Chitradurga |
| 13 | TRIDENT MINING COMPANY (SRIMATI M.P. NAGAMMA) | 1732 | 5.26 | Iron Ore | NEB Range | Sandur Bellary |
| 14 | SRI. N. MANZOOR AHMED | 1324/2616 | 15.97 | Iron Ore | NEB Range | Sandur Bellary |
| 15 | SMT KAMALA BAI | 1442 | 13.45 | Iron Ore | Manchakatte | C.N. Halli Tumkur |
| 16 | SUDARSHAN SINGH (MAHALAKSHMI MINERALS) | 2579 | 8.09 | Iron Ore, Mn. & Dolomite | Gollahalli Sy.No.12 | C.N. Halli Tumkur |
| 17 | RAMGAD MINERS AND MINING PVT LTD | 2451 | 24.28 | Iron Ore | NEB Range | Sandur Bellary |
| 18 | TRIDENT MINERALS | 2315 | 32.27 | Iron Ore | NEB Range | Sandur Bellary |
| 19 | ALLUM VEERABHADRAPPA | 2436 | 28.07 | Iron Ore & Mn. | Kanchagana-halli | Hosadurga Chitradurga |
| 20 | KANHAYALAL DUDHERIA | 2563 | 30.76 | Iron Ore | R.M. Block | Sandur Bellary |
| 21 | ADARSHA ENTERPRISES | 2369 | 3.03 | Iron Ore & Mn. | Ramgad | Sandur Bellary |
| 22 | MATHA MINERALS | 1975/2600 | 129.50 | Iron Ore, Mn, MnO2, Limestone | Mudalapalya Sy.No.09 Kondli Sy.No.84 | Gubbi Tumkur |
| 23 | SB MINERALS | 2393 | 40.47 | Iron Ore | R.M. Block | Sandur Bellary |
| 24 | KARNATAKA LIMPO | 2650 | 6.07 | Iron Ore & Redoxide | Rajathadripura Sy.No.150 | Tiptur Tumkur |
| 25 | ANJANA MINERALS | 2519 | 4.55 | Iron Ore | Bedara bommanahalli Sy.No.04 | Chitradurga Chitradurga |
| 26 | DECCAN MINING SYNDICATE (P) LTD | 2525 | 19.02 | Iron Ore | Kammateravu | Sandur Bellary |
| 27 | P. ABUBAKAR | 2183/2619 | 14.00 | Iron Ore | NEB Range | Sandur Bellary |
| 28 | LAKSHMI NARAYANA MINING COMPANY | 2487 | 105.22 | Iron Ore | NEB Range | Sandur Bellary |

4

| Sl. No | Name of lease holder | Mining Lease No. | Extent Area (in hectares) | Permitted Mineral | Location | Name of Taluk & District |
|--------|--|------------------|---------------------------|---|--|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 29 | KAMALA BAI | 2187 | 23.47 | Mn. & MnO2 | Bullenahalli & Honnebagi | CN halli Tumkur |
| 30 | MYSORE STONE WARE PIPES AND POTTERIES (P) LTD | 2521 | 122.72 | Fire clay | Sondenahalli, Somanahalli & Rajathadripura | CN Halli Tumkur |
| 31 | TEJAWORK | 2353 | 4.86 | Mn., Iron ore & China clay | Sondenahalli Sy.No.37 | CN Halli Tumkur |
| 32 | RAJAPURA MINES | 2190 | 93.89 | Iron ore | Rajapur | Hospet Bellary |
| 33 | H.G. RANGANGOWDA | 2148 | 60.70 | Iron ore | Yeshavanth-nagar | Sandur Bellary |
| 34 | NIDHI MINING Pvt Ltd. | 2433 | 31.84 | Iron ore & Redoxide | Ubbalagundi | Sandur Bellary |
| 35 | S.B.MINERALS | 2550 | 44.52 | Iron ore | NEB range | Sandur Bellary |
| 36 | MILANA MINERALS (LAKSHMI & CO.) | 1842 | 99.56 | Mn., MnO2, Iron ore & Yellow ochar | Kenkere | CN halli Tumkur |
| 37 | DEEP CHAND KISHANLAL | 2348 | 125.45 | Iron ore | Sondenahalli & Somanahalli | CN Halli Tumkur |
| 38 | THUNGABHADRA MINERALS LTD | 2365 | 250.58 | Iron ore & Redoxide | Ettinatti (Donimalai range) | Sandur Bellary |
| 39 | THUNGABHADRA MINERALS LTD | 2366 | 33.97 | Iron ore | Ettinatti (Donimalai range) | Sandur Bellary |
| 40 | M.SRINNASULU | 2631 | 74.86 | Iron ore & Mn. | K.K.Kaval Sy.No.01 | Hosadurga Chitradurga |
| 41 | M.CHANNAKESHAVA REDDY (SRI LAKSHMI NARASHIMHA MINING CO) | 2566 | 7.85 | Iron ore | Kenkere & Lakkihalli | Hosadurga Chitradurga |
| 42 | SPARK LINE MINING CORPORATION | 2567 | 4.86 | Iron ore | Ramgad | Sandur Bellary |
| 43 | MINERAL MINERS AND TRADERS | 2185A | 46.13 | Iron ore & Redoxide | Jamikunta | Bellary Bellary |
| 44 | MYSORE MINERALS LTD | 995 | 80.94 | Iron ore | Ubbalagundi | Sandur Bellary |
| 45 | V.S LAD & SONS | 2290 | 105.06 | Iron ore | Laxmipura | Sandur Bellary |
| 46 | KARTHIKEYAS MANGANESE | 2559 | 27.24 | Iron ore | SM Block | Sandur Bellary |
| 47 | G. RAJ/SHEKAR | 2229 | 129.49 | Iron ore, Mn., Fire clay, Dolomite & MgO2 | Kundli | Gubbi Tumkur |
| 48 | RAMA RAO PAOL | 2621 | 28.33 | Iron ore | Ramgad | Sandur Bellary |
| 49 | SMT RAZIA KHANUM | 2557/1575 | 12.58 | Iron ore & Mn. | D.B. Kere | Hosadurga Chitradurga |
| 50 | S.B. MINERALS | 2515 | 80.92 | Iron ore | Vyasanakere | Hospet Bellary |
| 51 | SHANTHALAKSHMI JAYA RAM | 921/2553 | 50.47 | Iron ore | Kallahalli | Hospet Bellary |

P. S. KANTHARAJ

Deputy Secretary to Government (Mines)
Commerce & Industries Department

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ಬಿಜಾಸ ನಗರ, ಬೆಂಗಳೂರು. (೬೭) (೨೦೦ ಪ್ರತಿಗಳು)