

127

Government of Jammu & Kashmir
DIRECTORATE OF GEOLOGY & MINING

4th Floor J L Nehru Udyog Bhawan Rail Head Complex, J& K, Jammu - 180012
Ph. +91-191-2477903 Fax: +91-191-2477903 Email- legalcelldgmjak@gmail.com

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

No.316/DGM/LCJ/NGT/OA151-HW/2023/ (7349365) Dated. 20-03-2024

Subject: Hon'ble NGT Order Dated 19-10-2023 in OA No. 151/2023 titled Hassina Wajid (Sarpanch) V/s State of Jammu and Kashmir (UT) & ors.

Reference: Hon'ble NGT Order dated 19-10-2023 in OA No.151/2023.

Sir,

Kindly find enclosed herewith the copy of Order dated 19-10-2023 of the Hon'ble National Green Tribunal passed in the aforesaid case, the operative part of which is reproduced as under:

"... In view of the facts and circumstance of the case, we also consider personal appearance of the Director, department of geology and Mining, Jamm & Kashmir and district Magistrate, Poonch and regional Officer, JKPC, Poonch through VC on the next date of Hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly, they are directed to remain present before this tribunal on that date with the relevant record".

Further, the factual position of the case submitted by District Mineral Officer, Poonch forwarded by the Joint Director, Jammu and Officer Incharge Mineral Concession Cell, Jammu is also enclosed herewith with the request to draft and file the response before the Hon'ble NGT at an earliest.

Encl: A/A

Yours faithfully,

(P.S Rathore) JKAS,
Director,

Geology & Mining J&K, Jammu. 20.03.2024

Copy to the:-

1. Shri G.M. Kawoosa, Additional Standing Counsel for Government of J&K in Hon'ble National Green Tribunal-Principal Bench, New Delhi.
2. Senior Law Officer, Department of Mining, Civil Secretariat, Jammu.



सत्यमेव जयते

UNION TERRITORY OF JAMMU & KASHMIR
OFFICE OF THE DISTRICT MINERAL OFFICER, Poonch
(Geology and Mining Department)

Email: poonchdmo@gmail.com

No: DMO/P/Misc/2023-24/ 450-451

Date: 14-11-2023

The Joint Director,
Geology & Mining Department,
Jammu.

Subject: Notice before the National Green Tribunal, New Delhi original application No:151 of 2023, Titled Hassina Wajid (Sarpanch) vs State of Jammu & Kashmir (UT) & ors,

Sir,

1. In reference to office l/c Mcc (c), Geology and Mining Department, J&K, Jammu office letter No:1088/Mcc/DGM/09/2339-40 dated 08-11-2023 and above cited subject, regarding notice before the National Green Tribunal, New Delhi original application No:151 of 2023, Titled Hassina Wajid (Sarpanch) vs State of Jammu & Kashmir (UT) & ors,
2. In this regard, it is submitted that, M/S Dewan Stone Crusher located at Chaktroo area of District Poonch, Department has granted License in favour of the M/S Dewan Stone Crusher, Proprietor Sh. Shazad Shabnum S/o Abdul Rashid R/o village chaktroo Tehsil Haveli District Poonch. This Stone Crusher was operating before issuance of S.o 60, and the requisite Noc's has been completed by the proprietor of M/s Dewan Stone Crusher for running of the Crusher.
3. Whereas, M/s Dewan Stone Crusher was non-operational w.e.f 25-03-2022 to 16-01-2023 due to seizure order issued by the Administration and the owner of the crusher has approached to the J&K High Court and Hon'ble court has given directions to the District Administration for de-seal of the crushers, and this crusher has de-sealed by the Administration on 16-01-2023 (copy enclosed)
4. Whereas, undersigned along with field staff visited on the complaint site and found that no fresh mining is seen on the spot where complaint of illegal mining has been reported by the petitioner. It is further submitted that, the

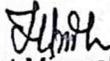
present status of the unit is non operational due to closer order issued by the poullation deptt on 31-10-2023 (copy enclosed)

5. Therefore, I hereby submitted factual position of the spot of the complaints for your kind information and for further necessary action at your end .

Hence submitted.

Yours faithfully. ✓

Enclosed (05 leaves)


District Mineral Officer,
Geology & Mining Department.
Poonch.

Copy to the:

1. Director, Geology & Mining Department Jammu for kind information.
2. Senior Law Officer Geology & Mining Department for information .

(82)

Item No. 7

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 151/2023

Hassina Wajid (Sarpanch)

...Applicant

Versus

State of Jammu & Kashmir (UT) & Ors.

...Respondents

Date of hearing: 19.10.2023

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

Applicant: Mr. Prakash Pandey, Advocate alongwith applicant in person (through VC).

Respondents: Mr. Ajit Sharma and Mr. A. Ranganath, Advocates for respondent no. 6 to 8.

**Original Application under Sections 14, 15 read with Section 18 of the
National Green Tribunal Act, 2010.****ORDER**

1. In compliance of order dated 20.03.2023 report has been filed by 17.07.2023.
2. As per office report notices were duly served on respondent no. 1 to 5 by email and respondents no. 6 to 8 by speed post.
3. None has appeared for respondents no. 1 to 5.
4. Mr. Ajit Sharma and Mr. A. Ranganath, Advocates have appeared for respondents no. 6 to 8 and seek time to file reply/response on their behalf.
5. Reply/response be filed within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

O. A. No. 151/2023

Hassina Wajid (Sarpanch)
Vs. State of J&K (UT) & Ors.

-2-

6. List for further consideration on 16.02.2024.
7. In view of the facts and circumstance of the case, we also consider personal appearance of the Director, Department of Geology and Mining, Jammu & Kashmir and District Magistrate, Poonch and Regional Officer, J&KPCC, Poonch through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.
8. A copy of this order be forwarded to the Director Department of Geology and Mining, Jammu & Kashmir and District Magistrate, Poonch and Regional Officer, J&KPCC, Poonch by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 19, 2023

81



**UT OF JAMMU & KASHMIR
OFFICE OF THE DISTRICT MAGISTRATE POONCH**

Tel No.01965-220333 E-Mail: dcpoonch@gmail.com

No: - DMP/J/2379

Date: - 12-01-2023

ORDER

Whereas, as per the direction of this office and order No. TH/OQ/2432 dated 25-03-2022 issued by Tehsildar Haveli, Naib Tehsildar Chandak seized M/s Dewan Stone Crusher vide Order No. NTC/9925-29 dated 26-03-2022 and put at the supardarl of SHO Police Station Mandi; And

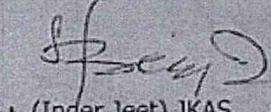
Whereas, vide this office letter No. DCP/SQ/2022/1350-51 dated 28-09-2022 directed Tehsildar Haveli to submit detail factual report after demarcation of State Land bearing Khasra No. 218 which has been retrieved earlier from illegal possession of Dewan Stone Crusher at village Chaktroo, Tehsil Haveli, District Poonch and also to submit status report of Khasra No.256 in which the said stone crusher is installed alongwith relevant revenue record and tatima shajra of stone crusher; And

Whereas, Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu in WP (C) No. 2712/2022 in case titled Shazad Shabnam Vs Ut of J&K and Ors dated 16-12-2022 directed Deputy Commissioner, Poonch to de-seal the stone crusher of the petitioner in case the petitioner has removed the encroachments from the State Land and has made the same encumbrance free and in case if there is no other legal impediment in doing so; And

Whereas, vide this office letter No. DMP/JC/2451-52 dated 19-12-2022 Tehsildar Haveli was directed to personally visit the spot and submit the report in the light of Hon'ble High Court order and vide this office No. DMP/J/2500 dated 22-12-2022 Tehsildar Haveli was further directed to prepare & certify tatima of State Land and propriety land on which crusher unit exists and also submit a certificate of tatima that no encroachment/encumbrance exists on State Land; And

Whereas, vide letter No. TH/OQ/2069 dated 04-01-2023 Tehsildar Haveli submitted the detailed report alongwith Tatima and an affidavit affirming that neither crusher owners will encroach upon the retrieved land nor obstruct path leading to river;

Now, in view of above, Tehsildar Haveli is directed to de-seal the Diwan Stone Crusher at village Chaktroo, Tehsil Haveli, District Poonch as per procedures and rules and in case there is no other legal impediments in doing so.


 (Inder Jeet) JKAS
 District Magistrate
 Poonch
District Magistrate
Poonch
(J&K)

Copy to: -

1. Regional Director, Pollution Control Committee Jammu for information.
2. Sr. Superintendent of Police, Poonch for information and n/action.
3. Tehsildar Haveli for information and n/action.
4. SHO Police Station Mandi for information and n/action.
5. Sh. Shahzad Shabnam, Owner of Diwan Stone Crusher at village Chaktroo, Tehsil Haveli, District Poonch for information.



Government of Jammu and Kashmir

OFFICE OF THE TEHSILDAR HAVELI (POONCH)

The Naib Teshildar
Chandak

Subject: De-sealing of M/S Deewan Stone Crusher- request thereof.

Dear Sir,

In reference to the subject cited above and in compliance with the directions received from the office of District Magistrate Poonch vide Order No. DMP/J/2637, dated: 12-01-2023 **you are requested to De-seal M/S Deewan Stone Crusher in village Chaktroo** as per procedures and rules and in case there is no other legal impediments in doing so.

No. TH/OO/ 2386
Dated: 16-01-2023

Sincerely Yours

Anjum Bashir Khan Khattak
16-1-XXIII
Anjum Bashir Khan Khattak (KAS)
Tehsildar Haveli (Poonch)

Copy to the:

- 1) District Magistrate Poonch for kind information.
- 2) Station House Officer P/S Mandi for information and further necessary action.
- 3) Mr. Shehzad Shabnam, Proprietor of M/S Deewan Stone Crusher for information.



135

Government of Jammu and Kashmir
J&K POLLUTION CONTROL COMMITTEE
Jammu



ORDER NO. : 09 JK PCC of 2023
DATED : 31/07-2023

Whereas, Consent to Operate (R) was issued to M/s Diwan Stone Crusher, Chaktroo, Haveli District Poonch with valid upto April, 2023, thereafter unit holder has failed to obtain periodical renewals warranted under Section 25/26 and Section 21 of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 respectively.

Whereas, on the basis of pollution potential, stone crusher is classified as Orange category and obtaining the consent from the Pollution Control Committee is mandatory along with adoption of pollution control mechanism to achieve the Prescribed Standards of pollution.

Whereas, stone crusher set up and put in operation by Mr. Shazaad Shabnam under the name and style of M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch is currently operational in violation of above stated laws that too without adequate pollution control devices/pollution control measures and valid consent from the JK Pollution Control Committee.

Whereas, the owner of the stone crusher was accordingly served with notices latest on 18-05-2023, calling upon him there under to show reasons as to why legal action including closure of the stone crusher be not taken to which he failed to show any tenable response, besides failing to obtain mandatory Consent from the JK Pollution Control Committee.

Whereas, the latest inspection carried out by the Divisional Officer, Pollution Control Committee, Poonch on 24-06-2023, reported that the stone crusher is operational without adequate Pollution Control Devices/Pollution Control Measures and valid consent from the JK Pollution Control Committee and recommended for closure order.

Whereas, Regional Director, Pollution Control Committee, Jammu vide letter No. PCC/RDJ/Consent-O/23/1127-28 dt. 15-07-2023 has confirmed the report of the Divisional Officer, Pollution Control Committee Poonch and accordingly recommended the same for closure order.

Whereas, the stone crusher in question cannot be allowed to run unauthorisedly with above status and to the detriment of human health and environment.

Now, therefore, in exercise of powers vested in the J & K Pollution Control Committee under Section 33 (A) of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981, read with Section 5 of Environment (Protection) Act, 1986 immediate closure of stone crusher of Shazaad Shabnam under the name and style of M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch is hereby ordered, with following directions: -

- i). The Deputy Commissioner/ District Magistrate, Poonch is directed to get the stone crusher of Mr. Shazaad Shabnam under the name and style of M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch, closed immediately.
- ii). The Chief Engineer, Power Development Corporation Ltd. (PDCL), Canal Road, Jammu is directed to disconnect the electric supply to the above said stone crusher immediately.
- iii). Mr. Shazaad Shabnam Prop. M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch is directed to cease the operation of the stone crusher forthwith.

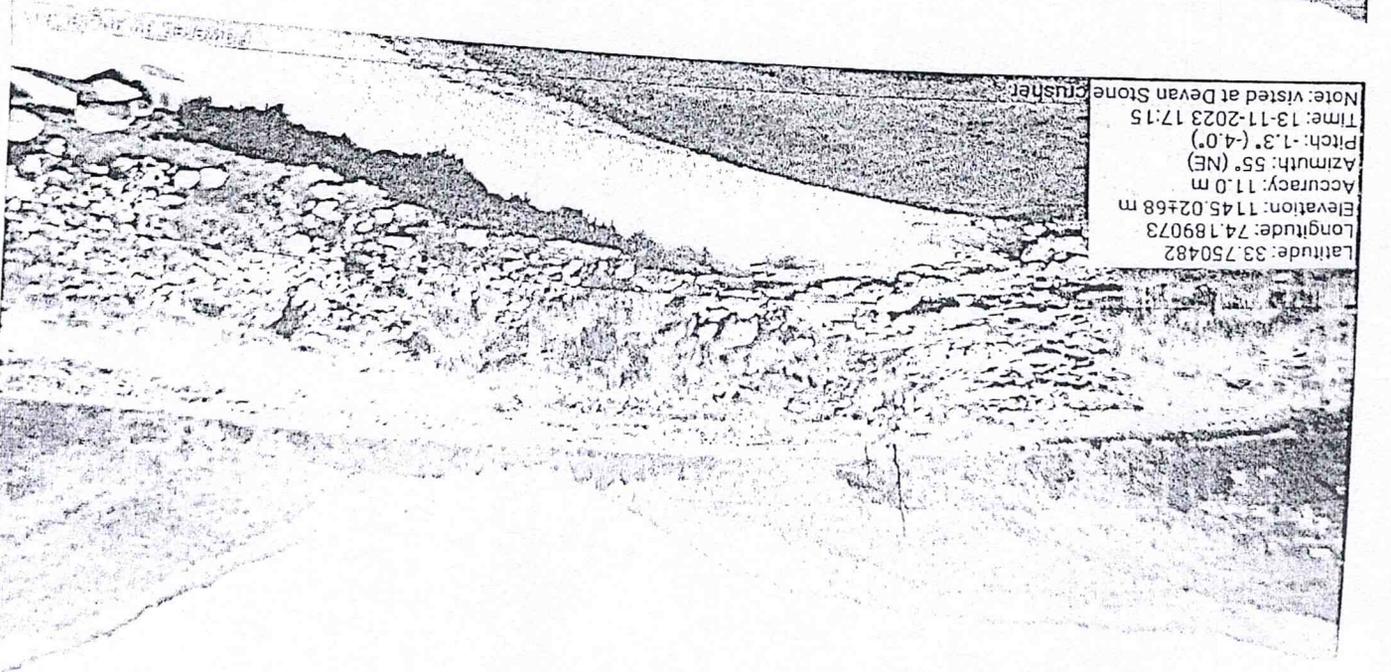
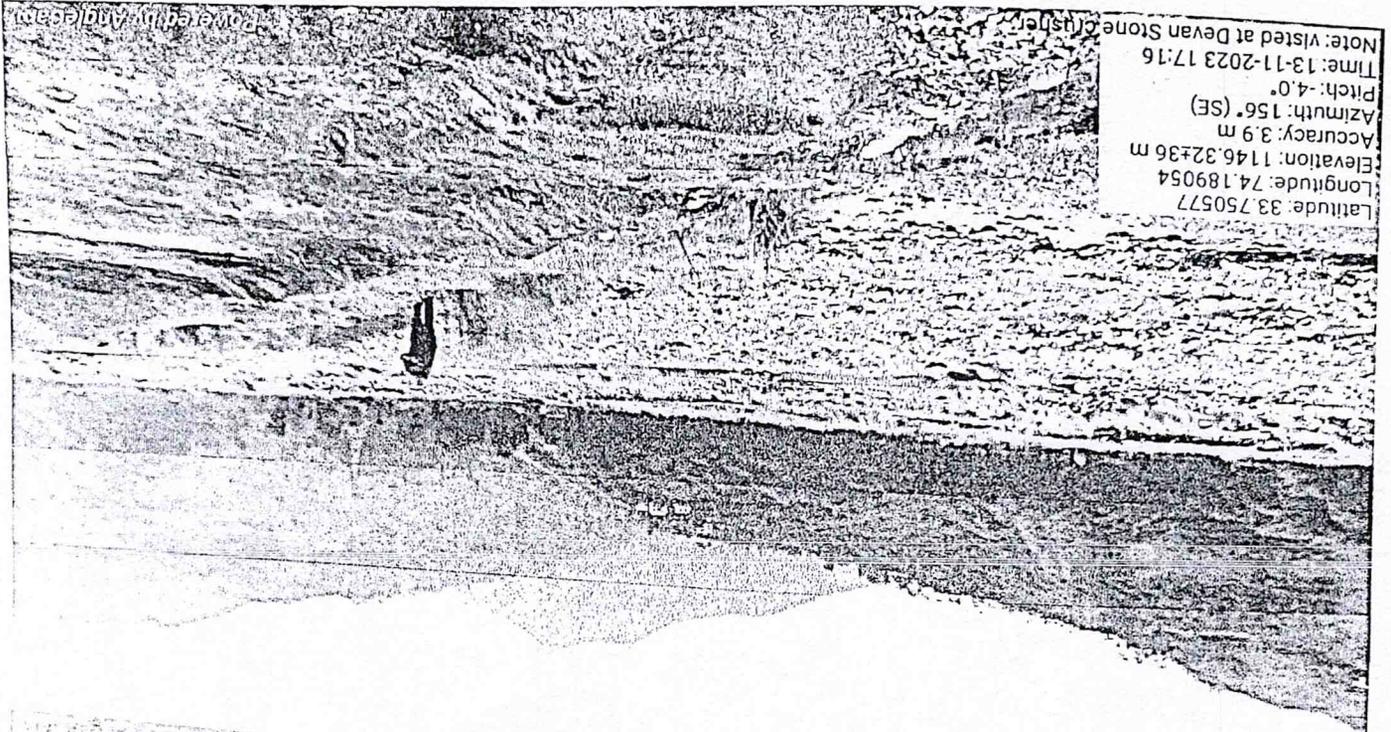
As approved by the Competent Authority.


(K. Ramesh Kumar), IFS
Member Secretary
JK, PCC Jammu.

No:-JKPCC/LSJ/7243113/2023 {44-48
Dated:- 31/07/2023

Copy to the:-

- i). Deputy Commissioner/ District Magistrate Poonch, for information and necessary action.
- ii). Regional Director, Pollution Control Committee, Jammu for information and follow up action and has reference to his letter NoPCC/RDJ/Consent-O/23/1127-28 dt. 15-07-2023.
- iii). Chief Engineer, Power Development Corporation Ltd. (PDCL), Canal Road, Jammu, for information and necessary action.
- iv). I/c Website, JK Pollution Control Committee, Jammu for uploading the closure order.
- v). Mr. Shazaad Shabnam Prop. M/s Diwan Stone Crusher, Chaktroo, Haveli, District Poonch for compliance



68