

**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.