

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.112/2024/EZ

Monoj Roy & Ors.

Applicant(s)

Versus

State of Assam & Ors.

Respondent(s)

Date of hearing: 09.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *None*,

ORDER

1. Case called out. No one is present for the Applicant.
2. Issue notice to the Applicant, Monoj Roy, returnable within four weeks.
3. The present Original Application has been registered in view of a letter petition sent by the Applicant, Monoj Roy, dated 01.04.2024, in the National Green Tribunal, Eastern Zone Bench, Kolkata. The allegation in the letter petition is that illegal mining activities are taking place in the Jatinga River Stone Quarry in the nature of unauthorized and excessive mining in gross violation of environmental laws, regulations and guidelines.
4. The allegation further is that in the mining large excavators are being used and such illegal mining is alleged to have resulted in pollution of river water which otherwise serves as a primary source of drinking water for nearby residents which has been contaminated by the use of mechanized machines.

5. It is also alleged that the mining under the Mining Plan of Stone Mahal is limited to a mining depth upto 2 meters within the contract period but the quarry operators are excavating beyond a depth of 20 meters.
6. It is also alleged that the contract holders are illegally supplying the materials to large construction projects and using unauthorized mechanized machines and 10 wheeler dumpers from their Stone Screening Plant near the Stone Mahal without proper forest permits thereby causing substantial loss of revenue to the State exchequer.
7. Matter requires consideration.
8. Considering the allegations made, we direct the following be arrayed as Respondents in the present case:-
 - (1) Department of Environment, Forests and Climate Change, Government of Assam, through its Principal Secretary,
 - (2) State Environment Impact Assessment Authority (SEIAA), Assam, through its Member Secretary,
 - (3) Assam State Pollution Control Board, through its Member Secretary,
 - (4) Divisional Forest Officer, Cachar Forest Division, Assam, and
 - (5) District Magistrate, Cachar District, Assam,
 - (6) Jatinga River Stone Quarry, through its Proprietor, Cachar, Assam,
9. Issue notice to the Respondents, returnable within four weeks.
10. Ms. Malabika Roy Dey, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.1, 4 & 5, State Respondents, Government of Assam.

11. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, SEIAA, Assam.
12. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Assam State Pollution Control Board.
13. Issue notice to the Respondent No.6, returnable within four weeks.
14. All the Respondents shall file their counter-affidavits within four weeks.
15. Considering the allegations made, we also deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, Assam State Pollution Control Board,
 - (ii) Senior Scientist, (SEIAA), Assam,
 - (iii) Divisional Forest Officer, Cachar Forest Division, Assam, and
 - (iv) District Magistrate, Cachar District, Assam, or his representative not below the rank of Additional District Magistrate,
16. The Committee shall visit the site in question and submit its Factual and Action Taken Report with regard to the allegations made.
17. The District Magistrate, Cachar District, Assam, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
18. The Registry of the Tribunal shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Malabika Roy Dey, Ms. Amrita Pandey and Mr. Surendra Kumar, Counsel for the Respondent, within 48 hours.

19. **List on 23.08.2024.**

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B. Amit Sthalekar, JM

July 09, 2024,
Original Application No.112/2024/EZ
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Dr. Arun Kumar Verma, EM