

Mukul Haloi vs State Of Assam Through Secretary ... on 3 April, 2025

Item No.07

Court No.1

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

Original Application No.46/2025/EZ
(Earlier O.A. No.41/2025/PB)

Mukul Haloi and Anr.

Applicant(s)

Versus

State of Assam & Ors.

Respondent(s)

Date of hearing: 03.04.2025

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

For Applicant(s) : None

For Respondent(s) : Ms. Malabika Roy Dey, Adv. for R-1 and 3,
Mr. Surendra Kumar, Adv. for R-2

ORDER

1. Case called out. No one is present on behalf of the Applicants.
2. The Original Application No.41/2025/PB was registered by the New Delhi Bench of the Tribunal on the basis of a letter petition sent by the Applicants Mukul Haloi and Mridul Haloi by email dated 27.11.2024 to the New Delhi Bench of the Tribunal.
3. The relevant part of the letter petition reads as under :-

" Sub: Public Grievance Against J.P.I.S Brick Manufacturing Unit and M/s PASA Stone Crusher at Pagladiya Riverbed, Nalbari, Assam for Alleged Violation of Rules and Regulations.

Respected Sir/Madam, We, Mukul Haloi and Mridul Haloi, residents of Chengnoi village under post office Chengnoi (781337) in Nalbari District of Assam, are writing this letter to bring to your attention the unlawful construction and operation by the J.P.I.S brick manufacturing unit and M/s PASA Stone Crusher. The two units are located on the Pagladiya riverbed in Chengnoi Village, Nalbari. The permission and construction of these two units blatantly violate The Assam Brick Kilns

Establishment and Regulation Rules, 2013 and Stone Crusher Establishment & Regulation Rules, 2013. It also poses a serious threat to highly eco-sensitive riverine biodiversity and public health.

Below, we list the violations :

J.P.I.S Brick Manufacturing Unit :

- The unit has been constructed on top of the Pagladiya riverbed. The water flow of the Pagladiya River is 78 meters from the manufacturing unit. (Google map and photo evidence attached) • The leveling and clearing of the topsoil of the riverbed have been ongoing day and night.
- From J.P.I.S brick manufacturing unit to the nearest temple (1): 300.19 Meters (Google map evidence attached) • From J.P.I.S Brick Manufacturing unit to the nearest temple (2) 450.60 Meters (Google map evidence attached).
- From J.P.I.S brick manufacturing unit to Chengnoi khudra katara village (with less than 20 houses) distance: 212.35 Meters. (Google map evidence attached).
- From J.P.I.S Brick Manufacturing unit to Jamtola Chengnoi Suba (with more than 20 houses): 350.22 meters (Google map evidence attached). • The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for the manufacturing unit.
- The complainants could not verify the classification of the land as agricultural or non-agricultural.

M/s PASA Stone Crusher Unit :

- M/s PASA Stone Crusher is being constructed right at the heart of the Pagladiya River basin. The distance from the unit to the current river water body is 143.65 Meters. (Google map evidence attached) • From M/s PASA Stone Crusher unit to Chengnoi Khudra Katara village (with less than 20 houses) distance: 112.07 Meters (Google map evidence attached) • From Stone Crusher unit to Barkhanajan village (with more than 20 houses) distance: 304.97 Meters Meters (Google map evidence attached) • From Stone Crusher unit to Chengnoi (Katara) Village (with less than 20 houses) distance: 208.53 Meters.

(Google map evidence attached) • From Stone Crusher unit to nearest school distance:

367.56 Meters. (Google map evidence attached) • Distance from the Stone Crusher unit to the nearest temple: 447.56 meters (Google map evidence attached) • The Chengnoi Gram Panchayat conducted no public hearing regarding the permission for

the crusher unit.

Additional Concerns:

- The air quality in Nalbari has been ranked as the 5th worst in the entire northeast region. Establishing additional polluting industries will further deteriorate air quality. (Newspaper report evidence attached)
- Chengnoi and the adjacent Balitara village report alarmingly high numbers of cancer patients, including cases of lung and throat cancer. Establishing additional polluting industries will further deteriorate public health complications. (Newspaper report evidence attached)
- Since 2023, wild elephants from the Baksa district on the Bhutan border have been using the Pagladiya riverbed for foraging up to the edge of NH31. The construction of these two industries obstructs their natural movement, leading to elephants straying into villages outside the embankments, which has become a serious concern for the safety of the residents as well as for the wild elephants. (Newspaper report and photo evidence attached)
- The Pagladiya river bed is an ecologically rich and sensitive area as many species of local fish, water birds, as well as migratory birds, and wild animals such as foxes, rabbits, Indian civets, etc. use the area for habitation, foraging, and reproduction. The two industries seriously threaten the riverine ecological balance.

We kindly request your urgent intervention in this matter and demand strict action against these polluting industries. We urge you to inspect the legalities and violations involved and take immediate steps to halt and close down the unlawful construction of these factories. We hope for your understanding and prompt action to help restore a clean and healthy environment and prevent ecological and public health disasters."

4. A Joint Committee comprising of :

i) Representative of Assam State Pollution Control Board ; and

ii) District Magistrate, Nalbari, Assam has also been constituted by the New Delhi Bench of the Tribunal with a direction to undertake visit of the site, look into the grievances, verify the factual position, suggest appropriate remedial action by following due course of law and submit its factual report.

5. Thereafter, the said Original Application was transferred by the New Delhi Bench of the Tribunal vide its order dated 12.02.2025 to the Eastern Bench of the Tribunal at Kolkata and the case has now been re-numbered as Original Application No.46/2025/EZ.

6. No one is present on behalf of the Applicant. Issue notice to the Applicants, Mukul Haloi and Mridul Haloi, returnable within four weeks.

7. The following Respondents have already been impleaded by the New Delhi Bench of the Tribunal and notices have also been issued in the case :-

i) Government of Assam through Secretary, Environment and Forest Department,
Government of Assam ;

ii) Assam State Pollution Control Board (ASPCB) ;

iii) District Magistrate, Nalbari ;

iv) M/s JPIS Brick Manufacturing Unit, Village Chengnoi, District Nalbari, Assam ;
and

v) M/s PASA Stone Crusher Unit, Village Chengnoi, District Nalbari, Assam

8. Issue notice to the Respondents, returnable within four weeks.

9. Ms. Malabika Roy Dey, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.1 and 3, State Respondent, Government of Assam.

10. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.2, Assam State Pollution Control Board.

11. Issue notice to the Respondent Nos. iv) and v), Private Respondents, returnable within four weeks.

12. All the Respondents shall file their counter-affidavits within four weeks.

13. The Office of the Tribunal shall provide the e-copy of the Original Application along with all its annexures to Ms. Malabika Roy Dey and Mr. Surendra Kumar, Counsel for the Respondents, within 24 hours.

14. List on 07.05.2025.

..... B. Amit Sthalekar, JM Dr. Afroz Ahmad, EM April 03,
2025, Original Application No.46/2025/EZ (Earlier O.A. No.41/2025/PB) SKB