

GAHC040001862023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : PIL 3/2023

1:Nogor Megu and Anr.
S/o Shri Makkir Megu,
R/o Village Ngopok, PO/PS Mebo, East Siang District, Arunachal Pradesh.

2: Kangkim Lego
S/o Shri Jolut Lego

R/o Village Ayeng
PO/PS Mebo
East Siang District
Arunachal Pradesh

VERSUS

1:THE STATE OF AP and 9 Ors.
Represented by the Chief Secretary, Govt. of Arunachal Pradesh, Civil Secretariat,
Itanagar 791111

2:The Secretary
Department of Geology and Mining
Govt. of Arunachal Pradesh
Itanagar 791111

3:The Member Secretary
Arunachal Pradesh State Pollution Control Board
Naharlagun
791110
A.P

4:The Deputy Commissioner
Pasighat
East Siang District
AP

5:The Additional Deputy Commissioner (ADC)
Mebo
East Siang District 791104
AP

6:The Divisional Forest Officer (DFO)
Pasighat Forest Division
East Siang District 791102
AP

7:The Assistant Mineral Development Officer (AMDO)
Dept. of Geology and Mining
Mebo
East Siang District
A.P PIN 791102

8:the Chairman
Geo Appraisal Committee
Mebo East Siang District
AP
PIN 791102

9:M/s Balaji Minerals Stone Crusher Unit
Proprietor Shri Ojing Darin

S/o Token Darin
Mebo Village
Mebo Village
Mebo East Siang District
AP
PIN 791102

10:M/s RKC Infra Stone Crusher Unit
Proprietor Shri Pelsem Tayeng

S/o Lt. Opel Tayeng
Dumpop
Ayeng Village
Mebo
East Siang District
A.P
pin 79110

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 02.03.2023

(N. Tagia, J.)

Heard Mr. S. Mow, learned counsel for the petitioners. Also heard Mr. S. Tapin, learned Senior Government Advocate representing respondent Nos. 1 to 7.

The grievance of the petitioners in this Public Interest Litigation(PIL) is that two stone crusher units set up by the respondent Nos. 9 & 10 respectively at Ayeng village Mebo, East Siang District, Pasighat is causing pollution in the area because the two stone crusher units were set up in violation of the Arunachal Pradesh Stone Crusher Guidelines, 2012, more particularly guidelines No. 6.1(C), 6.1(D), 6.1(E), 6.1(F), 6.1(G) & 6.1(H) issued by the Department of Geology and Mining, Government of Arunachal Pradesh.

During the course of hearing, the learned counsel for the petitioner, has not been able to apprise this Court as to who is the competent authority to issue the license under the relevant law or the Arunachal Pradesh Stone Crusher Guidelines, 2012 preferred by Mr. Mow, which is annexed as annexure-A to the writ petition.

Mr. Mow, learned counsel for the petitioner, however, submits that

Secretary, Geology and Mining, Government of Arunachal Pradesh may be the authority competent to issue license for setting up of a stone crusher unit.

In view of the above and having found the PIL filed to be lacking in material particulars except to state that stone crusher unit set up by the respondent Nos. 9 & 10 are causing pollution in the area for having set up the stone crushers in violation of the Arunachal Pradesh Stone Crusher Guidelines, 2012. The Arunachal Pradesh Stone Crusher Guidelines, 2012, does not appear to have any statutory basis.

Accordingly, we are inclined to dispose of this PIL in the stage of motion hearing itself by directing the Secretary, Geology and Mining, Government of Arunachal Pradesh, to look into the grievance of the petitioners as highlighted in this petition. To enable the Secretary, Geology and Mining, Government of Arunachal Pradesh to examine the grievance of the petitioners, the petitioners shall submit a representation accompanied by a copy of the writ petition along with the annexures appended thereto, to the Secretary, Geology and Mining of Government of Arunachal Pradesh.

The petition stands disposed of, in terms above.

JUDGE

JUDGE

Comparing Assistant