

A. Citizen Vs. District Collector, R.R. Dist. and Others

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Court : Andhra Pradesh

Decided On : Oct-17-1997

Reported in : 1998(4)ALD389

Judge : P.S. Mishra, CJ and;P. Ramakrishnam Raju, J.

Acts : [Constitution of India](#) - Articles 19(1), 21, 48(A), 51A and 226; Andhra Pradesh Minor Mineral Concession Rules, 1966 - Rule 12(3); Environment (Protection) Act, 1986; Water (Prevention and Control of Pollution) Act, 1974; Water (Prevention and Control of Pollution) Amendment Act, 1978; Air (Prevention and Control of Pollution) Act, 1981 - Sections 21 and 22; Air (Prevention and Control of Pollution) Amendment Act, 1987

Appeal No. : WP No. 7326 of 1997 and Batch

Appellant : A. Citizen

Respondent : District Collector, R.R. Dist. and Others

Advocate for Def. : Advocate-General and Government Pleader for Industries, ;Mr. E. Kalyan Ram, ;SC for APPLB, ;Mr. K.N. Jwala and ;Mrs. Nalini Chidambaram Advs.

Advocate for Pet/Ap. : Ms. A. Gayathri, Adv.

Judgement :

ORDER

P. Ramakrishnam Raju, J

1. A citizen without disclosing his identity sent up a petition dated 27-1-1997 to the Hon'ble the Chief Justice of High Court of A.P. slating that some unscrupulous stone crusher owners are plundering the natural resources, more particularly granite wealth, in Tchgal dodi, Nanakramguda, Hills of Khanapur and Kokapct in Ranga Reddy District, that district administration and law implementing authorities are not taking any action, that due to blasting and crushing of stones a fine granite silica dust is entering into ihe atmosphere which causes silicosis disease, that there is great danger for mass rise of respiratory diseases at Jubilee Hills, Mehdipatnam, Toli Chowki areas of City of Hyderabad. Petitioner, therefore requests to ban all the activities of granite crushing in those areas.

2. The Registry has registered the petition as Writ Petition No.7326 of 1997 entertaining the same as Public Interest Litigation after obtaining necessary orders from the Hon'ble the Chief Justice on'7-4-1997 as it pertains to environment pollution.

3. On 2-5-1997 we have directed notices to respondents and also called for report from the Secretary to Government Mines and Geology Department touching the allegations in the petition. When the matter came up on 25-7-1997 we passed the following order :

'Heard.

On 2-5-1997, the Court directed the Secretary to Government of Andhra Pradesh, Mines and Geology Department to report in respect of the allegations in the petition. The Secretary, it appears, has chosen to keep away and instead entrusted the Assistant Director of Mines and Geology, Hyderabad to do the job. The Assistant Director has submitted his report to the Director of Mines and Geology and the same has been forwarded to the Court.

The Secretary, it appears, has not even the ordinary courtesy to acknowledge the directions of the Court and report back even if he thought some officer who has expertise to do the necessary inquiry be entrusted to prepare the report. After

perusing the report, we are of the opinion that following stone quarrying and crushing industries be impleaded as party respondents to the proceeding :

- (1) Kumar Crushers, Nanakramguda village;
- (2) A.K. Metal Industries, Nanakramguda village;
- (3) Mohd. Haroon Ansari, Kokapet village;
- (4) M/s. Saleem Metal Industries, Kokapet village;
- (5) Al-Heerah Metal Industries, Kokapet village;
- (6) M/s. Sulfi Metal Industries, Kokapet village;
- (7) M/s. Modern Stone Crusher, Kokapet village;
- (8) Kalyan Chakravarthy, Kokapet village;
- (9) Ganesh Metal Industries, Gowlidoddi Gopanpally village;
- (10) D. Shankcr, Gowlidoddi, Gopanpally village;
- (11)M.A. Nayyem, Gowlidoddi, Gopanpally village;
- (12) Nayeem Metal Industries, Gowlidoddi, Gopanpally village;
- (13) Srirama Metal Industries, Gowlidoddi, Gopanpally village;
- (14) K. Anjancyulu, Gowlidoddi, Gopanpally village;
- (15) K. Chandramouli, Gowlidoddi, Gopanpally village;
- (16) S. Basheer, Gowlidoddi, Gopanpally village;
- (17) City Stone Metal Industries, Gowlidoddi, Gopanpally village.

It is also stated in the report that some illegal quarrying and crushing is going on in village Khanapur by some local waddars. The quarries and Stone Crusher units in villages Nanakramguda and Kokapet village, the report states are existing only at

a distance of one kilometre from the habitation and in Kokapet although the settlement is slightly at a longer distance than one kilometre, 'the ground level water reservoir of Hyderabad Metropolitan Water Works and Sewerage Board is located at a distance of one kilometre from the stone quarry and Osman Sagar lake is located about 3 Kms. South West of these quarries/ crushers'. The Crushing Units in Gowlidoddi, Gopanpally village are located at a distance of 1/2 kilometre of the habitation. Report also says that due to blasting operations, the vibrations/shock waves are being felt by the villagers whenever blasting operations are being carried out.

It is not known, the report states, whether any clearance was obtained from A.P. Pollution Control Board before setting up of such Crushing Units and that the Mines and Geology Department of the Government of the State is not aware of any norms or yardsticks to assess the effect of dust pollution generated by the Crushing Units. On the facts above, we are inclined to order for adding the above named quarry lease holders and the owners of the Crushing Units as party respondents. It is ordered accordingly.

Let notice issue to the newly added respondents through the District Collector, Rangareddy, returnable within two weeks, who is directed to ensure that notices of the instant proceeding are served upon them without fail.

Let notice also issue to the A.P. Pollution Control Board, Hyderabad to take immediate steps to find out whether or not the quarrying and stone crushing operations as above are causing any water and air pollution and health hazard by spreading dust in the area, noise and smoke on account of blasting and for other reasons.

The Secretary to Government of Andhra Pradesh, Mines and Geology Department is directed to produce before the Court the norms as respects the distance of locating quarrying, stone crushing units etc., from the habitants and other norms and guidelines in this behalf by filing a personal affidavit stating clearly whether such norms and guidelines were applied while granting leases and/or permissions to operate quarrying and stone crushing units in the area.

The Chief Secretary, Government of Andhra Pradesh is directed to appoint a Committee of Experts to examine whether quarrying, crushing and blasting activities close to Osman Sagar lake and the Ground Level Water Reservoir of Hyderabad Metropolitan Water Works and Sewerage Board are endangered by such operations and submit report of the said Committee within two weeks.

Put up after two weeks.'

By an order dated 14-8-1997 we directed some more writ petitions viz., WP No.21335; 22805 of 1994; 2498 of 1995 and 16531 of 1996, to be posted along with Writ Petition No.7326 of 1997 on 18-8-1997. On 19-8-1997, the following interim order is passed :

'These cases have been ordered to be posted for orders for the reason of a report of the Experts Committee duly forwarded by the Chief Secretary of the State that mining operations and blasting of stones close to and in the vicinity of the ground level service reservoir in village Kokapet and, within one kilometre radius of the habitation have endangered the reservoir as well as the habitants.

Learned Counsel for the petitioners, however, have prayed for time to study the report and make submissions, if any, in the light of the report. They have been authorised by their clients to undertake that no mining or blasting operations shall be continued by the petitioners and/or any other persons in the lease hold in S.Nos.239 and 240 until further orders. In view of the said undertaking, put up after ten days."

Writ Petition No. 19159 of 1994 :

This writ petition is filed by the 10th respondent in Writ Petition No.7326 of 1997 which is the main writ petition and the parties hereinafter referred to as per the array of parties as shown in the said writ petition. Respondent No. 10 has filed this writ petition challenging the notice dated 1-10-1994 issued by Assistant Director of Mines and Geology, directing it to stop quarrying operations in its lease hold area of Ac.7-00 cents situated in Survey No.239 of Kokapet village.

Writ Petition No. 20914 off 994 :

Similarly the 9th respondent filed this writ petition questioning the proceedings dated 7-10-1994 issued by the Assistant Director of Mines and Geology, directing the petitioner to stop mining operations in Survey No.239 of Kokapet village in an extent of Ac.5-00 cents in terms of the lease granted to him.

Writ Petition No.21335 of 1994 :

Similarly, respondents 9 and 11 filed the above writ petition questioning G.O. Ms. No.423, dated 2-11-1994 issued by the Government prohibiting quarrying operations in the lease hold extent of Ac,5-00 cents in Survey No.239 of Kokapet village.

Writ Petition No. 22805 of 1994 :

This writ petition is filed by M/s. Crown Stone Crusher Industry, represented by its sole Proprietor, Siraj Anwar, challenging G.O. Ms. No.423, dated 2-11-1994 whereunder Government prohibited quarrying operations for stone and metal in the entire revenue village of Kokapet village.

Writ Petition No.16531 of 1994 :

The same petitioner filed the above writ petition also questioning G.O. Ms. No.423,dated 2-11-1994 prohibiting quarrying operations for stone and metal in the entire revenue village more so an extent of 1 hectre of land in Survey No.239 of Kokapet village, since the lease granted in favour of the petitioner is determined.

Writ Petition No.2498 of 1995 :

Respondent No. 15 is the petitioner in this writ petition, who questions G.O. Ms. No.425, dated 4-11-1994, whereunder the lease granted in favour of the petitioner is determined.

4. In the counter-affidavits filed by some of the respondents, it is stated that they have obtained quarry leases for road metal as per Rule 12(3) of A.P. Minor Mineral Concession Rules, 1966 and that they arc operating by taking all necessary pollution control measures. Mining areas and stone crushers are

located more than one kilometre away from residential areas. In addition, respondents 9 and 11 have stated in their counter-affidavit that they have obtained No Objection Certificate from the Collector, Ranga Reddy District for storage of explosives and also, licence under Explosive Substances Act from the authorities for using the same for mining operations. The Director, Projects, Hyderabad Metro Water Supply and Sewerage Board had given No Objection for grant of lease, provided lease is granted beyond one kilometre from the Ground Level Storage Reservoir (GLSR). The Director of Mines and Safety after due inspection submitted his report dated 7-11-1994 wherein he specifically mentioned that quarrying area of these respondents is located at a distance of 1 kilometre from GLSR. These respondents dispute that there would be any vibration if blasting operations are conducted in their mining areas either to GLSR or to the residential houses.

5. Smt. Nalini Chidamharam, learned Counsel appearing for these respondents submits that these respondents are prepared to abide by any further directions or safety measures imposed by the Court while conducting mining operations in the interest of quarry workers or the general public.

6. On 1-10-1997, Counsel for all the parties were heard at length.

7. As already seen, Assistant Director of Mines and Geology in obedience to the directions issued by this Court on 2-5-1997 submitted a report on 4-7-1997 to the Director of Mines and Geology, who in turn forwarded the same to this Court on 23-7-1997. Although the unidentified person mentioned Teh gol dodi, as one of the villages, the Assistant Director in his report referred to the said village as Gowlidoddi. A perusal of the report shows that quarry leases for rough stone and road metal have been granted by Mines and Geology Department in accordance with the provisions of A.P. Minor Mineral Concession Rules. 1966 and in consultation with the Collector, Ranga Reddy District, and the lessees accordingly established Crushing Units after obtaining registration from the Industries Department for establishment of Small Scale Industries, but the Department is not aware whether any clearance has been sought by the Industries Department from the A.P. Pollution Control Board before sanctioning the establishment of such

units, hi Gowlidoddi which is a hamlet of Gopanpally village, there are five quarry leases granted for extraction of stone and metal in Survey No.37 of Gopanpally village, Serilingampally Mandal, Ranga Reddy District which is located at a distance of 25 kilometres from Hyderabad city. The details of the existing Stone Crushing Units in Gopanpally village on the basis of the quarry leases granted are furnished in his report. The Crushing Units found are only four in number; while the leases are five, since two lessees are operating under one Crushing Unit i.e., Srirama Metal Industries. It is further stated in the report that the nearest habitation to these crushing units in Gowlidoddi village falls at a distance of about 1/2 kilometre. During the local enquiry, villagers revealed, due to blasting operations, vibrations/shock waves are being felt by the villagers whenever blasting operations are being carried on.

8. According to the report there are two quarry leases and two Crushing Units, one is existing in Nanakramguda village, Serilingampally Mandal, and the other in Manikonda village, Rajendranagar Mandal. Both the quarries and Crushers are located 1 kilometre North-West of Nanakramguda village. The habitation is located at a distance of 1 kilometre from the quarries and crusher.

9. The report reveals that there are four quarry leases and three stone crushers in Kokapet village, Rajendranagar Mandal. The quarries and crushers are at a distance of 2 km to the South of Kokapet village and 20 k.ms. from Hyderabad. The Ground Level Water Reservoir of Hyderabad Metropolitan Water Works and Sewerage Board is located at a distance of 1 k.m. from the stone quarry, which supplies water to the City of Hyderabad. The Osman Sagar lake is also located at about 3 k.ms. South-West of these quarries and crusher.

10. In Khanapur village, according to the report, no stone crushers and quarry leases are being granted by the department, but some local waddars/stone cutters are quarrying stone and metal. It is stated that explosive licences are granted by the Controller of Explosives in consultation with Revenue and Police Departments, and any irregularities in blasting operations are to be dealt with under Explosives Act by the said two departments. It is not known whether any clearance was obtained from A.P. Pollution Control Board before setting Crushing Units. The

reports ends by saying that the department is not aware of any norms or yardstick to assess the pollution generated by these units, and a final report from the A.P. Pollution Control Board would give a clear picture in regard to this problem.

11. After the receipt of the said report, we have impleaded 17 Stone Quarrying and Crushing Industries as party - Respondents. Besides issuing notices to them, we directed the Chief Secretary, Government of Andhra Pradesh, to appoint a committee of experts to examine whether by quarrying, cutting and blasting operations close to Osman Sagar lake and the Ground Level Water Reservoir of Metropolitan Water Works and Sewerage Board are endangered by such operations and submit a report to this Court. The Government issued G.O. Rt. No.533, Industries and Commerce (M.II) Department, dated 1-8-1997 constituting the following committee of experts to submit a report as directed by this Court:

(1) Sri T. Chattarjee, IAS,

Member Secretary I/C,

A.P. Pollution Control Board,

Hyderabad. ...Chairman

(2) Sri K.P. Chandrasekhar Rao

Director (Technical),

Hyderabad Metropolitan Water

Supply and Sewerage Board. ...Member

(3) Sri K.V. Rao,

General Manager,

Presently working as Staff

Officer to Chairman &

Managing Director,

Singareni Collieries Co., Ltd. ...Member

(4) Sri T.V. Chowdary,

Director of Mines & Geology,

Hyderabad. ...Member

(5) Dr. P. Babu Rao,

Director,

Ground Water Department ...Member

12. The Committee of experts, accordingly, submitted its report on 4-8-1997. The Committee headed by Sri T. Chattarjee. IAS Member Secretary I/C A.P. Pollution Control Board, Hyderabad, along with other members of his term, visited Kokapet village on 1-8-1997 as a part of field inspection in their pursuit to study the affects of quarrying blasting and crashing by crashing units. This area is situated at a distance of 20 kilometres from Hyderabad and 1 k.m. North of Hyderabad - Shankarpally road 15 kms. North-East from the back waters of Osman Sagar lake. The GLSR, is in the midst of the inspected area on the Western flank of the hill range which falls in Survey of India topo sheet No.56 K. The Committee noticed 5 leases granted for quarrying building stone and road metal in Kokapet village at a distance ranging from 500 metres to 1350 metres from the GLSR. The Committee also inspected six quarries during its visit. It has noticed that during July, 1994 quarrying was stopped on the request of Hyderabad Metropolitan Water Works and Sewerage Board. The Mining Safety Department has also recommended prohibition of quarrying within 300 metres of GLSR, and the Director of Mines and Geology allowed quarrying beyond 1.3, k.m. only in his orders passed in appeal. Finally, the Government cancelled all leases in public interest on 17-11-1994. Later Government by G.O. Ms. No.61, Industries and Commerce (M.II) Department, dated 28-4-1995 revised its orders restricting prohibition of quarrying operations within the radius of 1 k.m. from GLSR. The Committee noticed

unauthorised quarrying by local Waddars in Kokapet and Khanapur village within 300 metres of GLSR. The Committee also noticed three crushers in the area and four quarries, two major and two minor, and one crusher, which is present very close i.e., within 300 metres of GLSR. On enquiries, the Committee found that these quarries belonged to Waddara community and are unauthorised. The other two major quarries and crushers where operations are carried on on a large scale are situated on the Northern flank of the hill range at a distance of over 1 km from the reservoir which are of course licensed by the department. Quarrying at a distance of about 50 metres from GLSR is generally being done to a depth of 5 metres using hand jumpers to make holes of 2 feet in the rocks and the same are blasted after filling them with gun powder. The blasting operations are generally done during nights. The impact of these blasts is felt in the form of tremors in the reservoir area. Some cracks in the walls of the control rooms have been noticed and the Committee was informed by the officials of the Board that these cracks are as a result of blasting in the quarries. They also expressed apprehension that the reservoir may be damaged. A road leading to the quarries has been laid by the quarry operators unofficially by using rock powder along with the compound wall of GLSR. The Committee of experts drew the following conclusions and recommendations.

'Conclusion and recommendations:

As a result of blasting in the quarries, within a radius of 1 km, the shock waves which are generated, pass through the joints especially the horizontal joints and create vibrations in the nearby areas. The reservoir which is close by is also within the range of its impact. Higher than present intensities of blasting will definitely cause damage to the reservoir structure. Thus, blasting and quarrying within a range of 1 km already prohibited, must not be permitted.

To prevent unauthorised quarrying, it is suggested that the approach road must be closed after the gateway of the GLSR and all activities of unauthorised quarrying must be stopped forthwith. Security staff can be contracted for the purpose by the GLSR authorities.

The authorised quarry and crusher company will lose approach and can be permitted to build another approach to their facilities from the Eastern side.

The quarries on the northern flanks of the hill range at a distance of 1 km from the reservoir will not have any impact on the reservoir as the joint patterns/systems in the area. The GLSR is on one side of the dispersion point the authorised quarries are on the other side of it. However, as a precautionary measure, the intensity of blasting must be kept at the minimum by fixing the limit to number holes, depth of hole and quantity of explosive per blasting.

There is no impact on Osman Sagar lake due to blasting beyond the 1 km radius.'

13. Article 48A of the Constitution enjoins a duty on the State to protect and improve the environment and to safe-guarding forests and wild life. Article 51A(g) imposes a fundamental duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Right to practice any profession or carry on any occupation, trade or business is not an absolute right. Clause (6) of Article 19 itself imposes certain restrictions on the said right. Such individual right guaranteed under clause (g) of Article 19 should yield to the Interest of general public as public interest is always paramount when compared to individual benefit. The right guaranteed under Article 21 viz., protection of life and personal liberty is inter-linked with the very existence of life unless life itself is protected, protection of right to carry on any trade or business becomes meaningless. In other words without protection of life, right under Article 19(1)(g) becomes otious. The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180, emphatically ruled that under Article 21 every person has a right to protection of life and that right embraces not only physical existence of life but the quality of life and for residents of hilly areas access to road is access to life itself. Environment (Protection) Act (29 of 1986); Water (Prevention and Control of Pollution) Act (6 of 1974 as amended by Act 44 of 1978); Air (Prevention and Control of Pollution) Act (14 of 1981 as amended by Act 47 of 1987, are some of the places of legislation as unfolded pursuant to Article 21 of the Constitution.

14. Respondents no doubt maintained that they are carrying on mining operations under valid licences for quarrying stone under A.P. Minor Mineral Concession Rules. It is also contended that the interest of several labourers and others employed in such operations cannot be lost sight of as they would lose their livelihood. Therefore, the Court should strike a balance in between these competing claims. Under similar circumstances one of us - P.S. Mishra, J. as he then was in *Krishna Nagar Welfare Association and others v. Union of India and others*, 1992 Writ LR 795, observed :

'I am aware that the Court has to strike balance between the competing needs of preservation of ecology and environment and protection to the citizens from any sort of pollution of water, air. etc., on the one hand and the interest of exploitation of minerals for the benefit of the society at large and that of the workmen and industries which participate in the development of the welfare of the country and provide employment to a good number of persons, who otherwise may be rendered unemployed.'

In *Shri Sachidanand Pandey v. State of West Bengal*, AIR 1987 SC 1109, the Supreme Court expressing its deep concern over deteriorating ecological imbalance leading to health hazards, observed :

'Today society's interaction with nature is so extensive that the environmental question has assumed proportions affecting all humanity. Industrialisation, urbanisation, explosion of population, over-exploitation of resources, depletion of traditional sources of energy and raw materials and the search for new sources of energy and raw materials, the disruption of natural ecological balances, the destruction of a multitude of animal and plant species for economic reasons and sometimes for no good reasons at all are factors which have contributed to environmental deterioration.'

The Supreme Court proceeded further and observed :

'When the Court is called upon to give effect to the Directive Principle and the fundamental duty, the Court is not to shrug its shoulders and say that priorities are a matter of policy and so it is a matter for the policy-making authority.'

Grave concern expressed by the Supreme Court for public health and maintenance of ecology is reflected in the judgment reported in Rural Litigation and Entitlement Kendra v. State of UP., : [1987]1SCR641 .

'Over thousand of years men had been successfully exploiting the ecological system for his sustenance but with the growth of population the demand for land has increased and forest growth has been and is being cut down and man has started encroaching upon Nature and its assets. Scientific developments have made it possible and convenient for man to approach the places which were hitherto beyond his ken. The consequences of such interference with ecology and environment have now come to be realised.

It went on observing :

'We are not oblivious of the fact that natural resources have got to be tapped for the purposes of social development but one cannot forget at the same time that tapping of resources have to be done with requisite attention and care so that ecology and environment may not be affected in any serious way there may not be any depletion of water resources and long term planning must be undertaken to keep up the national wealth. It has always to be remembered that these are permanent assets of mankind and are not intended to be exhausted in one generation.'

The more exhortive message is found in State of Tamil Nadu v. Ms. Hind Stone, : [1981]2SCR742 .

'Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of the Nation."

In Rural Litigation and Entitlement Kendra v. State of U.P., (supra) the Apex Court deplored thus :

'Reckless mining, careless disposal of the mine, debris and random blasting operations have disturbed the natural water system and the supply of water both for drinking and irrigation has substantially gone down. There is growing apprehension that if mining is carried on in this process, a stage will come when there would be dearth of water in the entire belt.'

The entire medley of decisions of the Apex Court point out one direction i.e., erratic, irrational and uncontrolled quarrying leading to environment deterioration is deplorable, nay intolerable. No doubt industries are necessary concomitant for economic growth of a country, but at the same time safety cannot be overlooked. While balancing the competing interests due regard must be had on the affects of unabated pollution on the community, economic interest of the country and the employment potential of the workers at large. In such circumstances, Courts should adopt a method which is more harmonious in approach with little or less sufferance to one or the other. Environment cannot be allowed to suffer and the stone crushing operations cannot be allowed to cause dust pollution and create health hazards to the residents in the locality. Crushing operations in the vicinity of the residential localities emit dust which causes serious respiratory problem to the inhabitants. It is common knowledge that dust particles are carried by air, travel land distance. However, as this Court has no expertise to find out to what extent air pollution is caused and what remedial measures should be adopted in such circumstances, an expert Committee was appointed which has already submitted its report. The expert Committee consisting of members who have adequate knowledge on environment pollution, discloses that there are in all 11 stone crushing units in the area at three different locations. The stone crushers are engaged in crushing granite stone to sizes ranging from 6 to 40 mm. useful for construction of buildings as well as road metal. All the units are adopting the same technology, using jaw crushers and vibratory, rotary screens for purposes of crushing, and they are causing dust emission due to crushing operations, as they have not taken any pollution control measures recommended by the State Pollution Control Board. The fine dust emitted is more hazardous as it contains approximately 85-90% silica, and high content of silica and its fineness less than 10 μ g, causes disease called silicosis. It is further seen that silicosis is a pulmonary fibrosis caused by inhalation of dust containing free silica. It is more

severe of all pncumoconiosis. The GLSR of HMWW & SB has a capacity of 12 million Lts and is built on a hillock with cement concrete tank with top cover. Respondent No. 13 is located at a distance of 60 metres from GLSR. In addition to respondent No.13, the Committee of experts noticed three stone crushers viz., respondents 10, 11 and 13 with attached quarries (operated by respondents 9, 12 and 14) at Kokapet area at a distance of 1 km from GLSR. Of course respondent No. 15 is also seen operating in the same area as per the report of the Assistant Director of Mines and Geology. Regarding air quality, the report indicates as follows :

'Ambient Air Quality Monitoring was conducted at 40 mts. away from M/s. Modem Stone Crusher, which is very close to GLSR (50 Mts.) and the concentration of Suspended Particulate Matter was found to be 4196 ug/m³ against the permissible value of 600 ug/m³. Ambient Air Quality Monitoring was also carried out at Khanapur (V) and Kokapet (V) which are the nearest villages to (he quarries and stone crushers located at GLSR. Concentration of SPM recorded at these two villages are 213/69ug/m³ (day/tight) and 114/108ug/ m³ respectively against the permissible value of 200ug/m³.'

In Gowlidoddi area, the Committee of experts have seen 5 stone crushers with attached quarries. These quarries and stone crushers are located at a distance of about 1/2 km from Gowlidoddi, hamlet of Gopanpally (V). There are about 100 houses with population of 500 residing in Gowlidoddi. The stone crushers, noticed by the Committee, are respondents 15 to 23. Both the stone crushers as well as the owners arc shown as respondents separately in some cases. The air quality as noticed by the Committee is as follows :

'Ambient Air Quality Monitoring was conducted at Gowlidoddi area and the SPMconcentration of 4,098ug/m³ was recorded at a cluster of stone crushers and also 40 mts. away from M/s. Ganesh Metal Industry. It indicates very high concentration of SPM in ambient air against the permissible value of 600 ug/m³. Ambient Air Quality Monitoring was also carried out at Gowlidoddi village residential area near the house of Mr. Pentaiah and concentration of SPM was found to be 127 ug/m³ against permissible value 200 ug/m³ in residential area. As

the distance between the stone crushers and Gowlidoddi village is 1/2 km away and during monitoring the wind direction was towards NE i.e. away from the village the SPM concentration was recorded only 127 ug/m³. If the wind direction is towards to village this value may go up. As per the present norms of the PCB the stone crusher should be located 1 km away from human habitation.'

15. In Nanakramguda area, the Committee of experts has noticed two stone crushers. The closest habitation is Central Government Staff quarters in Gachibowli, located at about 1-1/2 km in NE direction and the village is about 2 km from these stone crushers. Both the stone crushers are located adjacent to quarries. They are respondents 7 and 8. The air quality as noticed by the Committee is as follows :

'Ambient Air Quality Monitoring was carried out in Nanakramguda (V) and concentration of SPM was found to be 131 ug/m³ against the permissible value of 200ug/m³.'

16. The stone crushers located at Kokapet area are within 60 metres from GLSR, are causing concentration of Suspended Particulate Matter, higher than the permissible degree which is injurious to health and as respondent No. 14 is situated at a distance of 60 metres from GLSR the Committee has found that quarrying near the reservoir i.e., within 50 metres from GLSR is generally being done to a depth of 5 metres by using hand jumpersto make holes of almost 2 feet in rocks and blasting is being done after filling these holes with gun powder, and due to the impact of these blasts, trrmours are felt in reservoir area and some cracks in the walls of the control rooms have even been noticed. There is also apprehension that reservoir may be damaged. None of the stone crushers have obtained permission from A.P. Pollution Control Board as required under Section 21/22 of Air (Prevention and Control of Pollution) Act, 1981. The data of noise levels in these villages indicates that the noise levels at residential areas varies from 55 dB to 65 dB against the tolerable limit of 55dB. The noise level of 75dB was recorded at working place of stone crushers. The allowable 8 hour exposure level of noise is 75 dB in case of workers. The noise level is exceeding by 10dB due to blasting and the average value recorded is 70dB. The workers are exposed

to heavy stone dust and are complaining about chest pain and stomach ache. They are not provided with any masks except a small piece of cloth on the head. There are also visible cracks on cement and limestone constructions/houses in the villages, and villagers claim that all these cracks are the result of stone blasting. In winter and summer the wind direction changes towards residential areas and stone dust enters houses. There is a Girls' residential school at Gowlidoddi located opposite to the mines of respondents 20 and 22, The girls narrated stories of how their plates fall down in the event of blasts and how when the wind blows, small sand sized stones from the quarries enter their rooms. The local RMP Doctor opined most of the villagers are complaining psychological stress due to continuous exposure to the sound of blasts and the shaking of houses and the tremors in the houses. The villagers complain of noise impact on the sleeping children and infants. As already seen, the Committee has recommended that blasting in quarries within the radius of one kilometre should be stopped. The stone crushers and quarries of respondents 9 to 23 are situated within a distance of one kilometre from the residential areas or the GLSR. Therefore, quarrying operations of these respondents cannot be permitted. Although the Committee of experts observed that stone crushers and quarry leases of respondents 7 and 8 are at a distance of 1-1/2 kilometres in NE direction, the Assistant Director of Mines and Geology found that these quarries and crushers are located 1 km North West of Nanakramguda village, and as such they are also within prohibited distance.

17. It is also contended that by shifting of these crushers, the workers would be deprived of their employment, and consequently, they would be rendered jobless. The health of the workers is equally important if not more. The respondents cannot be allowed to carry on illicit or clandestine mining which would interfere with ecology or endanger to the health of the public, resorting to a plea that workers would be rendered jobless, in case of stoppage of mining operations. Even the safety of the workers is very much in peril as none of the respondents have taken necessary minimum protection to safeguard their health and safety. Therefore, if this contention is accepted it would be putting a premium on the mining operations causing great health hazards to innocent children, women or other citizens as well as buffaloes and other livestock of these villages, more particularly in Gowlidoddi

village, where even one house belonging to one Mankaji San Goudi collapsed due to tremors after blast.

18. The distance of 1 kilometre, according to expert Committee is a safe distance between the site under quarry lease and the residential locality or GLSR. In fact the distance between them is not only be safe, but it should be safer. As the residents of the village situated nearby are experiencing tremors as well as dust pollution, it is always better that no quarry lease should be granted within a distance of 2 kilometres in future. Therefore, the respondents 7 to 23 cannot operate quarry leases and stone crushers. It is, however, open to them to apply for areas for quarry lease beyond 2 kilometres from residential areas and GLSR.

19. Accordingly, respondents 2 and 4, who are Secretary Mines and Geology, Government of Andhra Pradesh as well as Chairman, A.P. Pollution Control Board, Hyderabad respectively would examine the leases of respondents afresh before they are renewed, or continued and ensure that no damage to habitation of human life, animals and plant life. Illegal quarrying by Vaddera community which is within 1 kilometre from the above areas should be stopped forthwith. The respondents while applying for fresh areas ensure and adopt dust suppression methods to control dust emission as recommended by MOEF/APPCB by following the guidelines as notified. The Gram Panchayat members will bring to the notice of the High Court whenever there is infraction of these guidelines.

20. In the result, Writ Petition No.7326 of 1997 is allowed and the quarry leases issued to respondents 7 to 23 in three villages viz., Kokapct, Gowlidoddi and Nanakramguda shall stand set aside and the stone crushers established by them shall be removed forth with. However, there cannot be any impediment for the respondents to carry away cut granite stone or metal lying at the site, if the same is cut and stored as per the terms of impugned leases. It is open to the workers working in those quarry leases and stone crushers to claim such compensation from their employers in accordance with law till fresh leases are obtained by them and on obtaining fresh leases, these workers shall be reemployed again.

21. Writ Petition Nos.19159; 20914; 21335; 22805; 16531 of 1994 and 2498 of 1995 : filed by the respondents consequently fail in view of the discussion in Writ

Petition No.7326 of 1997, and G.O. Ms. No.423, dated 2-11-1994 and G.O. Ms. No.425, dated 4-11-1994 have to be held valid, and these writ petitions have to be dismissed and they are accordingly dismissed. No order as to costs.

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