The [Madhya Pradesh High Court](https://www.indialegallive.com/madhya-pradesh-high-court/) has directed the State Pollution Control Board, Jabalpur to carry out inspection to check whether pollution caused by the private respondent from their mines is being maintained within the permissible norms.

The Division Bench of Chief Justice Mohammad Rafiq and Justice Vijay Kumar Shukla on August 16 observed that in each of the villages, the quantity of Suspended Particulate Matters (SPM) is found to be on higher side, as against the prescribed standard quantity of 200 micro gram/cubic meter. This was happening because hundreds of dumpers passed through the ‘kutcha (unpaved)’ road. The dust particles flow from the road and get suspended over the houses, trees and crops standing on the roadside, which causes air pollution in the area.

It was found that this adversely affected the production of agricultural crops. The matter has remained pending before the Court for the last 13 years, after the reply of the state government, as well as respondents.

A petition was filed by Amiruddin, the then Sarpanch of Gram Panchayat Agariya, Tehsil Sihora, District Jabalpur, way back in 2007, praying for direction to the State Government and the Pollution Control Board to inquire into the pollution being caused by the private respondent from their mines and take action against them for violating the norms of pollution fixed under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.

The petitioner further sought direction to the respondents to provide proper medical facilities to the affected villagers and disburse the amount of compensation as per circular dated March 3, 2006 and declare the village an affected area as a special relief zone and special package be issued for developing the said area.

The State Government, in its reply to the writ petition filed way back in 2008, submitted that the Chief Medical and Health Officer, Jabalpur has sent a report of Block Medical Officer, Majhgawan, Block Sihora, District Jabalpur, which stated that there is no danger to the residents of area due to mining activities of the private respondent. The scheme contained in the Government Circular dated March 3, 2006 is not applicable to the Gram Panchayat, Agariya.

It is specifically stated in the reply that the scheme applies to minor minerals and the iron ore, as per Schedule I of the MP Mines and Minerals (Development and Regulation) Act, 1957, is a major mineral, therefore, the scheme is not applicable.

The Pollution Control Board, in its reply filed on January 29, 2008, stated that as far as water pollution is concerned, water is discharged from the mines which may flow up to the nearby ‘nalas’. It was found that only from Pratappur Mines, the quantity of discharged water was quite high, that too was not found to be polluted. The quantity of water from the rest of the mines was very less. The monitoring team collected water samples from the hand pumps from each of the villages from where the villagers used to take drinking water, which was found to be within the prescribed standards – IS 10500 – 1991).

The report further stated that water was found to be unaffected from the mining operation and was potable. The four mines owned by the private respondent were found to be at a distance of five km from villages Pratappur and Agariya. These two villages are connected by a kutcha road. The mineral extracted from mines is transported through dumpers by using such unpaved roads, which pass from villages Agariya, Tikariya, Dubiyara, Tikuri, Pratappur road and meet with the Sehora Manjhgawa ‘pakka’ road.

No one is appearing for the petitioner to prosecute the plea. However, since this matter relates to health hazards caused to the villagers in Agariya, Tehsil Sihora, District Jabalpur and the petition has been filed by the Sarpanch of Gram Panchayat, the Court deemed it appropriate to dispose of the petition with a direction to the State Pollution Control Board through its Regional Officer, Jabalpur to carry out inspection in the area in question, at least periodically, to check whether pollution caused by the private respondent from their mines is not causing any harm and whether such pollution is being maintained within the permissible norms.

If it is found that pollution is being generated by the permissible norms, appropriate action against the private respondent may be taken, the Court ordered.