

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 53/2018 (EZ)

Ranjit Kumar Dora

Applicant

Versus

District Collector Jajpur & Ors.

Respondent(s)

Date of hearing: 28.01.2019

**CORAM : HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Sankar Prasad Pani, Advocate, Advocate
For Respondent (s): -

ORDER

1. In this application, question has been raised with regard to illegal sand mining in the Brahmani river in Dharmasala Tehsil, Jajpur District, Odisha. It is alleged that the Respondent No. 5, who has been allotted the area has been violating the provisions of the approved mining plan, conditions of the Environmental Clearance, EIA Notification, 2006, orders of the Hon'ble Supreme Court and the Tribunal. It is contended that there is rampant use of excavators while permission has been granted only for manual mining. There is excess mining and mining beyond the designated area. Depth of the sand mining has exceeded the permissible limits of 3 mtr resulting in the ground water level in the villages in the vicinity of the river. That apart, there are other cognate allegations made by the Applicant against the Respondent No. 5.
2. Upon consideration of the facts and circumstances, we are satisfied that substantial question of environment arises for our determination.
3. Issue notice upon the respondents returnable in two weeks. The Applicant shall file the requisites within one week from hence. He is also at liberty to serve notice *dasti* upon them.

4. In the meanwhile, the District Collector, Jajpur, the Respondent No. 2, the SEIAA Odisha and the State PCB shall jointly inspect the area in question and verify on the correctness of the allegations contained in the O.A. and submit a report before the next date with the advance copy on the Applicant.
5. In the event, the allegations contained in the O.A. are found to be true, appropriate action be taken by all concerned against those in violation in accordance with law. The action taken report shall also contain details of the actions taken in this regard also.
6. List this matter on 12.03.2019.

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 28, 2019
O.A. No. 53/2018 (EZ)
AVT&HB

