

Item No.13

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.604/2023

Hussain Ahamad

Applicant

Versus

State of U.P. &Ors.

Respondent(s)

Date of hearing: 05.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana & Mr. Hasil Jain, Advs. for Applicant

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon, Mr. Hardik Saxena &
Mr. Harsh Vardhan Singh Rajawat, Advs. for the State of UP
Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Arunava Mukherjee & Mr. Nisarg P. Khatri, Advs. for R - 6

ORDER

1. In this original application, allegation is in respect of illegal mining of earth from the nearby agricultural field by respondent no. 5 and 6 Brick Kilns by digging pits upto 15-20 feet and abandoning them as a result of which during the rainy season water got filled in those ditches and five children and had drowned and died..

2. Tribunal considering the issue involved in the matter by order dated 13.10.2023 had constituted a joint committee with a direction to the committee to visit the site and find out the factual position and suggest remedial measures.

3. The committee has submitted the report dated 03.01.2024. A perusal of the said report reveals that in respect of respondent-Shri Ram

Brick Field, committee found that said respondent had dug various pits upto the depth of 2 meters and those pits were filled with the rainy water and depth of the pits was not known, hence, accident could take place. The committee also found that to prevent any such accident, no fencing of the pit was done and no notice board was put up and that the said respondent was grossly negligent in this regard. Similar is the finding of the committee in respect of the respondent-M/s. Maa Bhagwati Brick Field.

4. The report of the committee does not indicate that any compensation has been paid to the family members of the deceased children.

5. Learned Counsel appearing for the State seeks four weeks time to obtain instructions and file report in this regard. He has directed to obtain instructions in respect of the criminal prosecution of the said respondents and the material collected in that process.

6. Let a fresh report be filed within a period of four weeks.

7. Learned Counsel appearing for respondent no.6-Shri Ram Brick Field submits that he has filed the reply today morning. We have been informed that the said reply is lying in defect. He may cure the defect and supply copy of the reply to all the concerned parties.

8. List on 06.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 05, 2024
Original Application No.604/2023
JG.