

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

(By Video Conferencing)

Original Application No. 475/2019

Ajay Pandey & Ors.

Respondent(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.06.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent(s): Mr. Pradeep Mishra and Mr. Daleep Dhyani, Advocates for State
PCB

ORDER

1. The issue for consideration is the remedial action against illegal sand mining on the river bed between Etawah and Jalaun District including Auraiya District, Uttar Pradesh.
2. Vide order dated 24.05.2019, a report was sought from the Uttar Pradesh State Pollution Control Board (SPCB) and the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh.
3. The matter was thereafter considered on 26.07.2019 as follows:-

“3. Accordingly, a report has been furnished vide e-mail dated 24.07.2019 by the Deputy Director, Department of Environment on behalf of SEIAA, Uttar Pradesh. Even though the report furnished by the Deputy Director, Department of Environment on behalf of SEIAA, Uttar Pradesh, states that there is no illegal mining, the applicant in person challenges the said report. In support of his submissions, he places reliance on the photographs, particularly photographs at page nos. 55, 57, 60, 67 and 69. 4.

Accordingly, we direct a fresh report to be furnished by a joint Committee comprising Member Secretary, SEIAA, UP

and the Member Secretary, State Pollution Control Board (SPCB) within one month by e-mail at judicial-ngt@gov.in. The Member Secretary, SPCB will be the nodal agency for coordination and compliance.”

4. In view of above, a further report has been filed by the State PCB on 02.11.2019 *inter-alia* stating as follows:-

“Muradganj: First the joint team inspected village Muradganj (Near Dipali Hotel and Restaurant and Marriage Garden), At the time of inspection no sand storage was found. Latitude and longitude of the concerned area is 26.5076358 and 79.40222384 respectively. Photograph of the inspected area is being enclosed.

Bijalpur: At the time of inspection no mining activity was found in the lease area and lease area was completely submerged in water due to rainy season. The latitude and longitude of the concerned area is 26 ° 24 ' 17.7123 " and 79 ° 20 ' 0.203 " respectively. Photograph of the inspected area is being enclosed.

Weigh Bridge: At the time of inspection, a weigh bridge was also found under construction by leaseholder. The latitude and longitude of the concerned area is 26° 24 ' 26.388" and 79°20 ' 3.118 " respectively. Photograph of the inspected area is being enclosed.

Ayana village: Joint team inspect Ayana village (Near Primary Health Centre, Ayana), and sand storage found behind PHC Ayana. Lease holder representative told that sand has been accumulated here as per rules of Bhandaran Niyamawali for a period of the 5 years (form- B). The latitude and longitude of the concerned area is 26°27 ' 48.948" and 79°20 ' 50.388" respectively. Photograph of the inspected area, is being enclosed.

Shergarh Ghat: The joint team visited Shergarh Ghat in district Auraiya, No mining activity was found as the mining officer of Auraiya told that no lease has been granted in this area. The latitude and longitude of the concerned area is 26' 25 36.952 " and 79 ° 28 47.003 " respectively. Photograph of the inspected area, is being enclosed.”

5. However, the applicant has filed an affidavit dated 03.03.2020 disputing the above stand. It is submitted that illegal sand mining is still taking place. Photographs of unnumbered truck carrying sand and news article published in Daily Amar Ujala dated 27.02.2020 have been annexed in support of this claim. The news item is that action has been taken against ten constables for illegal mining.

6. In view of the above, it is difficult to accept the report filed by the State PCB without further verification.

7. Let the Oversight Committee¹ headed by S.V. S. Rathore, former Judge of the Allahabad High Court, stationed at Lucknow, ascertain the facts from concerned District Magistrates or any other Administrative channel and furnish a report in the matter before the next by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of this order be forwarded to Justice S.V.S. Rathore, former Judge of the Allahabad High Court at Lucknow by e-mail

List for further consideration on 23.09.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

June 17, 2020
O.A. No. 475/2019
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¹ Constituted by this Tribunal in terms of order dated 16.03.2020 in O.A. No. 670/2018, *Atul Singh Chouhan v. MoEF&CC*