

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

Original Application No. 890/2018

Residents of Bhatpara Municipality

Applicant(s)

Versus

State of West Bengal

Respondent(s)

Date of hearing: 02.04.2019

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

For Applicant(s):

For Respondent (s): Bibhash Kumar Sharma, Advocate

ORDER

1. Issue for consideration is illegal sand mining in District North 24 Parganas, West Bengal, near Naihati Bandel Railway Bridge, Kanchrapara Bansberia Road Bridge at Jagatdal Meghna Ghat.
2. Vide order dated 20.12.2018, a report was sought from the West Bengal State Pollution Control Board (WBSPCB). Accordingly, a report has been received vide e-mail dated 15.03.2019 which shows that a joint enquiry was conducted on 12.02.2019 at the site by a nine member team which included an Environmental Engineer from the WBSPCB. The report, *inter-alia*, records as follows:

“However, it was observed that unauthorised white sand lifting from the river Hoogly took place earlier lifted by some unknown miscreants and found stacked besides the river bank.

As per local people’s verbal deposition, it appears that illegal sand lifting was stopped for last 3-4 months and at present not operating.

Four boats having suction facility found kept at the Bank of the River Hoogly, which might be used for suctioning of sand from the river bed. Place of operation found about 700 meters downstream from Naihati Bandel Rail bridge.

One pucca construction under lock and key with electricity connection was noticed within the river bank.”

3. The above observations clearly show that the sand mining was taking place in which four boats with suction facility were being used. However, the report is merely to the effect that FIR has been registered under Section 379 of IPC read with Section 21 of Minor Minerals (Development & Regulation) Act, 1957 against unknown persons.
4. In view of facts found during the enquiry noticed above, action was required to be taken as per the norms for sand mining lease or environmental clearance and for violation of Sustainable Sand Mining Policy framed by the Ministry of Environment, Forest and Climate Change (MoEF&CC) under the provisions of Environment (Protection) Act, 1986 and orders of this Tribunal in O.A. No. 173/2018, *Sudarsan Das v. State of West Bengal & Ors.*, O.A. No. 186/2016, *Satendra Pandey Vs. Ministry of Environment, Forest & Climate Change & Anr.*, O.A. No. 44/2016, *Mushtakeem Vs. MoEF & CC & Ors.* and O.A. No. 110 (THC)/2012. The violators should have been identified. Action was also required for confiscating the boats in view of directions of this Tribunal in O.A. No. 110 (THC)/2012, *Threat to life arising out of coal mining in south Garo Hills district v. State of Meghalaya & Ors.* The boats could be released only on payment of 50% of the market value of new boats of that quality. Compensation was required to be recovered not only equal to the loss of royalty or value of the material but sufficient to recover the

cost of restoration of the environment which is deterrent so as to render such illegal activity unprofitable.

5. In view of above, let the WBSPCB now take further steps in the matter in accordance with law and furnish a further report within two months by e-mail at ngt.filing@gmail.com.
6. A copy of this order be sent to the WBSPCB by e-mail for compliance.

List for further consideration on 18.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 02, 2019
Original Application No. 890/2018
DV

