

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

Original Application No. 670/2018

IN THE MATTER OF:

Atul Singh Chauhan

Vs.

Ministry of Environment, Forests and Climate Change & Ors.

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

**Present: Appellant: Mr. Vivek Narayan Sharma, Mr. Ajay Sinigh,
Advs.**

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 05</p> <p>September 20, 2018</p> <p>A</p>	<p>1. This application challenges sand mining in the river bed of Yamuna in Allahabad District without Environmental Clearance and in violation of the conditions of mining leases.</p> <p>2. According to the applicant, the District Magistrate, Allahabad issued e-tender notice on 07.09.2017, even prior to preparation of District Survey Report. On 29.11.2017, the Administration allowed mining by Boat in-stream and upstream of Yamuna river, (Pahuwa, Pratappur, Nevadiya, Amiliya, Masiyari, Fulwa, Bisona, Asrawal, Manpur, Bhamur, Mishrpur, Nagarwar, Gadispur, Bhikhana, Bebar, Palpur and many more locations). This will have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds. Sand extraction may have adverse effect on bio-diversity as well. 10000 to 15000 boats are doing in-stream river mining in the midst of river. The applicant has relied on video shots (CD) and photographs of illegal mining.</p> <p>3. Grievance of the applicant is that mining is being</p>

	<p>Item No. 05</p> <p>September 20, 2018</p> <p>A</p>	<p>permitted contrary to the prohibitory norms in respect of in-stream mining and mining upto the depth of 4 to 6 meters by using pokland machines. The Judgement of the Hon'ble Supreme Court in <i>Deepak Kumar Vs. State of Haryana & Ors. (2012) 4 SCC 629</i> clearly states that no mining can be allowed without EIA. The MOEF&CC has issued notification dated 15.01.2016 to this effect. The State Government has issued G.O. no. 1857/86/2017357/2017 dated 14.08.2017 on the subject. As against movement of 125 truck per day which is allowed 400-500 overloaded trucks per day which is allowed are being allowed to move. 12 to 20 cubic meters of sand is being loaded in a truck against the permission of 6 cubic meters 4,85,000 metric tones per year has been excavated. The extent to which mining permissible is exceeded within ten days itself. Mining is in violation of the direction in order of this Tribunal dated 08.12.2017 in <i>Original Application No. 557/2017 in Anjani Kumar vs State of Uttar Pradesh & Ors.</i></p> <p>4. Since the applicant has also filed photographs and newspaper cutting in support of the allegations, a case is made out for giving directions to the concerned authorities to look into the above aspects and perform their duty of protecting environment by regulating and stopping illegal mining in accordance with law. In doing so the direction of this Tribunal dated 04.09.2018 in <i>Sudarsan Das Vs. State of West Bengal & Ors.</i>, Original Application No. 173 of 2018, dated 05.09.2018, Original Application No. 44 of 2016 - <i>Mushtakeem Vs. MoEF & CC & Ors.</i>, and dated 13.09.2018 in Original Application No. 186/2016 - <i>Satendra Pandey Vs. Ministry of Environment, Forest &</i></p>
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	<p>Item No. 05</p> <p>September 20, 2018 A</p>	<p><i>Climate Change & Anr.</i> have also required to be looked into.</p> <p>5. Accordingly, we direct constitution of a committee headed by the Divisional Commissioner Allahabad and, a representative of Indian Schools of Mines, NOIDA, Director of Geology and Mining, Lucknow, and a representative of State Level Environment Impact Assessment Authority, Lucknow as Members.</p> <p>6. The State Level Environment Impact Assessment Authority will act as nodal agency for execution of the above order.</p> <p>7. The Committee may meet within one month.</p> <p>8. The Committee may prepare an action plan and the direct its execution.</p> <p>9. The report of the steps taken may be submitted to this Tribunal by e-mail at filing.ngt@gmail.com.</p> <p>10. The applicant may furnish complete set of papers to the concerned authorities for compliance.</p> <p>11. The application is disposed of.</p> <p>12. Needless to say that every order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action in terms of the National Green Tribunal Act, 2010.</p> <p>13. List for consideration of report on 21.12.2018.</p> <p style="text-align: right;">....., CP (Adarsh Kumar Goel)</p> <p style="text-align: right;">.....,JM (S.P. Wangdi)</p> <p style="text-align: right;">.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">20.09.2018</p>
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