

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

**Original Application No. 292 of 2013
(M.A. No.864 of 2013, M.A. No.128 of 2015 & M.A. No.129 of 2015)**

Brij Mohan Yadav. Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Choudhary, Adv.
Respondent No. 1:	Mr. Vikas Malhotra, Mr. M.P. Sahay, Advocates
Respondent No.2,3,5&6 :	Ms. Savitri Pandey and Ms. Azma Parveen, Advocates
Respondent No. 4 :	Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advocates
	Mr. S.P. Singh, Sr. Adv. along with Mr. P.V. Singh, Advs. For Notice Mr. Sabir Khan
	Mr. V.K. Shukla, for State of M.P.
Respondent No. 10:	Mr. Sanjay Kumar Pandey, Adv for 1 to 15 Noticees.

Date and Remarks	Orders of the Tribunal
Item No. 07 July 20, 2015 A	<p>Learned counsel appearing for the Applicant has filed certain photographs to show that illegal mechanical mining is still going on right in the heart of the river at Raipur Village, District Banda. The District Magistrate of Banda has been provided with copies of the photographs. He assures that he would take all possible steps to ensure that there is no illegal mining in the area in question.</p> <p>The District Magistrate, District Chhatarpur, M.P. has filed a report where he had shown that the bridge which was unauthorisedly and illegally constructed in the river Ken has been demolished and natural flow of the river is restored. In the report he has mentioned that one Mr. Sabir Khan is carrying on illegal and unauthorized mining in that area. He carries this illegal mining from M.P. and sells in Uttar Pradesh. He is stated to be a Mining Lease Holder in UP and is carrying on the illegal and unauthorized mining in M.P. They have proposed to</p>

impose a penalty of Rs. 4,50,00,000/- upon the said person. Since this person named Mr. Sabir Khan, S/o Mr. Alim Khan has reportedly carried out the illegal and unauthorized mining, we direct issuance of Notice to this person to show cause why we should not direct his prosecution in accordance with law and direct him to pay compensation for restoration and restitution of ecology and environment of the illegally mined area. Learned counsel appearing for him accepts Notice. Let Reply be filed within two weeks from today. Reply shall also be filed to the report of the District Magistrate as afore indicated.

Notice shall also be issued to Mr. Rajbahadur Yadav, S/o Mr. Tiria Yadav, R/o Village Chhanhiapurva (Pritampur), Tehsil Naraini, District Banda, U.P. to show cause, as he is also stated to be carrying on illegal mining in District Banda, U.P.

Show cause notice shall also be issued Mr. Nasif Khan who is reported to be carrying on illegal mining in Chhatarpur District.

Let the District Magistrates of District Banda and District Chattarpur ensure that these persons do not carry on illegal and unauthorized mining. Reply should be filed as afore-indicated within two weeks from today with advance copies to all the Learned counsel appearing in the case.

List this matter for recording of evidence on which date the District Magistrate of both the Districts would be present in person along with other Officers.

List this matter on 17th and 18th August, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

