

Item No. 4

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 24/2021(CZ)

Ramakant Kaurav

Applicant (s)

Versus

Union of India & Ors.& Ors.

Respondent(s)

Date of hearing: **14.12.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant (s):

Ms. Diksha Chaturvedi, Adv.

For Respondent(s):

Mr. Sachin K. Verma, Adv.
Mr. Om Shankar Shrivastava, Adv.
Mr. Dharamvir Sharma, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. The issue raised in this Original Application is illegal sand mining in the basin of holy river Narmada, Dudhi & Sitareva in District Narsinghpur MP. Indiscriminate and rampant illegal sand mining is going on by Respondent no. 7 with uses of heavy machineries like poclain machine, earth mover machine and other heavy machineries in sand mines in District Narsinghpur, MP.
2. The matter was taken up on 28.05.2021 and a committee was constituted in the following terms :

“We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-

(i) The Collector, District Narsinghpur.

(ii) District Mining Officer , Mining Office, Narsinghpur.

(iii) Madhya Pradesh Pollution Control Board or its representative.

The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support”

3. In compliance thereof the joint committee has submitted the report as follows :

“Current status of 08 sand mines is as follows :

S.N	NAME OF THE MINES	QUANTITY CTO(EMPOWER Q 3)	QUNATITY EC(EMPOWER Q 3)	STATUS DURING FIELD VISIT
1	Murgakheda sand mine Khasra No. 206/2 and Ors. area 5.0 hect.	147000	147000	Not in operation
2	Ghatpipariya sand mine Khasra 1/1 area 7.0 hect.	79932	206000	Operational
3	Rewa Nagar sand mine Khasra No. 20/1 area 3.46 hect.	44685	44685	Not in operation
4	Sansar Kheda sand mine Khasra No. 208/1 & 208/2 area 13 hect.	382200	382200	Operational
5	Dhigsara sand mine Khasra No. 29/1 area 5.775 hect.	160000	160000	Not in operation
6.	Ajanda sand mine Khasra No. 39/1 area 4 hect.	103974	103974	Not in operation
7.	Dighouri sand mine Khasra No. 195 area 4.0 hect.	101887	101887	Not in operation(field with water)
8.	Gangai Sand mine Khasra No. 400/1 area 4.0 hect.	54000	54000	Not in operation (field with water)

A brief on the mining lease in River Dudhi.

M/s Dhanlakshmi Merchandize Pvt. Ltd. Ward No. 16, Civil Line, Kalika Nagar, Babai Road, Hoshangabad (MP) was awarded Narsinghpur District contract for sand mining as per the Madhya Pradesh Sand Mining Policy, 2019 in the year 2020 as per the tendering process. There are 03 mining leases i.e. Ajanda, Sansar Kheda & Dhingsara for river Dhudi. 02 Mining leases i.e. Dighori Sand Mine & Gangai Sand Mine, which are located on the Sita reva River. Three mining leases i.e. Reva Nagar sand mine, Murgakheda Sand Mine & Ghatpipariya Sand Mine of Narmada river, for which environmental clearance & CTO was obtained. The details of the 08 mine leases is tabulated with respect to Khasra no., mine lease area environmental clearance, Consent to Operate & date of statutory permission :-

Sl No.	Name of the mines	Quantity CTO (M³)	CTO Issue Date	Quantity EC (M³)	EC Issue Date
1	Murgakheda Sand Mine Khasra No. 206/2 & Other Area 5.0 Hect	147000	12.11.2020	147000	14.10.2020
2	Ghatpipariya Sand Mine Khasra No. 1/1 Area 7.0 Hect	79932	01.06.2021	206000	12.03.2020
3	Reva Nagar Sand Mine Khasra No. Area 5.0 Hect	44685	19.03.2020	44685	09.03.2020
4	Sansar Kheda Sand Mine Khasra No. Area 5.0 Hect	382200	04.06.2020	382200	14.09.2020
5	Dhingsara	160000	12.11.2020	160000	14.10.2020

	Sand Mine Khasra No. Area 5.0 Hect				
6	Ajanda, Sand Mine Khasra No. Area 5.0 Hect	103974	19.03.2020	103974	09.03.2020
7	Dighouri Sand Mine Khasra No. Area 5.0 Hect	101887	19.03.2020	101887	09.03.2020
8	Gangai Sand Mine Khasra No. Area 5.0 Hect	54000	19.03.2020	54000	09.03.2020

M/s Dhanlakshmi Merchandise Pvt. Ltd. has obtained consent to operate under the Water. (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from MP Pollution Control Board.

Field Observations of the Committee

1. The committee conducted an intensive field visit of 05 sand mines located at river Dudhi and Sitareva dated 18.06.2021 and 03 sand mine on river Narmada dtd. 21.06.2021 which is allotted to M/s Dhanlakshmi Merchandise Pvt. Ltd., Narsingpur. On the day of inspection, mining was being done manually at village Sansarkheda and Ghatpipariya and sand was being transported by tractor/trolley.
2. The committee, first visited the mining site of Sansarkheda (Khasra No. 208/1 and 208/2) followed by Ajanda sand mine (Khasra No. 39/1). Dhigsara sand mine (Khasra No. 29/1) of Dudhi river (a

tributary of river Narmada), Dighori sand mine (Khasra No. 195) and Gangai sand mine (Khasra No. 400/1) of Sitareva river to verify the claims and allegations made by the applicant in the petition regarding the illegal mining and use of heavy machineries like poclain, earthmover and other heavy machineries in sand mines of District Narsingpur (MP).

3. On the day of field visit i.e. 21.06.2021 of the sand mine Reva Nagar Sand Mine (Khasra No. 20/1), Murga Kheda sand mine (Khasra No. 206/2) and Ghatpipariya sand mine (Khasra No. 1/1) of Narmada River no heavy machineries were found.
4. During the inspection Gangai Sand Mine and Dighori Sand Mine were filled with water. Whereas Digsara Sand Mine, Murgakheda Sand Mine, Ajanda Sand Mine and Rewa Nagar Sand Mine were found to be closed. Remaining 02 mines, Sansarkheda & Ghatpipariya sand mines were found operational
5. No illegal pathway was found during the field visit in above sand mines.
6. Regarding the air pollution, due to the transportation of heavy vehicles, such as, dumpers, trucks, tractors etc. the committee observed that road was damaged in few patches.
7. The demarcation of the lease area was done by the red flag in operational mines.
8. The plantation on the river bank was found poor for protection from soil erosion.
9. The photographs taken during the field visit are enclosed.”

4. Respondent Nos. 2, 3, 5 & 6 have submitted the reply with the facts that as per the mining policy of the State Government the Project Proponent is not permitted to use the heavy machinery and further that the District Mining Department Narsinghpur District is not permitting to use of machinery for sand mining operations in Dudhi & Sitareva in District Narsinghpur.
5. Furthermore after receiving the three complaints from the present applicant the District Mining Branch carried out incognito spot inspection of the Sand Mining Blocks and in all the three complaints registered as complaint number 2307/kha.li/2020 dated 24.12.2020, 420A/Kha.li/2021 dated 09.03.2021, 487 / kha.li /2021 dated 23.03.2021, the allegations and grievances raised by the Applicant were not found trustworthy therefore all the three complaints were filed by the District Mining Branch.
6. The District Mining Branch Narsinghpur regularly inspect the Sand Mining Blocks in the entire district the project proponent has not constructed any pathway in the midst of the river as alleged by the applicant even there is no deep pits allegedly occurred in the centre of the river bed. The Applicant has enclosed fabricated photographs of the river just to misguide and mislead this Hon'ble Tribunal therefore the original application deserves to be dismissed on this count alone.
7. Respondent No. 4 has also submitted the reply with the same facts.
8. The applicant has filed objection against the report with the fact that the report submitted by the Joint Committee is not correct and further that the District Mining Officer misbehaved with the applicant and started directing the applicant to move out of the place in question.

9. We have heard the Learned Counsel for the parties and considered the report submitted by the Joint Committee and are of the view that the recommendations of the Joint Committee must be acted upon by the District Administration to control illegal mining, for ready reference the recommendation is enumerated as follows :

“Recommendations

- i. District Administration needs to ensure the effective vigilance on sand mining with respect to the mid-stream mining, use of heavy machineries by installing CCTV cameras at strategic location.
- ii. To suppress the dust pollution during summer, and heavy vehicle transportation, contractor shall arrange regular water sprinkling, and ensure that the vehicle engaged in sand transportation and mining has valid PUC certificate. Contractor may also ensure that the transportation of the sand be done in covered vehicles.
- iii. District administration has to initiate strict action as stipulated in O.A No. 360/2015 against illegal mining & transportation, if any.
- iv. The plantation on the river bank is to be done as per environmental management plan.

The demarcation of the lease area should be visible from distance. Mining Department should ensure stone post with red flag to make the lease area visible from distance.”

10. Accordingly, we direct the State Authority to observe and comply the directions submitted by the Joint Committee and enforce the Sustainable Sand Mining Management Guidelines 2016 & The Enforcement and Monitoring Guidelines of Sand Mining 2020 and further ensure that there shall not be any illegal mining operations within area and in case it is found, legal necessary action in addition

to realization of environmental compensation according to the parameter laid down in O.A No. 360/2015 and the guidelines issued by the Central Pollution Control Board should be strictly enforced with.

11. Original Application No. 24/2021 (CZ) is **disposed of** accordingly.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

14th December, 2021
O.A. No. 24/2021 (CZ)
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