

Item No. 03

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

Original Application No. 89 of 2021

M Rashid

Applicant(s)

Versus

State of Madhya Pradesh through  
Collector District Hoshangabad

Respondent(s)

**Date of hearing: 09.02.2022**

**Date of uploading: 11.02.2022**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER**

**HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Rohit Sharma, Adv

For Respondent(s):

Mr. Sachin. K. Verma, Adv  
Mr. Shreyas Dharmadhikari

**ORDER**

1. Issue raised in this application are excavation of illegal sand from the sand quarry situated on the side of the river of village Nehlai, District Sehore by way of constructing kachha road in the middle of the river for transportation of the sand and to excavate sand from other side of the river i.e. District Hoshangabad.

2. The version of the applicant are as follows:

(i) *In the State of Madhya Pradesh, the sand mining activities are governed by the Madhya Pradesh Sand Mining Rules, 2019 in terms of which, every district was awarded a single contractor or a group of contractors. In terms of the provisions of the Policy, the contract for sand mining in the district of Sehore was awarded in favour of the Non-Applicant No.5 - Power Mech Projects Limited and for the district of Hoshangabad, the contract was awarded in favour of*

*M/s. R.K. Transport. To the best of the knowledge of the Applicant, the contractor for district Hoshangabad is not in operation, as a result of which, there are no Sand Quarries operating legally in the district of Hoshangabad.*

- (ii) One of the major zone of influence in both these districts is river Narmada, which is in a way dividing the 2 districts at various intervals. River Narmada is the 5th longest river and overall longest west-flowing river in India, and largest flowing river of the state of Madhya Pradesh. River Narmada is also known as the LIFE LINE of the State of Madhya Pradesh as major population of the State of Madhya Pradesh is provided potable water through River Narmada.*
- (iii) The Applicant has witnessed that a kaccha road/ bridge is being constructed in the middle of the river Narmada, and apparently the road/ bridge being illegal, when it was further enquired, it came to the knowledge of the Applicant that the same is being constructed by the Non-Applicant No. 5.*
- (iv) The Applicant has captured various photographs and videos of this illegally constructed bridge/ Road in the center of river Narmada which is leading to huge disruption in the free flow of river Narmada. The intention behind constructing this road is to ease out the illegal excavation of sand from the other side of River Narmada which falls in the district of Hoshangabad and further to ease out illegal transportation of sand by by-passing the legal route.*
- (v) Another issue that is a cause of concern for the environment, is the illegal excavation of sand from Jajna Sand Quarry situated nearby Village Nehlai, wherein, the Non-Applicant No.5 is extracting sand from the river bed by way of using heavy machineries and pandubbies (with heavy motors attached in it) . This kind of illegal sand mining going on at the area in question is in absolute contravention to the sustainable Sand Mining Guidelines issued by Ministry of Environment & Forest (hereinafter referred to as "MoEF")*

*and reflects a sorry state of affairs in the entire district. The Non-Applicant No.5 is indulged in such inhumane and anti-environment practice in order to gain monetary benefits and in addition to all this, the officials concerned who are not only preventing such activities but are hand in gloves with the wrong doers warrants a high level inquiry into the matter.*

*(vi) In terms of Section 24 read with Section 45A of the Water Act, impeding the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences is a punishable offence.*

3. And thus the Applicant has prayed to dismantle the illegally constructed road and to restrain the activities at Jajna Sand Query in the manner and methodology adopted by the non-Applicant no.5.
4. The matter was taken up by this Tribunal on 10<sup>th</sup> December, 2021 and a Joint Committee was constituted to visit the site and submit Factual and Action Taken Report.
5. The Joint Committee has submitted the report which is as follows:

*“During the joint committee visit, the geographical location, photographs, and all other relevant information were collected which are incorporated in the report. The observations made during the visit are presented as follows:*

1. *GPS location of the site at village Nehlai, Tehsil - Budhni, Dist. Sehore has been recorded using a mobile-based GPS application.*
2. *GPS coordinates of the site at village Nehlai are as follows as per the District Survey Report of district Sehore:*

| <i>S No.</i> | <i>Name of the department having Lease</i>   | <i>Village/Tehsi</i> | <i>Khasra No.</i> | <i>Area</i> | <i>Coordinates</i>   |
|--------------|--|----------------------|-------------------|-------------|--|
| 134          | म.प्र. राज्य खनिज निगम उप कार्यालय होशंगाबाद | नहलाई / रेहटी        | 120               | 8.093       | A-22°37' 32.17" N, 77°25' 44.53" E<br>B-22°37' 39.43" N, 77°25' 57.80" E<br>C-22°37' 44.21" N, 77°25' 56.16" E<br>D-22°37' 36.40" N, 77°25' 40.38" E |

3. *As shown in the Google map, village Nehlai, Tehsil Budhni, Dist. Sehore is situated on the right bank of river Narmada which flows from east to west direction.*
4. *As per the petition, a kachha road bridge is constructed in the middle of river Narmada to excavate and transport sand from the two bifurcated streams of river Narmada. The site is shown on Google map.*
5. *Following information is provided by the District Mining Officer, Sehore regarding the sand lease under question:*
  - i. *The sand mining lease was allotted to M/s Power Mech Projects Ltd. in village Nehlai, Dist Sehore on right bank of river Narmada is marked on Google map.*
  - ii. *M/s Power Mech Projects Ltd. had constructed a kachha road bridge across the river made of stones and hume pipes to maintain river water flow to reach the other side.*
  - iii. *M/s Power Mech Projects Ltd. has not started the excavation and transportation of sand from the area. No stock of sand was found at the right bank of the river Narmada.*
  - iv. *Only sand mining lease is sanctioned however, environmental clearance and the consent is not obtained by the company.*
6. *During the inspection, the kachha bridge structure was found demolished and no mining activity was being carried out at the site. But a small portion of the bridge was observed on the other side of river (near sand island) and it was reported by the officers of Department of Mine, that the portion was remained for sports purpose on request of players and association as practising camp for national canoeing competition was under progress at the time.*
7. *No pandubbis or boats were found at village Nehlai ghat, indulged in mining activity.*
8. *There is no demarcation or pole fencing of the boundaries was observed in the lease area of sand mining at Nehlai site.*
9. *As per the satellite images and by physical verification it is observed that the bridge was constructed to approach the sand Island for excavation of sand. This area (according to Google map and documents provided by mining department) does not fall under the leases mining area. As reported no mining was performed, but if in future the same area is approached will be illegal activity.*

**Action Taken**

1. *By receiving an information of illegal construction of bridge across the river Narmada on 09.12.2021, Mining Inspector, Sehore visited the site on same day and prepared a Panchnama and the next day i.e.10.12.2021 mining department demolished the kachha road bridge*

*constructed on river Narmada in the presence of Collector, Sehore, police department and company representatives.*

- 2. A letter has been issued by the district mining office, Sehore to M/s Power Mech Projects Ltd. on 13.12.2021 regarding demarcation or pole fencing of the boundaries of lease area in accordance with geo-coordinates as mentioned in the letter of intent issued on 10.02.2020.*

*Recommendations:*

- 1. Prior environmental clearance and consent of the board shall be obtained by M/s Power Mech Projects Ltd. before starting any mining-related work.*
  - 2. Without prior permission the construction of any structure/bridge across the river-stream shall not be allowed.*
  - 3. District mining officer may ensure that M/s Power Mech Projects Ltd. should complete demarcation or pole fencing of the boundaries of the lease area of sand mining at Nehlai site before starting mining work.*
  - 4. The state water resources department should also keeps vigil on the river and if any kind of unauthorized construction or obstacle observed, immediately may take appropriate action.*
  - 5. All precaution shall be taken to ensure that the water stream flows unhindered and process of Natural river meandering doesn't get affected due to mining activity.*
- 6. Respondent No. 2 and 4 has submitted the reply which is as follows:*

*"6. The Hon'ble Tribunal vide its order dated 10.12.2021 had constituted Joint Committee consisting of District Collector, Sehore, on representative from CPCB and the RO MPPCB, Bhopal. The committee in its report made following observations:*

*5. Following information is provided by the district Mining Officer, Sehore regarding the sand lease under question.*

*i. The sand mining lease was allotted to M/s Power Mech Projects Ltd. in village Nehlai, Dist Sehore on right bank of Narmada is marked on Google Map.*

*ii. M/s Power Mech Projects Ltd had constructed a kachha road bridge across the river made of stones and hume pipes to maintain river water flow to reach to either side.*

*iii. M/s Power Mech Projects Ltd has not started the excavation and transportation of sand from the area. No stock of sand was found at the right bank of the river Narmada.*

*iv. Only sand mining lease is sanctioned however, environmental clearance and the consent is not obtained by the company.*

*6. During the inspection, the kachha bridge structure was found demolished and no mining activity was being carried out at the site.*

*But a small portion of the bridge was observed on the other side of river (near sand island) and it was reported by the officers of Department of Mine, that the portion was remained for sports purpose on request of players and association as practicing camp for national canoeing competition was under progress at the time. Therefore, the grievances raised by the Applicant have already redressed by the district administration by demolishing the kaccha road bridge on 10.12.2021 even before the service of notice of Original Application.*

*7. The contents of this Para are vehemently denied, the joint committee has given a following observation pertaining to users of heavy machineries and pandubbies:*

*7. No Pandubbies or boats were found at village Nehlai Ghat indulged in mining activity.”*

7. Learned counsel appearing for the State Pollution Control Board has submitted that the kaccha pathway which had been constructed was demolished and dismantled and the contention of the Applicant that heavy machineries and pandubbies are used for the sand mining have been examined by the members of the Committee and no pandubbies or boats were found at village Nehlai Ghat indulged in mining activities.
8. Accordingly, at present there is no grievance to be redressed. Learned counsel appearing for the applicant has submitted that the respondent should be directed to monitor the illegal sand mining and to enforce the guidelines issued by the MoEF & CC as Sustainable Sand Mining Management Guidelines, 2016 & the Enforcement and Monitoring Guidelines for Sand Mining, 2020.
9. Accordingly, we direct the authorities and respondents to strictly monitor and enforce the guidelines issued by the MoEF & CC mentioned above.

**The Original Application No. 89 of 2021 is finally disposed of accordingly.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

11<sup>th</sup> February, 2022  
O.A. No. 89/2021 (CZ)  
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