

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 554/2019

In the matter of:

Farmers of Village JagatpurApplicant(s)

Versus

Govt. of NCT of DelhiRespondent(s)

NDOH :-02.12.2019

INDEX

S.NO	CONTENTS	PAGE NO
1	Action Taken Report on behalf of DPCC in terms of order dated 13.08.2019	1 - 3
2	<u>Annexure –A.</u> Copy of the letter dated 13.09.2019 issued by DPCC.	4 - 5
3	<u>Annexure –B.</u> Copy of the letter dated 01.10.2019 issued by SDM (Civil Line).	6 - 12
4	<u>Annexure –C.</u> Copy of the Inspection report dated 22.10.2019.	13

Filed by

(Satender Kumar)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:

Dated: 26.11.2019.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 554/2019

In the matter of :

Farmers of Village JagatpurApplicant(s)

Vs

Govt. of NCT of DelhiRespondent

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF
DELHI POLLUTION CONTROL COMMITTEE**

1. That This Hon'ble Tribunal vide its order dated 13.08.2019 was pleased to pass the following directions:

"Allegation in this letter, illegal sand mining in village Pur Shahdara and Pur Delhi by Sanjay S/o Jai Prakash, R/o Jagatpur, Delhi-84.

"Let the Delhi Pollution Control Committee (DPCC) look in to the matter and take appropriate action in accordance with law and furnish a factual and an action taken report"

2. That in pursuance and compliance of the aforesaid order dated 13.08.2019, letters were sent to the Commissioner (EDMC), District Magistrate (North-East) and Deputy Commissioner of Police (North-East) on 13.09.2019 with the request to take necessary action and submit Action Taken Report. Copy of Letter dated 13.09.2019 is annexed as **Annexure-A**.

3. That the SDM (Civil Lines) vide its letter dated 01.10.2019 informed that office of Sub Division (Civil Lines) had received



requests for permission of transportation of sand from M/s Vinay Kumar on 15.12.2018 & 18.02.2019 and that on this request, the permission for transportation of sand was granted on 20.12.2018 & 22.02.2019 respectively. Copy of letter dated 01.10.2019 is annexed as **Annexure-B**.

4. That the last permission given on 22.02.2019 was valid till 30.04.2019 and after that no permission has been accorded to any one for transportation of sand by Sub-Division (Civil Lines) as a result of which no sand is being lifted from Sub Division (Civil Lines) for the last 6 months. No such persons in the name of Sh. Sanjay S/o Sh. Jai Prakash and Sh. Rajeev S/o Sh. Brahm, Gali R/o Jagatpur were found carrying out sand mining.
5. That a joint visit by SDM (Alipur) and DPCC officials was carried out on 02.11.2019 and 18.11.2019 and during the aforesaid visit no illegal sand mining was observed at River Yamuna Bank. Further, directions have been issued to the concerned SHO to keep a vigil on illegal sand mining activity, if any, at River Yamuna Bank. No illegal activity of sand mining from river Yamuna has been reported by the concerned police in sub division Alipur.
6. That the SDM (Karawal Nagar) vide its letter dated 16.09.2019 has forwarded Action Taken Report wherein it was informed that visit/ inspections of illegal sand mining activities have been conducted by Sub Division (Karawal Nagar) from time to time on 10.01.2019, 29.05.2019, 18.06.2019 to 26.06.2019 & 29.07.2019



in the Yamuna Khadar area along with Revenue & Police officials from Zero Pusta Sonia Vihar to Village Badarpur Khadarpur. Further, SDM Karawal Nagar issued directions to SHO, PS, Sonia Vihar on 16.5.2019, 26.6.2019 and 29.7.2019 and concerned DCP on 16.5.2019 and 29.7.2019 to keep proper vigil so that sand mining activity may be restricted/stopped in Yamuna Khadar. Also regular inspection and visits are being done by SDM Karawal Nagar, to restrict/stopped sand mining activity in Yamuna Kahdar area.

7. That the Yamuna Khadar Area falling under North East District was inspected on 22.10.2019 by DPCC along with concerned area SDM & SHO and during inspection no sand mining activity was observed. The area SDM informed that regular inspection of the area is being carried out by Revenue and Police officials in order to ensure that no illegal sand mining activity takes place in Yamuna Khadar area. Further, it has been reported that no complaint is received in last 03 months. Copy of Inspection Report dated 22.10.2019 is annexed as **Annexure-C**.
8. That the above status report/action taken report may please be taken on record.


(SATENDER KUMAR)
SR. ENV. ENGINEER



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/NGT/2019/2562 -2565

Dated: 13/09/19

To

Annexure - A.

1. **The Commissioner (EDMC)**
East Delhi Municipal Corporation, Plot No. 419,
Udyog Sadan, F.I.E Patparganj,
Delhi-110092
2. **The District Magistrate (North-East)**
Office of the Dy. Commissioner (North-East) D.C. Office,
Nand Nagri, Opposite Gagan Cinema,
Delhi-110093
3. **The Deputy Commissioner of Police(North-East)**
O/o DCP(North-East) District, New Seelampur, Shahdara,
Delhi-110032

Subject: Direction u/s 5 of The Environment (Protection) Act, 1986 as amended to date.

And whereas, Delhi Pollution Control Committee has been vested with the powers under section 5 of Environment (Protection) Act, 1986 which empowers the Delhi Pollution Control Committee (DPCC) to issue directions in writing to any person, officer or any authority shall be bound to comply with such directions.

And Whereas, the complaint against Sh. Sanjay S/o Sh. Jai Prakash R/o Gali No. 4, Jagatpur, Delhi-110084 and Rajeev S/o Brahm, Gali No.16, Jagatpur, Delhi-110084, and their associates for carrying illegal mining of Yamuna Sand in the Area of Village Pur Shahdara and Pur Delhi, Without any lease or Grant by Govt. by illegal means in connivance with local police and revenue officials by employing 100 dumpers and earning Rs. 25,00,00/- (Rs. Twenty Five Lacs) Per day (copy enclosed).

And Whereas, Hon'ble National Green Tribunal in the matter Farmer of Village Jagatpur Vs Govt. of NCT of Delhi vide Original Application No. 554/2019 has passed order on 13.08.2019 (copy enclosed) as follows:-

"Allegation in this letter, which has been treated as an application, is that illegal sand mining is being done in village Pur Shahdara and Pur Delhi by Sanjay S/o of Jai Prakash, R/o Jagatpur, Delhi - 84.

Let the Delhi Pollution Control Committee (DPCC) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order by e-mail at judicial-ngt@gov.in.

A copy of this order, along with complaint, be sent to the DPCC by e-mail for compliance. Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010

List for further consideration on 02.01.2019"

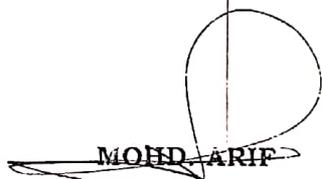
In view of above, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of The Environment (Protection) Act, 1986 as amended to date, hereby issue the following directions:

1. That illegal mining and destruction of Yamuna River bed in the area of village Pur Shahdara and Pur Delhi shall be removed/stopped and make sure that no more illegal mining and destruction of Yamuna river bed shall be carried out in the area of village Pur Shahdara and Pur Delhi.

You are requested to direct the concerned officials to take necessary action as above and submit Action Taken Report within a month so as to comply with Hon'ble NGT orders in true letter and spirit.

Please note that any failure w.r.t. above directions will be construed as the non-compliance of Hon'ble NGT orders, and action as per law will be taken.

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


MOHD. ARIF
Incharge (CMC I)

Copy to:-

1. The Sub Divisional Magistrate (Karawal Nagar), Disidc Weaver Complex, Near Gagan Cinema, Nand Nagri, Delhi-110093
2. Office Copy
3. Master File


A.E.E (CMC-I)

Important (6)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF SUB DIVISIONAL MAGISTRATE (CIVIL LINES),
KHASRA NO. 549, NEAR BARAT GHAR, OLD NDPL OFFICE,
BURARI, DELHI – 110084
(EMAIL ID: sdmcivilline@gmail.com)(Tel: 011-27612666)

No.F/SDM/CL/2019/4228-30

dated: 01.10.2019

To

Annexure - B

✓ Incharge CMC-V,
Delhi Pollution Control Committee,
1st Floor, E-Block, Vikas Bhawan-II,
Civil Lines, Delhi-110054.

Sub: Regarding OA No. 554/2019 titled as "Farmer of Village Jagatpur Vs Govt. of NCT of Delhi".

Sir,

Kindly refer to the meeting held on 30/09/2019 in the chamber of District Magistrate (North East).

During the discussion, it was informed by the representative of DPCC that the Hon'ble Court of National Green Tribunal, vide its order dated 13/08/2019, had directed the DPCC to look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order by e-mail at Judicial-ngt@gov.in.

In this connection it is stated that the office of Sub Division (Civil Lines) had received requests for permission of transportation of sand from M/s Vinay Kumar on 15/12/2018 & 18/02/2019. On these request, the permission for transportation of sand was granted on 20/12/2018 & 22/02/2019 respectively.

The last permission given on 22/02/2019 was valid till 30/04/2019 (Attached as Annexure-I). After that no permission has been accorded to any one for transportation of sand from Sub-Division (Civil Lines) as a result of which no sand is being lifted from Sub Division (Civil Lines) for the last 6 months.

Further, it is added that a committee was constituted by District Magistrate (Central), vide order dated 12/06/2019 for identification of spots for

- installation of CCTV cameras for stopping illegal sand mining in Sub Division Civil Lines.

The committee had recommended installation of CCTV cameras at the following three locations for checking illegal sand mining:-

1. Village Burari, Near Uttraini Ghat.
2. Village Salempur, Opp. Little Star Convent School.
3. Village Jagatpur, Main Pushta Road.

The Photocopy of recommendation of the committee is attached herewith as **Annexure-II**.

After obtaining the permission from the Competent Authority, a request has been sent on 27/06/2019 to Principal Chief Engineer (Projects) for installation of CCTVs. (**Annexure-III**).

The CCTV cameras are yet to be installed.


(**PRADEEP TAYAL**)
SDM (CIVIL LINES)

Copy to:

1. **District Magistrate (Central).**
2. **District Magistrate (North-East).**

Annex - P (8)

GOVT OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE CIVIL LINE
KHASRA NO. 549, 1ST FLOOR, NEAR BARAT GHAR, BURARI, DELHI-110084.

No. F.SDM/CL/2018/454-455

Dated:- 22/02/19

ORDER

An application has been moved by Vinay Kumar S/o Narsing Singh R/o Saketpuri, Road No.1, Near Ambedkar Chowk, Hanuman Nagar, Kankarbagh, Patna-800020, Bihar, regarding permission for entering trucks in Delhi to towards outer way of Burari pusta to Burari bypass for taking sand mines on lease from UP Government from Badarpur Village Tehsil Loni District Ghaziabad, U.P. Delhi.

Keeping in view the above facts in public interest, I hereby grant permission to cross the Yamuna river from Badarpur Village Tehsil Loni District Ghaziabad, U.P. towards Burari Pusta to Burari by pass Delhi as per the term conditions mentioned below:-

The permission is granted to cross the Yamuna River from Badarpur Village Tehsil Loni District Ghaziabad, U.P. towards Burari Pusta to Burari by pass Delhi. The material shall be transported only with truck bearing Registration Nos. HR61 C 9710, HR 69 C 6812, HR 69 C 7396, HR 69 C 3952, HR 69 B 7176, HR 69 D 4117, HR 69 C 8634, UP 19 T 2238, HR 55 V 4799, DL 1G 5259, HR 74 A 3348, HR 74 A 4244, HR 63 A 8935, HR 63 B 3629, HR 63 B 3630, UP 19 T 3315, UP 19 T 2497, DL 1 GC 2582, HR-59 B 3313, HR 59B 1374, HR 55Q 1371, HR 59 B 2168, HR 59 C 6373, HR 59 B 4061, HR 59 B 0632, HR 59 C 6735, HR 63 C 3313, HR 59 B 5142, HR 55 U 4799, HR 59 B 0093, HR 55 Q 4883, HR 59 B 2093, HR 59 C 9718, HR 63 C 0867, HR 63 C 3120, HR 55 R 8848, HR 56 7032, HR 55 L 9753, HR 55 V 5783, HR 59 B 0362, HR 69C 9587, HR 55 AA 4232, HR 55W 7720, HR 55 B 4242, HR 59 C 6373, HR 63V 5142, HR 63C 3313, HR 55 W 4242, HR 55 W 2250, HR 55 L 7272.

1. The permission is granted w.e.f. 21/02/2019 TO 30/04/2019.
2. The vehicle will be properly covered while transporting the said sand.
3. A copy of the permission will be pasted on the concerned vehicle.
4. Halqa Patwari/revenue officer and concerned police officials may inspect the said vehicles for ascertaining that applicant is not violating any condition.
5. In case of any violation, the permission shall stand automatically withdrawn and action will be taken against the wrong doers/applicant.
6. Permission is granted subject to Motor Vehicle Act and Traffic Rules.
7. The Vehicle shall strictly follow the route indicated on the map enclosed with earlier order/permission.
8. No sand to be lifted in Delhi Region.
9. The vehicle will carry permission from UP Government.

Note:- The rules and regulation of traffic has to be strictly followed and vehicle should be covered with tarpaulin etc. to avoid any inconvenience to normal traffic, otherwise this order will be considered cancelled.

Copy for information to:-

1. Vinay Kumar S/o Narsing Singh R/o Saketpuri, Road No.1, Near Ambedkar Chowk, Hanuman Nagar, Kankarbagh, Patna-800020, Bihar.
2. SHO, PS Wazirabad and Burari.

SUB DIVISIONAL MAGISTRATE
(CIVIL LINE)



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF SUB-DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO. 549, NEAR BARAT GHAR, OLD NDPL OFFICE
BURARI, DELHI – 110084

MINUTES OF THE MEETING HELD ON 18.6.2019 at 3.00 PM OF THE
COMMITTEE CONSTITUTED FOR IDENTIFICATION OF SPOTS FOR INSTALLATION
OF CCTV CAMERAS FOR STOPPING ILLEGAL SAND MINING IN SUB DIVISION
CIVIL LINES

A committee was constituted by District Magistrate (Central), vide order dated 12.6.2019 for identification of spots for installation of CCTV cameras for stopping illegal sand mining in Sub Division Civil Lines. The Committee comprised of the following officers:

- | | |
|------------------------------|----------|
| 1. SDM (Civil Lines) - | Chairman |
| 2. SDM (Kotwali) - | Member |
| 3. Tehsildar (Civil Lines) - | Member |
| 4. Kanungo (Civil Lines) - | Member |
| 5. Patwari (Civil Lines) - | Member |

Accordingly, the Committee inspected the entire area all along river Yamuna from village Burari to village Jagatpur on 15.6.2019 and 18.6.2019 and explored the possible stretches from where there could be the possibility of excavation of illegal sand. After inspection, it was observed that there are 3 possible spots where CCTV cameras may be installed for checking and stopping illegal sand mining. These spots are as follows:

1. Village Burari, near Uttraini Ghat.
2. Village Salempur, opp. Little Star Convent school.
3. Village Jagatpur, main pushta road.

The Committee also examined that the entire area is an agricultural one and any movement of trucks or tractors may be monitored by a single generic CCTV camera at one location.

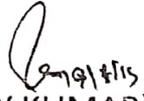
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Hence the Committee, unanimously, recommends installation of one generic CCTV camera at each of the above 3 locations.

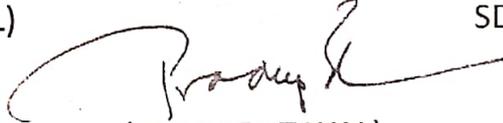
The meeting ended with a vote of thanks to the chair.


(RAM AVTAR)
Patwari (CL)


(JAGDEEP SINGH)
Kanungo (CL)


(VIJAY KUMAR)
Tehsildar (CL)


(GAURAV SAINI)
SDM (Kotwali)


(PRADEEP TAYAL)
SDM (Civil Lines)
Chairman

OFFICE OF THE DISTRICT MAGISTRATE (NORTH-EAST)
GOVT. OF NCT OF DELHI
DC OFFICE COMPLEX, NAND NAGARI, DELHI-110093

No. PS/DM/NE/2019/1151-61

Dated: 27/6/19

To,

Er. Anil Kumar Ahuja
Pr. Chief Engineer (Projects)
PWD, 9th Floor, MSO Building
I.P. Estate, New Delhi-110 002

Sub: Installations of CCTV Cameras on the Yamuna River through all over Delhi -
reg.

Sir,

This has reference to the Petition No. 24(25)/Petitions/(43)/2018-19/LAS-VI/Leg./4231 dated 07.05.2019 filed before the Legislative Assembly, National Capital Territory of Delhi and your letter dated 16.5.2019 on the subject cited above.

In this regard, as directed by the Divisional Commissioner, Delhi an exercise has been made to identify the locations on the Yamuna River throughout Delhi after taking up the matter with the concerned District Magistrates. The following locations have been identified by the concerned districts where CCTV cameras are to be installed to prevent illegal sand mining.

District North-East:

1. Chauhan Patti
2. 5th Pusta, Sonia Vihar
3. Pusta - Sabhapur
4. Khasra No 360 to 380 on the side bank of river Yamuna (Khasras pertain to Sabhapur, Chauhan Patti and Jagatpur villages)
5. Nanaksir Chowk
6. Usmanpur - 2nd Pusta
7. Usmanpur - 3rd Pusta
8. Yamuna Khadar, Lohe Ka Pul
9. Garhi Mendu, Near Transformer

District South-East:

1. Sarai Kale Khan Ghat
2. Khizrabad Ghat
3. Dhobi Ghat, Okhla
4. Kalandi Kunj Ghat
5. Vishkarma Ghat, Jaitpur

District Central:

1. Village Burari, Near Utraini Ghat
2. Village Salempur, Opposite Little Star Convent School
3. Village Jagatpur, Main Pusta Road

ASST (C) _____
 SDA (HQ) _____
 SDA (Kot) _____
 ADM (KB) _____
 SDA (CL) _____
 SDA (C) _____
 CPJ _____
 SDA II _____
 LA (C) _____
 COMD (C) _____
 PWD-RO _____
 MA to DM _____
 Member to _____
 P. Secy to DM _____

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 17501

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District North:

1. Zero point at Village Palla and Dahisara border
2. Near Sank No.4
3. Near Sank No.7
4. Near Sank No. 8,9, 10
5. Near Sank No. 17
6. Near Check point of I&FC at Ibrahimpur

It has been decided that one CCTV Camera shall be installed at each location as stated above in all these districts as per the following generic specifications:

1. CCTV Camera must be of HD resolution at least 2 megapixel
2. Night vision or infrared facility of 50 meters or above
3. Digital Zoom of at least 16X
4. Motion detection/face detection
5. Weather proof, i.e. water, heat, winds etc.
6. Connectivity & power from all means to enable round the clock monitoring through CCTV
7. Retention period of recording should also be taken for maximum time period

The specifications of the CCTV cameras should be generic and do not cater to the product specifications of only particular vendors. The PWD should also follow all social formalities in this regard including provisions of GFR.

You are requested to take the action accordingly. As regards the location specific details, you may contact the concerned district.

This issues with the prior approval of the Divisional Commissioner, Delhi.

Yours sincerely,

(Shashi Kaushal)

Distt. Magistrate (North-East)

Encl: As above
No.PS/DM/NE/2019/

Dated:

Copy for information and necessary action to:

1. Divisional Commissioner, Revenue Department, 5, Shamnath Marg, Delhi.
2. Pr. Secretary(PWD), Delhi Sectt. IP Estate, New Delhi.
3. Pr. Secretary(UD), Delhi Sectt. IP Estate, New Delhi.
4. Dy. Secretary, Legislative Assembly Secretariat, NCT of Delhi, Old Sectt. Delhi
5. District Magistrate(South-East)
6. District Magistrate(Central) ✓
7. District Magistrate(North)
8. ADM(North-East)/SDMs(Karawal Nagar)/Seelampur

(Shashi Kaushal)

Distt. Magistrate (North-East)

Inspection Report

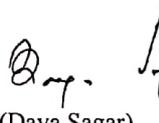
Subject: Inspection with respect to sand mining Yamuna khadar area from (zero Pushta to Seventh Pushta, Yamuna river khaddar and Badarpur, Khadar village area falling under jurisdiction of North East District.

The said area was inspected on 22.10.2019 along with Sh. Puneet Kumar Patel SDM (Karawal Nagar) and Sh. Daya Sagar SHO (Sonia Vihar). The area is about 5 km (zero Pushta to Seventh Pushta, Yamuna river khaddar and Badarpur, Khadar village) along the bank of river Yamuna. The entire area was visited by the team (photographs enclosed). No sand mining activity was observed. The SDM (Karawal Nagar) informed that they are in process of installation of CCTV to keep surveillance over the illegal activity of sand mining. It was informed by the SDM (Karawal Nagar) that they are regularly inspecting the area along with revenue and police officials so that sand mining activity may be restricted /stopped in Yamuna khadar.

It was reported by SHO (Sonia Vihar) that no incident on sand mining has occurred or reported during last three months and their staff is keeping regular vigil/surprise checks in the area. No complaint has been received during last three months.


(Mohd. Arif)
SEE, (CMC-1), DPCC


(Puneet Kumar Patel)
SDM, (Karawal Nagar)


(Daya Sagar)
SHO, (Sonia Vihar)
22.11.19