

OA-111/2023/EZ

LAY NOTE BEFORE THE HON'BLE MEMBER
NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Date: 04.09.2023

Original Application No. 34/2023/PB

Pradeep Kumar Singh
Vs.
State of Jharkhand & ors.

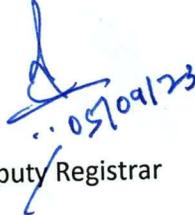
Received an email dated 22.08.2023, from the Consultant, Judicial Section, NGT, PB, New Delhi annexing the case record of Original Application no. 34/2023/PB, Pradeep Kumar Singh vs. State of Jharkhand & ors., page no. 1-88 and orders dated 27.02.2023, 22.05.2023, 18.08.2023.

It appears that the case has been taken cognizance on the basis of a complaint received by email complaining about illegal stone and sand mining on hundreds of acres on hills of Mauja Gadaun in District Sahebganj, Jharkhand for the last 25 years causing damage to environment, posing risk to the life of villagers, depleting ground water level.. Vide order dated 18.08.2023, the case has been transferred to NGT,EZB,Kolkata for further proceedings and the same has been directed to be listed on 06.09.2023.

Submitted for kind perusal and appropriate direction to re-number this case at this Bench and list on the date as directed.

Submitted please.

Shaban
4/09/2023
Section Officer


Ld. Deputy Registrar


Ld. Registrar


Hon'ble Expert Member

OA be renumbered
Anil Sthalekar
Hon'ble Judicial Member 05.9.23

Email

O.A. No. 34/2023

1487/LP/2022

01/08/22



Public Grievance

Fwd: Applicant Pardeep kumar Singh sahebganj

From : Registrar General <rg.ngt@nic.in>
Subject : Fwd: Applicant Pardeep kumar Singh sahebganj
To : Public Grievance <publicgrievance-ngt@gov.in>

Sat, Jul 30, 2022 10:54 AM

1 attachment.

From: singhpardip062@gmail.com
To: narendramodi1234@gmail.com, "Registrar General" <rg.ngt@nic.in>, edhqs@finance.nic.in, contact@amitsah.co.in
Sent: Friday, July 29, 2022 8:10:22 PM
Subject: Applicant Pardeep kumar Singh sahebganj

New Doc 07-29-2022 19.58.pdf



New Doc 07-29-2022 19.58.pdf
2 MB

प्रदीप कुमार सिंह

पूर्व उप-प्रमुख, प्रखंड-तालझारी
मो0 नं0-7250698808

56
2
- आवास-सह-कार्यालय :-
ग्राम-छोटी भगियामारी, पो0-सकरीगली,
अंचल+थाना-तालझारी, जिला-साहेबगंज
झारखण्ड) 816115

दिनांक 29.07.2022

पत्रांक 02/22

सेवा में,

माननीय प्रधानमंत्री,
भारत सरकार, दिल्ली।

विषय :-

विगत 25 वर्षों से प्रकाश यादव उर्फ मुंगेरी लाल के द्वारा अवैध रूप से पत्थर उत्खनन एवं बालू के कारोबार से आज मन जीयन का त्रस्त होने तथा सरकारी राजस्व की चोरी किए जाने के संबंध में।

महाशय,

उपरोक्त अंकित विषय के संबंध में निवेदन पूर्वक कहना है कि मैं प्रकाश चन्द्र यादव उर्फ मुंगेरी लाल के द्वारा साहेबगंज जिला अन्तर्गत मौजा गदवा में सैकड़ों एकड़ पहाड़ पर अवैध पत्थर उत्खनन विगत 25 वर्षों से लगातार किया जाता रहा है जिसके कारण आस-पास के ग्रामीणगण जीवन पूरी तरह त्रस्त हो गया है साथ ही साथ छोटे-छोटे बच्चे तथा विद्यार्थियों का जीवन भी बरबाद हो गया है हेबी डीप ब्लास्टिंग होने से जल स्तर काफी नीचे चला गया और आयुर्वेदिक महाविद्यालय, गृह रक्षा वाहिनी कार्यालय, प्राथमिक विद्यालय एवं ग्रामीण जनता को भी घर ब्लास्टिंग होने के कारण दरार पड़ गया है। इतना ही नहीं हजारों करोड़ रुपया का भण्डार कर चुका है। प्रकाश चन्द्र यादव एवं उनके दबंग सहयोग के कारण कोई भी आवाज नहीं उठाता है। प्रशासनिक अधिकारियों को भी जांच करने से दबाया जाता है।

श्रीमान्-विदित हो कि वर्षों से चलते आ रहे उक्त अवैध चलते आ रहे उक्त अवैध कारोबार के संबंध में मैं लगातार प्रशासन को अवगत कराता आया हूँ साथ ही साथ उक्त आशय का लिखित आवेदन भवदीय को भी वर्ष 2019 में प्रेषित किया था उक्त प्रेषित पत्र के आलोक में ही भवदीय के कार्यालय से कार्यवाही करने का पत्र भी श्रीमान् उपायुक्त महोदय, साहेबगंज को प्रेषित किया गया था जिसका पत्रांक PMOPG/D/2019/0068538 दिनांक 21.02.2019 है। उक्त पत्र की छाया प्रति भवदीय के सुलभ अवलोकन हेतु अनुलग्नक -1 के रूप में संलग्न है।

श्रीमान् यह भी विदित हो कि श्रीमान् उपायुक्त महोदय ने अनुमंडल पदाधिकारी, राजमहल से उक्त अवैध पत्थर उत्खनन की जांच भी कराए है उक्त जांच प्रतिवेदन में यह स्पष्ट उल्लेखित किया गया है कि प्रकाश यादव उर्फ मुंगेरी लाल ने अवैध रूप से पहाड़ पर कब्जा करके पत्थर उत्खनन का कार्य किया है। भवदीय के सुलभ अवलोकन हेतु

प्रदीप कुमार सिंह

पूर्व उप-प्रमुख, प्रखंड-तालझारी
मो0 नं0-7250698808

3
--: आवास-सह-कार्यालय :-
ग्राम-छोटी भगियामारी, पो0-सकरीगली,
अंचल+थाना-तालझारी, जिला-साहेबगंज
झारखण्ड) 816115

दिनांक 29.07.2022

पत्रांक

अनुमंडल पदाधिकारी राजमहल के जांच प्रतिवेदन की छाया प्रति अनुलग्नक - 2 के रूप में संलग्न है।

श्रीमान् यह भी विदित हो कि वर्तमान में साहेबगंज जिला अन्तर्गत प्रवर्तन निदेशालय की ताबड़-तोड़ छापामारी व जांच की कार्यवाही चल रही है जिसमें अनेको दिग्गज व्यवसायीगण जांच के दायरे में आ चुके हैं लेकिन अत्यन्त दुर्भाग्यपूर्ण बाते यह है कि अब तक हजारों करोड़ रुपया की अवैध धन संग्रहकर्ता प्रकाश यादव उर्फ मुंगेरी लाल जांच के शिकंजे में नहीं आए हैं।

श्रीमान् यह भी विदित हो कि हम सभी ग्रामीणगण अपने हट दिल अजीज माननीय प्रधानमंत्री महोदय से यह उम्मीद लगाए बैठे हैं कि प्रकाश यादव उर्फ मुंगेरी लाल के विरुद्ध भी निश्चित रूप से कार्यवाही होगी तथा सरकारी राजस्व को करोड़ों रुपये की चोरी करने वाले कानून के शिकंजे में अवश्य आ जाएंगे।

अतः श्रीमान् से निवेदन है कि 25 वर्षों से सरकारी राजस्व की चोरी करने वाले तथा आस पास के ग्रामीणगण, बच्चों एवं विद्यार्थियों के जीवन को तबाह व बर्बाद करने वाले अवैध कारोबारी प्रकाश चन्द्र यादव उर्फ मुंगेरी लाल के विरुद्ध ई0डी0 के जांच का आदेश देने की कृपा करें।

इसके लिए हम सभी आम ग्रामीणगण श्रीमान् का आजीवन आभारी बने रहेंगे।

आपका विश्वासी

प्रदीप कुमार सिंह

29-7

संलग्नक :- पत्रों की छाया प्रति 03 पृष्ठों में।

प्रतिलिपि :-

माननीय गृहमंत्री, भारत सरकार, नई दिल्ली।

माननीय मुख्यमंत्री, झारखण्ड सरकार, रांची।

माननीय अध्यक्ष महोदय, नेशनल ग्रीन टेगुनल, कोलकता।

माननीय अध्यक्ष महोदय, नेशनल ग्रीन टेगुनल, प्रधान कार्यालय, नई दिल्ली।

श्रीमान् निदेशक, प्रवर्तन निदेशालय, नई दिल्ली।

श्रीमान् उपायुक्त महोदय, साहेबगंज।

झारखण्ड सरकार
खान एवं भूतत्व विभाग
खान निदेशालय

पत्रांक-ख०नि०(विविध)-124/2017

/एम०, राँची, दिनांक-

प्रेषक,

जिशान कमर (मा०प्र०से०)
निदेशक, खान

सेवा में,

उपायुक्त
साहेबगंज।

विषय :- माननीय प्रधानमंत्री कार्यालय से प्राप्त पत्र के साथ संलग्न श्री प्रदीप कुमार सिंह के अभ्यावेदन पर कार्रवाई करने के संबंध में।

प्रसंग :- प्रधानमंत्री कार्यालय का पत्रांक-PMOPG/D/2019/0068538, दिनांक-21.02.2019

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र की मूल प्रति अनुलग्नक सहित संलग्न करते हुए कहना है कि श्री प्रदीप कुमार सिंह के पत्र में उल्लिखित बिन्दुओं की जाँच कर नियमानुसार आवश्यक कार्रवाई किया जाय तथा कृत कार्रवाई से प्रधानमंत्री कार्यालय एवं विभाग को सूचित करने की कृपा की जाय।

अनुलग्नक-यथोक्त।

विश्वासभाजन

ह०/-

(जिशान कमर)
निदेशक, खान

जापांक-

925

/एम०, राँची, दिनांक-

प्रतिलिपि-श्री प्रदीप कुमार सिंह, उप प्रमुख, प्रखण्ड-तालझारी, जिला-साहेबगंज, झारखण्ड को सूचनार्थ प्रेषित।

निदेशक, खान

अनुमण्डल कार्यालय, राजमहल।
(गोपनीय शाखा)

पत्रांक...../गो०

प्रेषक,

अनुमण्डल पदाधिकारी,
राजमहल।

सेवा में,

उपायुक्त,
साहेबगंज।

राजमहल, दिनांक-.....

विषय :-
महाशय,

साहेबगंज जिला के गदवा पहाड़ में खनन एवं मोतीझरना के अस्तित्व के संबंध में।

उपर्युक्त विषय के संबंध में श्री सुनिल यादव, उपाध्यक्षक, जिला परिषद, साहेबगंज द्वारा अपने पत्र संख्या-शून्य, दिनांक-28.09.2018 द्वारा एक आवेदन समर्पित किया गया है, जिसमें तालझारी प्रखंड के गदवा पहाड़, जो एन0एच0-80 के बगल में है, पर हो रहे खनन कार्य का उल्लेख किया गया है। आवेदन में अंकित किया गया है कि गदवा पहाड़ में लीज क्षेत्र से ज्यादा होने पर खनन कार्य चल रहा है। इस संबंध में अधोहताक्षरी द्वारा जिला खनन पदाधिकारी, साहेबगंज को पत्र संख्या-950/गो०, दिनांक-04.08.2015 द्वारा भेजे गये जाँच प्रतिवेदन की छायाप्रति संलग्न की गई है, जिसमें मेसर्स जय बजरंगवली स्टोन वर्क्स, प्रो०-श्री प्रकाश चन्द्र यादव, निवासी-नेताजी सुभाष कॉलोनी, साहेबगंज द्वारा खनन कार्य में बरती जा रही अनियमितताओं का विस्तृत उल्लेख करते हुए झारखण्ड लघु खनिज समानुदान नियमावली की धाराओं के तहत विधि-सम्मत कार्रवाई का निदेश जिला खनन पदाधिकारी, साहेबगंज को दिया गया था तथा इसकी प्रति भवदीय को भी समर्पित की गई थी। इस परिप्रेक्ष्य में एन0एच0-80 से मेसर्स जय बजरंगवली स्टोन वर्क्स के खनन क्षेत्र का लिये गये फोटो का अवलोकन किया जा सकता है, जिसमें पहाड़ काटकर बीच में गोल पीलर जैसा पहाड़ छोड़ दिया गया है, जो पहाड़ की वास्तविक उचाई को दर्शाता है। इसके अतिरिक्त एन0एच0-80 के बगल में अवस्थित आयुर्वेदिक कॉलेज के ठीक ऊपर भी कई खनन पट्टा दिये गये हैं, जिसके संबंध में पुनर्विचार की आवश्यकता है।

अतः आवेदन की प्रति अनुलग्नक सहित संलग्न करते हुए अनुरोध है कि जिला खनन पदाधिकारी, साहेबगंज से इस संबंध में की गई कार्रवाई की मांग करते हुए अग्रोत्तर कार्रवाई करने की कृपा की जा सकती है।

अनुलग्नक-यथोक्त।

विश्वासभाजन,

अनुमण्डल पदाधिकारी,
राजमहल।

ज्ञापांक-281/गो०, राजमहल, दिनांक-29-9-18
प्रतिलिपि-सदस्य सचिव DEIAA, साहेबगंज को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अनुमण्डल पदाधिकारी,
राजमहल।

अनुमण्डल कार्यालय, राजमहल

गोपनीय शाखा।

पत्रांक 308 / गो0

31/7/15-4

6

प्रेषक,

अनुमण्डल पदाधिकारी,
राजमहल।

सेवा में,

मेसर्स जय बजरंगवली स्टोन वर्क्स,
प्रो० श्री प्रकाश चन्द्र यादव,
मौ० गदवा पहाड़, सकरीगली,
साहेबगंज।

राजमहल दिनांक: 22 वीं जुलाई, 2015

विषय:-

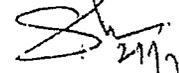
मेसर्स जय बजरंगवली स्टोन वर्क्स द्वारा लीज शर्तों का उल्लंघन करने के संबंध में स्पष्टीकरण।

महाशय,

उपर्युक्त विषय के संबंध में अधोहस्ताक्षरी के ज्ञापांक 546/गो0, दिनांक 08.07.2015 द्वारा गठित टीम के आलोक में मेसर्स जय बजरंगवली स्टोन वर्क्स, मौजा गदवा पहाड़ के धन पट्टा क्षेत्र के सीमांकन संबंधी प्रतिवेदन अंचल अधिकारी, तालझारी के पत्रांक 456/रा0, दिनांक 20.07.2015 द्वारा प्राप्त प्रतिवेदन में प्रतिवेदित किया गया है कि लीज क्षेत्र के बाहर दाग नं० 10अंश, 11अंश, 14अंश, 15अंश, 16अंश, 17अंश एवं 18अंश रकबा 23.85 एकड़ भूमि पर स्टोरेज, कशर मशीन एवं कार्यालय भवन स्थापित है। गठित दल के द्वारा सीमांकन के क्रम में आपसे उक्त क्षेत्र के कागजात की मांग की गयी परंतु आपके द्वारा वांछित कागजात उपलब्ध नहीं कराया गया। इससे स्पष्ट होता है कि 8.56 एकड़ भूमि का लीज प्राप्त कर 23.85 एकड़ जमीन पर अवैध कब्जा कर स्टोरेज, कशर मशीन एवं कार्यालय भवन स्थापित किया गया है।

उक्त वर्णित मौजा के दाग सं० 10अंश, 11अंश, 14अंश, 15अंश, 16अंश, 17अंश एवं 18अंश रकबा 23.85 एकड़ भूमि से संबंधित वांछित कागजात दिनांक 24.07.2015 तक अधोहस्ताक्षरी के समक्ष उपलब्ध कराना सुनिश्चित करें। अन्यथा लीज क्षेत्र से बाहर की भूमि पर खनिज अवशिष्ट एवं अन्य प्रकार के सामग्रियों का भंडारण बिना सक्षम प्राधिकार से प्राप्त किये जाने के आलोक में विधि-सम्मत कार्रवाई की जायेगी।

विश्वासभाजन

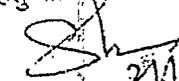


अनुमण्डल पदाधिकारी,
राजमहल।

O/C

ज्ञापांक 308 / गो0, राजमहल, दिनांक 22 वीं जुलाई, 2015

प्रतिलिपि- प्राच्युक्त, साहेबगंज की सेवा में सादर सूचनाएं एवं आवश्यक कार्रवाई हेतु प्रेषित।



अनुमण्डल पदाधिकारी,
राजमहल।

O/C

अनुमण्डल कार्यालय, राजमहल

राजमहल
Email 22/7/15

G:\Alamy.doc

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

I.A. NO. 583 OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH

.....APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

AND

IN THE MATTER OF:

M/S. MAA SHITLA STONE WORKS

Through its Proprietor: SANJAY KUMAR YADAV

Having its address

Mauza – Gadwa, PS – Taljhari,

District – Sahibganj, Jharkhand – 816115

...APPLICANT

Sanjay K. Yadav

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	An Application for Impleadment	
2.	<u>ANNEXURE A/1</u> A true copy of the CTO issued to the applicant	
3.	<u>ANNEXURE A/2</u> A true copy of the CTE issued to the applicant	

4.	Vakalatnama.
----	--------------

THROUGH

[TATSAT SHUKLA]
ADVOCATES FOR THE APPLICANT
OFFICE : 405, NIL GIRI APPARTMENT,
BARAKHAMBA ROAD, NEW DELHI - 110001
CONTACT : +91-8931046220
EMAIL : lawyerforveterans@gmail.com

New Delhi
Dated: 18.05.2023

Handwritten signature/initials

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

I.A. NO. 583 OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH

....APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

AND

IN THE MATTER OF:

M/S. MAA SHITLA STONE WORKS

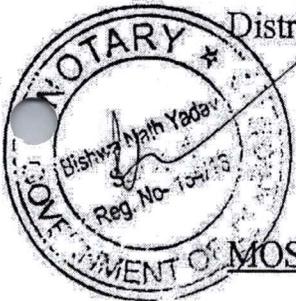
Through its Proprietor: SANJAY KUMAR YADAV

Having its address

Mauza – Gadwa, PS – Taljhari,

District – Sahibganj, Jharkhand – 816115

...APPLICANT

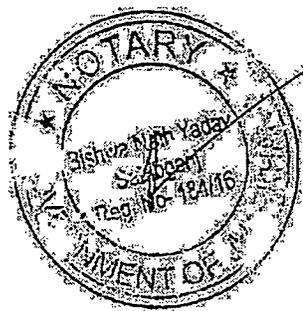


AN APPLICATION FOR IMPLEADMENT

MOST RESPECTFULLY SHOWETH:

1. That O.A. No. 34/2023 captioned Pradeep Kumar Singh vs Union of India was filed by the one Mr Pradeep Kumar Singh wherein he alleged violation of environmental norms in the operation of quarrying and crushing units in Rajmahal hill of Mauza- Gadwa, District Sahebganj, Jharkhand.

2. That on 27.02.2023, this Hon'ble Tribunal took suo moto cognizance of the complaint filed by Mr. Pradeep Kumar Singh and held that the averments in the application raise questions relating to the environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. This Hon'ble Tribunal also considered it appropriate to constitute a joint committee which, after hearing the concerned project proponents, was to verify the factual position and suggest appropriate remedial action.
3. The present applicant is a proprietorship firm with its principal place of business at Gadwa, Sahibganj Jharkhand. The applicant is engaged in the business of Stone Mining and has been duly authorised by the competent authority to carry out its activities in Sahibganj, Jharkhand.
4. It is most respectfully submitted that the applicant is carrying out operations in its stone mining unit after taking all the necessary approvals from the competent authorities, including the CTO, CIE, etc. It is pertinent to note that the applicant was granted CTO by the competent authority with validity till 31.03.2024. The applicant is following all the norms and conditions stipulated by the concerned authorities. A true copy of the CTO issued to the applicant is annexed as Annexure A/1. A true copy of the CTE issued to the applicant is annexed as Annexure A/2.
5. That the joint committee constituted by this Hon'ble Tribunal duly visited Mauza Gadwa, District Sahebganj, Jharkhand on 19.04.2023 and 20.04.2023, but the applicant was not given any notice or hearing



Sd/-
Bishwa Nath Yadav

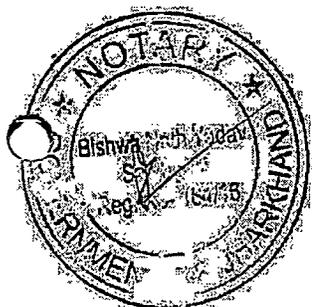
by the joint committee. It is the apprehension of the applicant that certain findings may be given by the committee in its report, which may adversely affect the mining operation of the applicant being carried out.

6. That it is further submitted that the Hon'ble Apex Court has, in a catena of judgment held that in case a committee is appointed by the Hon'ble National Green Tribunal, then before accepting any finding of the said committee, the project proponent should be heard by the NGT itself and should have the opportunity to contest the contents of the report of the committee. The relevant portion of the order passed by the Hon'ble Apex Court in C.A. No. 3280/2020 filed as Star Cement Limited & Ors. Vs. State of Meghalaya & Ors is reproduced hereunder:

"10. Section 19(1) of the National Green Tribunal Act 2010 provides that the NGT shall not be bound by the procedure laid down by the Code of Civil Procedure 1908, but shall be guided by the principles of natural justice. The National Green Tribunal (Practices and Procedures) Rules 2011 provide in Rule 15 for service of notice and processes and in Rule 16 for the filing of replies and other documents by respondents.

11. The appellants were not parties before the NGT and did not have the opportunity to deal with the contents of the reports of the Committee appointed by it. The NGT had assigned a fact finding and recommendatory role to the Committee. The ultimate decision on the reports of the Committee had to be taken by the NGT, which could only be arrived at after considering the submissions of the parties, who would be directly affected by the findings of the Committee if they were to be accepted by the NGT.

12. Reading the impugned order of the NGT, we do not find any independent application of mind. The Committee, which was



Sanyal & Partners

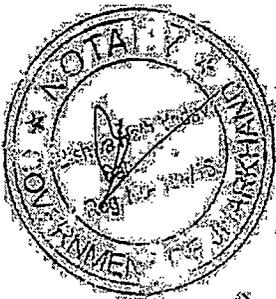
chaired by a former Judge of the High Court, had in the view of the NGT, carried out a copious exercise. But that would not obviate the need for the NGT to arrive at its own independent findings after furnishing the parties, who would be directly affected, an opportunity of being heard."

7. That it is respectfully submitted that since the report of the committee and the consequent action may have a direct bearing on the livelihood of the applicant therefore, the report of the joint committee may kindly be furnished to him, and he may be granted an opportunity to file his objections, if required, against the said report.
8. That it is most respectfully submitted that the applicant is a necessary and proper party in the present O.A. and non/joinder of the proposed party as a Respondent will violate the principles of Natural Justice.
9. That the present application has been moved bonfide in the interest of Justice.

PRAAYER

In view of the above facts and circumstances of the present case, the applicant herein most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a) Pass an order allowing impleadment of the applicant in O.A. No. 34/2023
- b) Pass such other and further order in favour of the Applicant as this Hon'ble court may deem fit and appropriate in the facts and circumstances of the present case.



S. S. Srinivas

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN
DUTY BOUND SHALL EVER BE GRATEFUL.

Sandeep K. Yadav
APPLICANT

THROUGH

Tatsat Shukla

[TATSAT SHUKLA]
ADVOCATES FOR THE APPLICANT
OFFICE : 405, NILGIRI APARTMENT,
BARAKHAMBA ROAD, NEW DELHI - 110001
CONTACT: +91-8931046220
EMAIL: lawyerforveterans@gmail.com

Sandeep K. Yadav



Dated: 18.05.2023
New Delhi

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

I.A. NO. OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADDEEP KUMAR SINGH

.....APPLICANT

VERSUS

UNION OF INDIA & ORS

.....RESPONDENTS

AND

IN THE MATTER OF:

M/S. MAA SHITLA STONE WORKS

Through its Proprietor: **SANJAY KUMAR YADAV**

Having its address

Mauza - Gadwa, PS - Taljhari,

District - Sahibganj, Jharkhand - 816115

.....APPLICANT

Affi. No. 33 Date 12.05.23

AFFIDAVIT

I, Sanjay Kumar Yadav, aged about 39 years S/o Shri Dwarika Prasad Yadav, having address at Mauza = Gadwa, PS = Taljhari, District = Sahibganj, Jharkhand - 816115, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant in the accompanying application and I am well conversant with facts of the case and circumstances of the case and competent to depose hereto.
2. That I have filed the accompanying application and the contents of the same from para 1 to 9, which has been read over to me in vernacular as well, may kindly be read over as part of this affidavit which

contents are not been repeated for the sake of brevity.

3. I say that no part of it is false and nothing material has been concealed.

Sanjay Kumar Singh
A

Sanjay Kumar Singh
DEPONENT

Verification

Verified at Sahibganj on this day of 2023 that the contents of my above affidavit are true and correct to my personal knowledge and believe to be true and nothing material is suppressed or concealed therefrom.



Sri / Smt. *Bishwa Nath Singh*
Who is lawfully by *Sri Sanjay Kumar Singh*
Advocate and ally and
declared before me.

Sanjay Kumar Singh
DEPONENT

Bishwa Nath Singh
Notary, Sahibganj, Bihar

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

I.A. NO. OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH

APPLICANT

VERSUS

UNION OF INDIA & ORS

RESPONDENTS

AND

IN THE MATTER OF:

M/S. MAA SHITLA STONE WORKS

Through its Proprietor: SANJAY KUMAR YADAV

Having its address:

Mauza - Gadwa, PS - Taljhari,

District - Sahibganj, Jharkhand - 816115

APPLICANT

AFFIDAVIT Aff. No. 34 Date 12.05.23

Sanjay Kumar Yadav, aged about 39 years S/o Shri. Dwarika Prasad Yadav, having address at Mauza - Gadwa, PS - Taljhari, District - Sahibganj, Jharkhand - 816115, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant in the accompanying application and I am well conversant with facts of the case and circumstances of the case and competent to depose hereto.

2. That I have filed the accompanying application and the contents of the same from para 1 to 9, which has been read over to me in vernacular as well, may kindly be read over as part of this affidavit which

contents are not been repeated for the sake of brevity.

3. I say that no part of it is false and nothing material has been concealed.

Sanjay Kumar Singh
A2

Sanjay Kumar Singh
DEPONENT

Verification

Verified at Sahibganj on this day of 12th May 2023 that the contents of my above affidavit are true and correct to my personal knowledge and believe to be true and nothing material is suppressed or concealed therefrom.



Sri / Smt. *Pradeep Kumar Singh*
Who is known to me
Advocate *at Sahibganj* and
declared as such *on 12-05-23*

Bishwa Nath Yadav
Notary, Sahibganj (Jharkhand)

Sanjay Kumar Singh
DEPONENT

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

I.A. NO. OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

Pradeep Kumar Singh

APPLICANT

VERSUS

Union of India & Ors

RESPONDENTS

AND

IN THE MATTER OF:

M/S. MAA SHITLA STONE WORKS

Through its Proprietor: SANJAY KUMAR YADAV

Having its address

Mauza - Gadwa, PS - Taljhari,

District - Sahibganj, Jharkhand - 816115

APPLICANT

VAKALATNAMA

NOW ALL to that whom these present shall come that I, Sanjay Kumar Yadav, aged about 39 years S/o Shri Dwarika Prasad Yadav, having address at Mauza - Gadwa, PS - Taljhari, District - Sahibganj, Jharkhand - 816115, in the aforesaid matter hereby appoint:

**TATSAT SHUKLA, Adv
(8931046220)**

**Off: 405, NILGIRI APARTMENT, BARAKHAMBHA ROAD,
NEW DELHI - 110001
E-MAIL: lawyerforveterans@gmail.com**

Herein after called the advocate(s) to be my/our Advocate in the above noted case authorized him:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file, verify and present pleadings, appeal, cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavit or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
To file & take back documents to admit and/or deny the documents of opp. Party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings.
The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And.

I/We undertake that I/we/my/our duly authorized agent would appear in the Court on hearings & will inform the Advocates for appearance when the case is called.

And I/we undersigned do hereby agree not to hold the advocate/his substitute responsible for result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive & retain himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, We will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 12 day of 05 2023.

Accepted subject to the terms of fees.

[Signature]
ADVOCATE

[Signature]
CLIENT

[Vertical Signature]

20

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

M.A. NO. 584 OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH APPLICANT

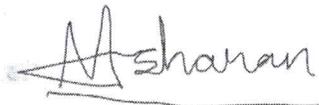
VERSUS

STATE OF JHARKHAND & ORS RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	An Application seeking transfer of OA No. 34/2023 captioned as Pradeep Kumar Singh vs. State of Jharkhand & Ors. from the Principal Bench to the Eastern Zone. alongwith affidavit	1-9
2.	Vakalatnama	9-11
3.	Proof of advance service	12

THROUGH



[AMARTYA ASHISH SHARAN]
ADVOCATES FOR THE APPLICANT
OFFICE : 105, M.C. SETALVAD BLOCK,
SUPREEM COURT OF INDIA
NEW DELHI-10001
CONTACT: +91-9654659775

New Delhi
Dated:

Pradeep Kumar Singh

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

M.A. NO. 584 OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH A P P C... APPLICANT

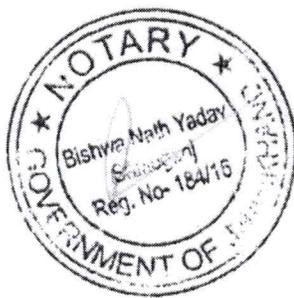
VERSUS

STATE OF JHARKHAND & ORS R E S P... RESPONDENTS

AN APPLICATION FOR TRANSFER OF PRESENT CASE OA NO.
34/2023 FROM PRINCIPAL BENCH TO EASTERN ZONE

MOST RESPECTFULLY SHOWETH:

1. That the instant OA has been registered by this Hon'ble Tribunal based on a letter petition wherein the applicant had raised grievance in respect of illegal stone mining being carried out by one Mr. Prakash Yadav alias Mungeri Lal at Mauja Gadaun in District Sahebganj, Jharkhand. *Vide* an order dated 27.02.2023 the Principal Bench of this Hon'ble Tribunal was pleased to take suo moto cognizance of the issue of illegal stone mining in the hills at the aforesaid place generally.
2. That *vide* a letter dated 29.07.2022 the Applicant who is the former Deputy Head of Block Talajhari, Sahebganj, Jharkhand and a social activist has sent a complaint with regard to illegal mining by a stone miner, Prakash Yadav @ Mungeri Lal. A copy of the said letter was

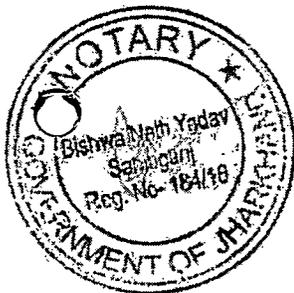


[Handwritten signature]

marked to the Eastern Bench of the Hon'ble National Green Tribunal as well as to the Chairman, of the Hon'ble Tribunal.

3. That this Hon'ble Tribunal vide its order dated 27.02.2023 was pleased to constitute a Joint Committee to verify the factual position and take appropriate remedial action. The mandate of the joint committee was to undertake visits to the site and look into the grievance of the Applicant, by associating the Applicant and representative of the concerned project proponent to verify the actual position and take appropriate remedial action. Therefore, this Hon'ble Tribunal has specifically directed that the instant Applicant is to be involved in the matter at every stage and has not confined him to the position of an informant only. Pursuant to the said order the committee has carried out an inspection on 19 April, 2023.

4. That on 05th May, 2011, the Union of India issued a notification under Section 4 of the NATIONAL GREEN TRIBUNAL ACT (the "NGT Act"), specifying Delhi as the ordinary place of sitting of NGT and stating that the NGT Bench at Delhi would exercise territorial jurisdiction in the whole India. Just a few months later, on 17th August 2011 came another Notification under Section 4(3) of the Act specifying the "ordinary places of sitting" of the NGT. Five zones were specified and Delhi was described — parenthetically — as the "principal" place. For completeness, the 17th August 2011 Notification is quoted below:



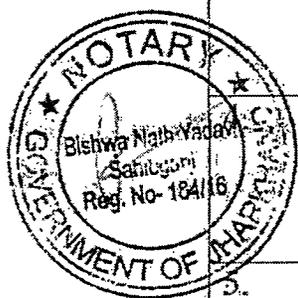
Handwritten signature/initials

**THE GAZETTE OF INDIA : EXTRAORDINARY
MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 17th August 2011

S.O. 1908(E).—In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction in the area indicated against each :—

Serial number	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh.
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagar Haveli.
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North Eastern region, Sikkim, Andaman and Nicobar Islands.



Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the

Handwritten signature

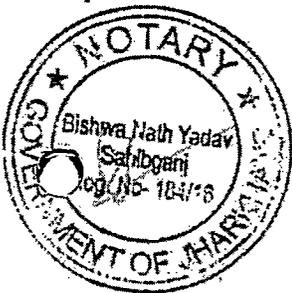
aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O. 1003(E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[E.NO. 17(4)/2010-PL]

RAJNEESH DUBE, Jt. Secy,

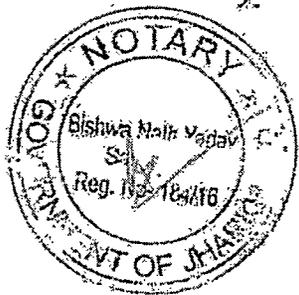
5. A meaningful perusal of the notification dated 17.08.2011 shows that for the cause of action arising in the State of Jharkhand it is the Eastern Bench of this Hon'ble Tribunal at Kolkata which would have jurisdiction. The very purpose of Constitution of Zonal Benches is that people living in different part of the countries are not required to come to Delhi for redressal of their grievances.

6. That the instant complaint is only confined to the illegal mining by the Proprietor of M/s Jaibajrangbali Stone Works in Mauja Gadaun in District Sahibganj, Jharkhand. In terms of the above-mentioned Notification dated 17.08.2011, the said area falls within the territorial jurisdiction of this Hon'ble Tribunal's Eastern Zone Bench at Kolkata. It is respectfully submitted that the Applicant has a vital interest in ensuring that the orders passed by this Hon'ble Tribunal are passed by a Bench having unquestionable territorial jurisdiction. It is further submitted that if the issue regarding illegal stone mining in Jharkhand is considered by the Principal Bench of this Hon'ble Tribunal at Delhi it is reasonably likely that the persons involved in such illegal mining would try to weasel out and disregard the orders passed by the Principal Bench by raising arguments on territorial jurisdiction.



Prakash Mishra

7. It is moreover submitted that a transfer of the instant case to the NGT Eastern Zone Bench at Kolkata would also aid the convenient and efficacious amelioration of the underlying issues regarding illegal stone mining at Jharkhand. The Applicant submits that Kolkata is at a distance of 380 Kms from Sahebganj and takes 9 hours whereas Delhi is at a distance was 1375 Kms and by train it takes about 28 hours to travel to Delhi.
8. The letter petition was submitted by the applicant to the Eastern Zone of NGT Kolkata as well as to the Chairperson of this Hon'ble Tribunal who sits at Principal Bench. Therefore, it is most humbly submitted that the matter may kindly be transferred to the Bench sitting at Kolkata i.e. the NGT Eastern Zone so that the environmental issues regarding illegal stone mining at District Sahebganj, Jharkhand can be resolved by a Bench having unimpeachable territorial jurisdiction to deal with the same. Such a transfer would also enable the Applicant to more effectively assist this Hon'ble Tribunal.
9. The Hon'ble Apex Court in the case of *Sayeebur Rehman v. State of Bihar* (1973) 3 SCC 333, has highlighted the scope of the right to a hearing to be given to a party and held as under:



"11. ... This unwritten right of hearing is fundamental to a just decision by any authority which decides a controversial issue affecting the rights of the rival contestants. This right has its roots in the notion of fair procedure. It draws the attention of the party concerned to the imperativeness of not overlooking the other side of the case before coming to its decision, for nothing is more likely to conduce to just and right decision than the practice of giving hearing to the affected parties."

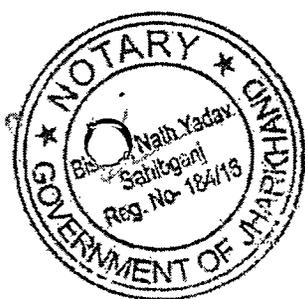
Prepared by
 [Signature]

8. That the present application is bonafide and may kindly be allowed in the interests of justice. If the directions which are being sought from this Hon'ble Tribunal are not granted, the applicant shall suffer irreparable loss.

PRAYER

In view of the facts stated above, this Hon'ble Tribunal may graciously be pleased to:

- a. To transfer the OA 34/2023 from Principal Bench to Eastern Zone, Kolkata; and/or
- b. Pass such further order/orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



[Signature]

APPLICANT

THROUGH

[Signature]

**[AMARTYA ASEESH SHARAN]
ADVOCATES FOR THE APPLICANT
OFFICE : 105, M.C. SETALVAD BLOCK,
SUPREEM COURT OF INDIA
NEW DELHI-10001
CONTACT: +91-9654659775**

New Delhi
Dated:

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI
M.A. NO. 0 OF 2023

IN

ORIGINAL APPLICATION NO. 34 OF 2023

IN THE MATTER OF:

PRADEEP KUMAR SINGH

A. APPLICANT

VERSUS

STATE OF JHARKHAND & ORS . R E S P. RESPONDENTS

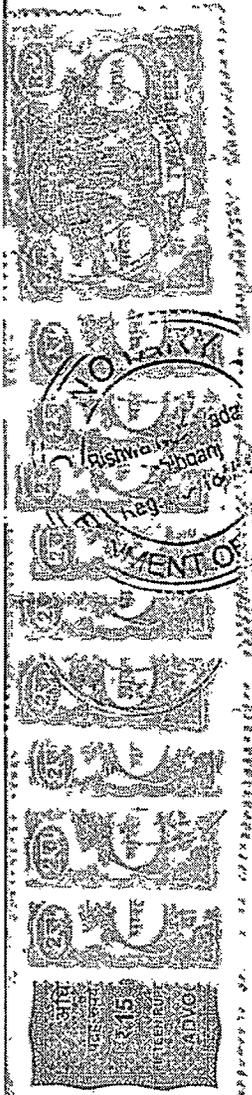
AFFIDAVIT

Affi. No. 32 D. 2 12.05.23

I, Pradeep Kumar Singh Son of Mumi Kumar Singh aged about 44 years, R/o. Village- Chhoti Bhagimari, Post -Sakri Gali, Sahebganj, Jharkhand, PIN- 816 115, do hereby solemnly affirm and state as under:-

I. That I am the applicant in the instant matter as such, I am well conversant with the facts and circumstances of the case and I am competent to swear this affidavit.

That I have read the contents of the M/A. from page no. 1 to _____ and paragraph no. 1 to _____ and the facts stated therein are true and correct to the best of my knowledge and belief.



Pradeep Kumar Singh
AD

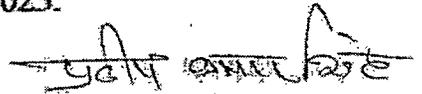
Pradeep Kumar Singh
DEPONENT
Sri / Smt. Pradeep Kumar Singh
Who is deputed by *S. K. Sinha*
Advocate solemnly sworn and
declared before *[Signature]*
12.05.23.

Bishwa
Notary, Sahibganj

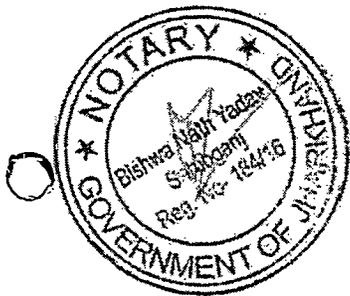
VERIFICATION

I, the above named deponent, do hereby verify that the contents of above affidavit are true and correct to my knowledge derived from official record and belief. No part of the same is false and nothing has been concealed therefrom.

Verified at Sahebganj on this 1st day of May, 2023.

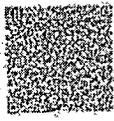
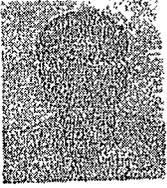


DEPONENT



भारत सरकार

प्रदीप कुमार सिंह
Pradip Kumar Singh
जन्म तिथि/DOB: 10/12/1978
पुल्य / MALE



7127 8537 7359

-आम आदमी का अधिकार

प्रदीप कुमार सिंह



भारतीय सिविल सेवा प्रवर्धन प्राधिकरण
भारतीय सिविल सेवा प्रवर्धन प्राधिकरण

पता:

S/O: सुनील कुमार सिंह,
ग्राम-छोटीशंसीकामारी,
पोस्ट-सकरीगली,
सतसुखीला, साहेबगंज,
आरजगढ़ - 816115

Address:

S/O: Sunil Kumar Singh, Vill-
Chhoti Shansikamari or Sakari Gali
Hansketa, Sahibganj
Ararajgarh - 816115

7127 8537 7359

-Aam Admi ke Adhikar

10

30

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
M.A. NO. OF 2023
IN
ORIGINAL APPLICATION NO. 34 OF 2023

In the matter of:

Pradeep Kumar Singh Applicant

versus

State of Jharkhand & Respondent(s)
Ors.

KNOW ALL to whom these presents shall come that I, Pradeep Kumar Singh, the Applicant herein, do hereby appoint and retain Mr. Amartya Ashish Sharan, Advocate (D/4480/2018), having his office at 105, M.C. Setalvad Chambers Block, Supreme Court of India, New Delhi 110001 (hereinafter called the Advocate) to be my/our advocate in the above noted case and authorize him:-

- (1) To act, appear and plead in the above noted case in this Court, or any other Court to which the same may be transferred, or the Court where the same may be heard and also in the appellate Courts.
- (2) To accept notice/process of Court on my behalf.
- (3) To sign, file and present all pleadings, replications, rejoinders, appeals, cross-objections, petitions, counter affidavits, objections, affidavits, applications, including applications for execution, restoration, withdrawal and compromise, or such other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
- (4) To file and take back documents.
- (5) To compromise the said case.
- (6) To take execution proceedings.
- (7) To do all other acts and things as may be deemed necessary or required to be done in the course of prosecution of the said case.
- (8) To appoint and instruct one or more other advocate(s) and authorize him/her/them to exercise the powers and authority hereby conferred whenever the Advocate may think fit to do so and to sign a power of attorney on my behalf for the said purpose.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by the/us to intents and purposes.

And I/We undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

31

11

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. the adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and remain himself.

And I/we the undersigned do hereby agree that in the event of the whole of part of the fees agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three year of part thereof.

IN WITNESS WHEREOF I do hereunto set my hand to these presents this the 17th day of May, 2023

Accepted subject to terms of fee.

<u>Asharam</u>		<u>प्रदीप कुमार सिंह</u>	
Advocate		Client	
Enrollment no.	D4480/2018	Name: Pradeep Kumar Singh	
Name:	Amartya Ashish Sharan		
Phone:	011-23070014		
Mobile	9654659775		

IDENTIFIED

Asharam

D4480/2018