

Fwd: ORDER passed in Original Application No. 918/2024

From : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in> Sat, Aug 03, 2024 03:36 PM
Subject : Fwd: ORDER passed in Original Application No. 918/2024 2 attachments
To : Judicial Section <ngtjudicial-kolkata@gov.in>
Reply To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>

From: "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>
To: "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "Judicial Section" <ngtjudicial-kolkata@gov.in>
Sent: Saturday, August 3, 2024 3:18:26 PM
Subject: ORDER passed in Original Application No. 918/2024

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 25/07/2024 passed in Original Application No. 918/2024 News Item titled "Threat to tea garden from mining gang" appearing in The Telegraph dated 12.06.2024** . for your kind perusal & necessary action.

भवदीय / Regards

परामर्शदाता (न्यायिक) / Consultant (Judicial)

राष्ट्रीय हरित अधिकरण / National Green Tribunal

प्रधान न्यायपीठ / Principal Bench

नई दिल्ली / New Delhi - 110001



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RAJA CHATTERJEE
REGISTRAR,
NATIONAL GREEN TRIBUNAL,
EASTERN ZONAL BENCH, KOLKATA.
PHONE No. 033-23240094
EMAIL: registrarngt-kolkata@gov.in



OA NO 918 of 2024 Suo MOtu threat to tree garden from mining gang.pdf

170 KB



Threat to tea garden from mining.pdf

171 KB

The Telegraph *online*

Thursday, 04 July 2024

Home / West Bengal / Threat to tea garden from mining gang

Threat to tea garden from mining gang

Charge: Those engaged in extracting minor minerals use estate roads forcibly

Our Correspondent

Siliguri

Published 12.06.24, 11:09 AM



Tractors and trucks engaged in extracting sand and stones from the Rakti river near Siliguri

The Telegraph

The management representatives of a tea estate near here have alleged that a group of people involved in the mining of minor minerals like sand and stones intimidated them for not letting them use a road that connects that garden and is taking away mounds of earth from vacant stretches on the plantation.

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Debasish Sarkar, the general manager of the Putinbarie tea estate in the Matigara block, said they felt insecure about running the garden.

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“Those engaged in extracting sand and stones from the Balason river run their vehicles through the garden’s main entrance. This is affecting the garden’s roads. As we have restricted the movement of such vehicles, they have resorted to intimidation and threatened me and some other officials with dire consequences,” said Sarkar.

Located in the Terai, the garden is spread over 650 hectares and has tea bushes on around 425 hectares. The estate has about 700 workers.

Sarkar said those people stopped a vehicle carrying tea from the garden on June 7. The following day, when he went to the spot, they abused and threatened him.

“The vehicle carrying tea was released only after police intervened,” he said.

Sarkar informed the Terai Indian Planters’ Association (Tipa), of which Putinbarie is a member, about the incident.

M.K. Maitra, the secretary of Tipa, has filed a complaint at Matigara police station. “Such highhandedness is affecting regular activities of the garden. The police should do the needful to ensure that the garden runs without any problem,” he said.

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Sources in Putinbarie said, on the one hand, those associated with mining want free access through the garden.

“On the other hand, they are collecting earth and sand from Rakti, another river which flows through the garden, and from the garden’s vacant land. This is our leasehold land and such activities are completely illegal,” said a representative of the garden.

Further, because of unscientific digging of vacant land which is close to the river bank, water from the river is flooding tea plantations and eventually affecting the production of tea.

“The garden is already under distress because of low yield and some other issues. Now if such activities continue in the garden, it would pose a question over the sustenance of Putinbarie. We hope the administration and other authorities concerned will intervene to stop illegal activities,” said a tea planter based in Siliguri.

ⓧ issue.

🗨️ “We are gathering information about the charge,” said a police officer.

🔗

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

Original Application No. 918/2024

News Item titled "Threat to tea garden from mining gang" appearing in The Telegraph dated 12.06.2024

Date of hearing: 25.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Threat to tea garden from mining gang" appearing in The Telegraph dated 12.06.2024.

2. The matter relates to the illegal extraction of minor minerals like sand and stone from Balson river and Rakti river near Siliguri in West Bengal. As per the article, those engaged in extracting minor minerals are using the Putinbarie tea estate forcibly and are taking away mounds of earth from vacant stretches on the plantation. The article alleges that this is affecting the garden's roads. The workers at the tea estate have claimed that when restricted the mining, mafia retorts to threats and intimidation.

3. The article highlights that because of unscientific digging of vacant land which is close to the river bank, water from the river is flooding tea plantations and eventually affecting the production of tea. It is alleged that the garden is already under distress because of low yield and some other issues. Now if such activities continue in the garden, it would pose a question over the sustenance of Putinbarie estate.

4. The above news item indicates violation of the Sustainable Sand Mining Guidelines, 2016 and the provisions of The Environment (Protection) Act, 1986.

5. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

6. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

7. Hence, we implead following as respondents in this matter:

(i) Central Pollution Control Board, Through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032

(ii) West Bengal Pollution Control Board, Through its Member Secretary, Paribesh Bhawan, 10A, Block-LA, Sector-III, Bidhannagar, Kolkata-700 106

(iii) Ministry of Environment, Forest and Climate Change, Through its Regional Office, Integrated Regional Office, Kolkata IB – 198, Sector-III, Salt Lake City, Kolkata – 700106

(iv) District Magistrate, Darjeeling, Office Of The District Magistrate, Kutchery Building, Lebong Cart Road, Darjeeling, West Bengal, Pin-734101

8. Let notice be issued to the above Respondents for filing their response before the appropriate bench of the Tribunal.

9. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Eastern Zonal Bench, Kolkata.

10. List before Eastern Zonal Bench at Kolkata on 24.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 25, 2024
Original Application No. 918/2024
AS.