

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN THE MATTER OF:**

Original Application No. 136/2024/EZ

**RE: NEWS ITEM TITLED SHREE BANSHEEDHAR NAGAR DIN KE UJALE ME HO
RAHA BALU KA AVAIDH KHANAN PRASHASHAN KHAMOSH APPEARING IN
NAVBHARAT TODAY DATED 08.03.2024**

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NAVBHARAT TODAY DATED 08.03.2024**

**AFFIDAVIT FILED BY DEPUTY COMMISSIONER, GARHWA, GOVERNMENT OF
JHARKHAND (i.e. RESPONDENT NO. 4 HEREIN).**

I, Shekhar Jamuar, son of Late A.S. Jamuar, aged about 58 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Garhwa, Government of Jharkhand, having its office at Garhwa, Jharkhand, do hereby solemnly affirm and state as follows:

1. That, I am the Deputy Commissioner, Garhwa, Government of Jharkhand, and I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit.
2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and in compliance to the order dated 14.05.2024 of this Hon'ble Tribunal in the instant Original Application this Affidavit is being filed by Deputy Commissioner, Garhwa, Government of Jharkhand i.e. respondent no. 4 to the Original Application.

4. That this affidavit is being filed for bringing necessary facts and statements on record for just and proper adjudication of this case.
5. That the contentions of the news article published in the Navbharat Today dated 08.03.2024 are false and baseless hence the same is hereby denied and disputes by the answering respondent.
6. That in pursuant of the order dated 14.05.2024 in which this Hon'ble Tribunal ^{is} has please to take cognizance suo-moto on the news item appearing in Navbharat Today dated 08.03.2024 titled as **"SHREE BANSHEEDHAR NAGAR DIN KE UJALE ME HO RAHA BALU KA AVAIDH KHANAN PRASHASHAN KHAMOSH"**. In the said news item it has been alleged that despite the Government ban on Sand Mining, illegal Sand Mining is going on in full swing in broad day light in Dhurki. In the said article is has alleged further that Sand Mafiya has even made road with JCB Machine in the forest to reach the Sand Ghat in Kanhar river in Dhurki. The article further states that sand is loaded on the tractors and dumped in nearby village. It is further alleged that about two hundred tractors of sand is illegally mined daily of Kanhar river from different sand Ghats. On the basis of such news article the Hon'ble Tribunal has directed the respondent to file his response before this Learned Tribunal. A letter vide reference No. B 1294 has been served to the respondent No. 4 issued by Environmental Engineer Jharkhand State Pollution Control Board, Ranchi informing the direction of the Hon'ble Tribunal to the respondent No. 4.
7. That the Director Mines has also directed the respondent No. 4 for compliance of the order of the Hon'ble Tribunal.

A Photocopy of letter No. 1053 dated 24.06.2024 is being annexed herewith and marked as Annexure-A.

8. That it is submitted that the alleged news article published in the said Navbhart Today is published without proper verification.
9. That in compliance of the direction of the Hon'ble Tribunal dated 24.05.2024 the D.M.O., Garhwa has submitted report to the Environmental Engineer Jharkhand State Pollution Control Board, Jharkhand Ranchi through letter No. 591 dated 26.07.2024 stating therein that prior to monsoon the sand Ghat was in operation in village Khokha in Kharaundhi Anchal (Banshidhar Nagar Division). It is also stated in said letter that there are as many as four Sand Stock yard Licenses operating in the area. In broad day light the sand are being transported from the sand stock yard. As far the allegations about illegal mining sand is concern, as many as 11 FIR's have been lodged till ^{now} ~~yet~~ in this financial year. Therefore, the immediate legal actions are being taken against ~~the~~ such illegal activities. In the present financial year up till now as many as 28 vehicles have been seized on allegation of illegal mining of sand and a sum of Rs 1,33,000/- have been recovered as penalty from 19 vehicles out of the said 28 vehicles. Similarly during financial year 2022-23 a sum of Rs. 6,06,565/- have being recovered as penalty from 30 vehicles out of total 43 vehicles siezed by registering about 13 FIR's. Moreover, during the financial year 2023-24 a sum of Rs. 2,35,000/- have being recovered as penalty from 11 vehicles out of total 31 vehicles seized by registering about 20 FIR's.

A Photocopy of letter No. 591 dated 26.07.2024 is being annexed herewith and marked as Annexure-B.

10. That the present Counter Affidavit is being filed on behalf of answering respondent in compliance of order passed by this Hon'ble Tribunal vide order dated 14.05.2024.
11. That the instant proceeding is not tenable on the facts and circumstance of the case and is fit to be dismissed.
12. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.
13. That, this Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant affidavit.
14. I state that the statements contained in paragraphs Nos. 1 to 2 are true to my knowledge, the statements contained in paragraph Nos. 3 to 10 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.

[Handwritten Signature]
28/8/24
प्राध्यापक,
मुंबई

VERIFICATION

Doc No. 24 / SI No. 11274 / Date 29/8/24

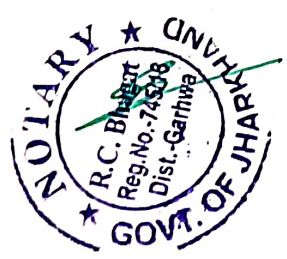
I, Shekhar Jamuar, son of Late A.S. Jamuar, aged about 58 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Garhwa, Government of Jharkhand, having its office at Garhwa, Jharkhand, and that I am dealing with the connected records of the case in possession of the office of Deputy Commissioner, Garhwa, Government of Jharkhand.

Date:

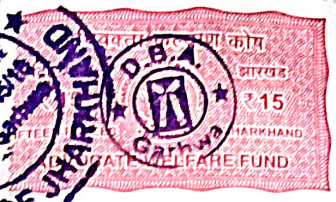
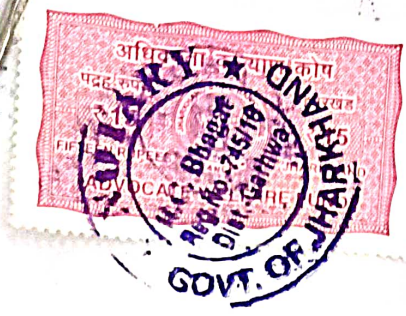
Place:

Shekhar 28.8.24
Signature

Identified by me:
Pratyush 28/08/24
Advocate
E.no. JH763/2024



R.C. Bhagat 29/8/2024
NOTARY
R.C. Bhagat
Dist. Garhwa



झारखण्ड सरकार
खान एवं भूतत्व विभाग
जिला खनन कार्यालय, गढ़वा।
email:- dmo-garhwa@jharkhandmail.gov.in
पत्रांक.....591...../एम0, दिनांक 26.07.2024

प्रेषक,

जिला खनन पदाधिकारी,
गढ़वा।

सेवा में,

पर्यावरण अभियंता,
झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद,
धुर्वा रॉची।

विषय :-

Compliance of the directions issued by the Hon'ble National Green Tribunal (NGT), principal Bench (New Delhi) in order dated 14.05.2024 in O.A. No. 522/2024 in the matter News item title "श्री वंशीधर नगर दिन के उजाले में हो रहा बालू का अवैध खनन, प्रशासन खामोश" appearing in Navbharat Today dated 08.03.2024 के संबंध में।

प्रसंग :-

भवदीय Ref. No. B-1294 Date-28.05.2024

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र के संबंध में कहना है कि श्री वंशीधर नगर अनुमण्डल अन्तर्गत अवैध खनन, परिवहन एवं भण्डारण के विरुद्ध वित्तीय वर्ष 2022-23 से अब तक कृत कार्रवाई की विवरणी निम्नवत है :-

वित्तीय वर्ष	कुल जप्त वाहनों की सं०	प्राथमिकी की सं०	जुर्माना वसूली किये गये वाहनों की सं०	जुर्माना राशि	अभ्युक्ति
2022-23	43	13	30	606565	
2023-24	31	20	11	235000	
2024-25	28	11	19	133000	

श्री वंशीधर नगर अनुमण्डल अन्तर्गत मौनसून अवधि के पूर्व खरौंधी अंचल के मौजा-खोखा बालू घाट संचालित था। इसके अतिरिक्त 04 बालू भण्डारण अनुज्ञप्ति का संचालन किया जा रहा है। जहाँ से दिन के उजाले में बालू का ढुलाई किया जाता है। कभी-कभी रात के अंधेरे में अवैध ढंग से बालू का उठाव किया जाता रहा है, जिसके विरुद्ध छापेमारी कर दण्डात्मक कार्रवाई की जाती है।

विश्वासभाजन

(Handwritten Signature)
26/7/2024

जिला खनन पदाधिकारी,
गढ़वा।

ANNEXURE - B

7

झारखण्ड सरकार
खान एवं भूतत्व विभाग
खान निदेशालय

(Handwritten signature)

पत्रांक-ख०नि०(विविध)-61/2023
प्रेषक,

1053 / एम०, राँची, दिनांक-24.06.2024

शशि रंजन, भा०प्र०से०
निदेशक, खान।

सेवा में,

उपायुक्त-सह-अध्यक्ष, जिला स्तरीय टास्क फोर्स (खनन)
हजारीबाग / सरायकेला-खरसावाँ / पूर्वी सिंहभूम / गढ़वा / गिरिडीह।
उप निदेशक, खान
उत्तरी छोटानागपुर अंचल, हजारीबाग / धनबाद अंचल, धनबाद
/ कोल्हान अंचल, चाईबासा / पलामू अंचल, मेदिनीनगर।
जिला खनन पदाधिकारी,
हजारीबाग / सरायकेला-खरसावाँ / पूर्वी सिंहभूम / गढ़वा / गिरिडीह।
सर्वश्री झारखण्ड राज्य खनिज विकास निगम लि०,
राँची।

विषय:- स्थानीय दैनिक समाचार पत्र में दिनांक-30.05.2024 को प्रकाशित समाचार पर
आवश्यक कार्रवाई करने के संबंध में।

प्रसंग:- मुख्य सचिव कार्यालय, झारखण्ड, राँची का गै०सं०प्रे०सं०-1027, दिनांक-30.05.
2024 एवं सचिव कोषांग, खान एवं भूतत्व विभाग, झारखण्ड, राँची का पत्र
डा०सं०-1816, दिनांक-30.05.2024

महाशय,

उपर्युक्त विषयक स्थानीय दैनिक समाचार पत्र (प्रभात खबर) में दिनांक-30.05.
2024 को प्रकाशित समाचार "अवैध बालू खनन के कई मामले चल रहे एनजीटी में" संबंधी प्रेस
कतरन की छायाप्रति संलग्न करते हुए अपेक्षित है कि उक्त समाचार के आलोक में नियमानुसार
आवश्यक कार्रवाई करते हुए कृत कार्रवाई से अधोहस्ताक्षरी को अवगत कराया जाय।

अनुलग्नक:-यथोक्त।

विश्वासभाजन

(Handwritten signature)

निदेशक, खान

ज्ञापांक-

1053 / एम०, राँची दिनांक-24.06.2024

प्रतिलिपि-संयुक्त सचिव, मुख्य सचिव कार्यालय, झारखण्ड, राँची को सूचनाार्थ प्रेषित।

(Handwritten signature)
निदेशक, खान।