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	Vokalatnama		

Paushali Banerjee

Paushali Banerjee

Advocate

7 A, Kiron Shankar Roy Road,
Kolkata-700001



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**BEFORE THE NATIONAL GREEN TRIBUNAL
(EASTERN ZONAL BENCH),
KOLKATA, WEST BENGAL
FINANCE CENTRE, 3rd FLOOR, NEW TOWN
[Under section 25 of the National Green Tribunal Act,
2010]**

Execution Application NO. OF 2024

IN THE MATTER OF

- (i) Mohammad Ilyas
- (ii) Md Saraj
- (iii) Arun Kumar Ladia

.....Appellant

VERSUS

State of Jharkhand & ORS

..... Respondents

SYNOPSIS

That the Applicant above named begs to present this Application raising a substantial question of law as regard of

- (i) Compliance of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in



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the matter of Mohammad Ilyas and others Versus State of Jharkhand

(ii) Contempt and/or violation of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata by SEIAA, Jharkhand by issuing order No. 280 dated 15.10.2024 and 338 dated 26.11.2024.

(iii) SEIAA, Jharkhand assuming the role of State Government of Jharkhand

The Hon'ble Tribunal allowed Appeal No.24/2023/EZ by setting aside order of SEIAA, Jharkhand dated 8/08/23 in order dated 23/08/24 in the matter of Mohammad Ilyas and others Versus State of Jharkhand but SEIAA Jharkhand instead of Complying with the direction of this Hon'ble Tribunal, issued order No. 280 dated 15.10.2024 and 338 dated 26.11.2024 keeping the Environmental Clearance 31/12/14 again in abeyance.

Paushali Banerjee
Advocate
7 A, Kiron Shankar Roy Road,
Kolkata-700001

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	Kumar Ladia over Plot No. 4 & 5(P) of Mauza Lakhanpur Area 0.732 Hectares
05.02.2025	Deputy Commissioner, Giridih executed the stone mining lease over Plot No. 4 & 5(P) of Mauza Lakhanpur Area 0.732 Hectares in favour of Arun Kumar Ladia
26.11.2021/ 30.11.2021	Mining Lessee Arun Kumar Ladia transferred the aforesaid stone mining lease in favour of Md Ilyas and Md Saraj which was executed by the Deputy Commissioner, Giridih on 26.11.2021 and registered on 30.11.2021
22.12.2022	SEIAA, Jharkhand passed order to keep the environment clearance dated 31.12.2014 in abeyance on complaint of new DFO, Giridih East that the lease area is at zero distance from protected forest land and the earlier report of DFO, Giridih East reporting a distance of 500 meters from protected forest vide letter No. 391 dated 25.02.2014 was a mistake of fact
08.08.2023	SEIAA, Jharkhand cancelled the environment clearance dated 31.12.2014 with immediate effect on zero forest distance issue



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23.08.2024	NGT, Eastern Zone Bench set aside the order of the SEIAA, Jharkhand dated 08.08.2023 and directed the SEIAA, Jharkhand to reconsider the matter and pass fresh order in the light of the observations made in Appeal No. 24/2023/EZ
15.10.2024	SEIAA, Jharkhand directed Arun Kumar Ladia to submit joint verification report with DFO, Giridih regarding forest distance from mining lease. SEIAA also passed order validating earlier order No. 319 dated 22.12.2022 of SEIAA alive and enforceable.
18.10.2024	DFO, Giridih East directed Arun Kumar Ladia to be present on 25.10.2024 for field verification of forest distance from lease area.
23.10.2024	Arun Kumar Ladia requested DFO, Giridih to provide a copy of authenticated map demarcating protected forest land of 49.90 Acres/48.02 Acres in total plot area of 81 Acres of Plot No. 01 of Mauza Lakhanpur.
25.10.2024	Arun Kumar Ladia presented himself before Forest Range Officer for joint survey



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	along with his two raiyati sale deeds of 1.00 Acres over Plot No. 01 of Mauza Lakhanpur
12.11.2024	High Court of Jharkhand issued notice to Opposite Party No. 2 to 3 in Cr. M.P. No. 3049 of 2024 filed by accused persons arising out of Forest Offence Complaint Case No. 2656/2022 filed by Forest Department against Md Ilyas and Md Saraj
18.11.2024	Arun Kumar Ladia, Md Ilyas and Md Saraj filed a detailed reply to SEIAA, Jharkhand on 18.11.2024 in response to order No. 280 dated 15.10.2024 of SEIAA.
26.11.2024	SEIAA, Jharkhand expressed inability to comply order dated 23.08.2024 of NGT in absence of joint verification report of DFO, Giridih regarding forest distance from lease area.



- (1) -

2. State Level Environment Impact Assessment Authority (SEIAA), Jharkhand represented through its Member Secretary, Nursery Complex, Near Dhurwa Bus Stand, Dhurwa, Ranchi, 834004,

Email:msseiaa.jhr@gmail.com

chr-seiaajhr@gov.in

3. Divisional Forest Officer, Giridih East Division, 13, Forest Colony, Giridih, Jharkhand-815301.

dfo-giridiheast@gov.in

.....Respondents

MOST RESPECTFULLY SHOWETH :

- I. The Applicant above named are the law abiding citizen of India and residing at the address mentioned in the cause title for service of notices of this application and that of his representation.
- II. That the addresses of the respondents are given above for service of notice of this application.
- III. That the Applicant above named begs to present this Appeal raising a substantial question of law as regard of
- (i) Compliance of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in

the matter of Mohammad Ilyas and others Versus State of Jharkhand

(ii) Contempt and/or violation of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata by SEIAA, Jharkhand by issuing order No. 280 dated 15.10.2024 and 338 dated 26.11.2024.

(iii) SEIAA, Jharkhand assuming the role of State Government of Jharkhand

IV. The present Application is being filed under Section 25 of National Green Tribunal Act, 2010 (for short NGT Act) on behalf of the Applicant. The appellants are citizen of India engaged in business at Giridih in the State of Jharkhand.

BRIEF FACTS OF THE CASE:

1. Arun Kumar Ladia S/o Late Bishwanath Prasad Ladia resident of Tundi Road, Giridih, P.S. Giridih, District Giridih was granted a mining lease of stone minor mineral over 1.81 Acres of land situated in Mouza - Lakhanpur, Police Station-Bengabad District, Registration Office-Giridih, bearing cadastral survey No./Thana No.-349 over Khata No.-02 & 04 ,Plot No.-04 & 05 under Jharkhand Minor Mineral Concession Rules, 2004 for a period of 10 years with effect from 05.02.2015 after fulfilment of all statutory criteria.



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2. That the project proponent Arun Kumar Ladia has been granted the Environment Clearance by SEIAA vide letter No. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014.

A photocopy of EC letter No. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 is annexed herewith and marked as **Annexure-1** to this Application.

3. That in the due course of time the Applicant Arun Kumar Ladia transferred this mining lease in favour of Mohammad Ilyas and Md. Saraj and the said transfer deed was executed by the Deputy Commissioner, Giridih on 26.11.2021 duly registered on 30.11.2021 before District Sub Registrar Giridih. Further the transferee lessee Mohammad Ilyas and Md. Saraj has also filed renewal application for the aforesaid mining lease on 19.09.2024 before competent authority.

4. That in the 9 th year of this mining lease the SEIAA ordered to keep the environment clearance No. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 in abeyance and then finally cancelled the Environment Clearance on the complaint of Divisional Forest Officer (DFO) , Giridih East that the earlier report of DFO regarding distance of forest



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land from lease area reported as more than 500 meters was wrong/incorrect and according to the new DFO , the mining lease area is at zero meter distance from forest land.

A photocopy of interim order No. 319 dated 22.12.2022 and final order No. 205 dated 08.08.2023 of SEIAA, Jharkhand communicated to project proponent are annexed herewith and marked as **Annexure-2** to this Application.

5. That the present petitioners had earlier moved before National Green Tribunal, Eastern Zone Bench, Kolkata against aforesaid impugned order dated 8/08/23 by SEIAA, Jharkhand in Appeal No. 24/2023/EZ which was allowed vide order dated 23.08.2024 in following terms-

“68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months”

A photocopy of order of NGT, Eastern Zone Bench, Kolkata dated 23.08.2024 passed in Appeal No. 24/2023/EZ is annexed herewith and marked as **Annexure-3** to this Application.



6. That the Applicant was surprised to find out that SEIAA failed to comply the order dated 23.08.2024 of this Hon'ble Tribunal.
7. That SEIAA, Jharkhand instead of complying order dated 23.08.2024 of this Hon'ble Tribunal ,issued order No. 280 dated 15.10.2024 to Arun Kumar Ladia directing to submit (i) Joint verification report with Divisional Forest Officer, Giridih regarding distance of project area from forest (ii) Report on allegation of illegal mining as alleged by the Divisional Forest Officer, Giridih (iii) Copies of mining transport challan issued by the office of District Mining Officer from 01.08.2021 to 28.02.2023 so as to enable the SEIAA, Jharkhand to reconsider the matter. Simultaneously, SEIAA, Jharkhand negated the directions of this Hon'ble Tribunal order dated 23/08/24 in the matter of Appeal No.24/2024/EZ and in the same breath in order no. 280 dated 15/10/24, SEIAA directed that in the interim, the abeyance order of environment clearance passed by SEIAA vide earlier order No. 319 dated 22.12.2022 shall be effective.

A photocopy of order No. 280 dated 15.10.2024 of SEIAA, Jharkhand is annexed herewith and marked as **Annexure-4** to this Application

8. That pursuant to order No. 280 dated 15.10.2024 of SEIAA, Jharkhand, the Divisional Forest Officer, Giridih

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East directed Arun Kumar Ladia to be present on 25.10.2024 at 11:00 AM for field verification regarding distance of forest from mining lease vide Memo No. 3373 dated 18.10.2024 which was promptly replied by the petitioners vide reply dated 23.10.2024/24.10.2024.

A photocopy of Memo No. 3373 dated 18.10.2024 of Divisional Forest Officer, Giridih East along with reply of Arun Kumar Ladia dated 23.10.2024/24.10.2024 are annexed herewith and marked as **Annexure-5** to this Application

9. That the petitioners were present at mining lease area on 25.10.2024 at 11:00 AM for field verification along with two registered deeds dated 24.11.2024 in favour of Arun Kumar Ladia.



A photocopy of communication dated 25.10.2024 of Arun Kumar Ladia addressed to Forest Range Officer is annexed herewith and marked as **Annexure-6** to this Application

10. That after having fully cooperated the Forest Department during field verification on 25.10.2024, Arun Kumar Ladia replied back to the Member Secretary, SEIAA,

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Jharkhand to pass order to validate the environment clearance No. 703 dated 31.12.2014.

A photocopy of reply dated 18.11.2024 of Arun Kumar Ladia addressed to Member Secretary, SEIAA, Jharkhand is annexed herewith (along with relevant annexures only) and marked as **Annexure-7** to this Application

11. That to the shock and surprise of Petitioners, the SEIAA, Jharkhand passed order No. 338 dated 26.11.2024 directing the project proponent to approach Divisional Forest Officer, Giridih East and obtain joint verification report without which it would not be possible for SEIAA, Jharkhand to pass orders in compliance to order dated 23.08.2024 of NGT, Esatern Zone Bench, Kolkata.

A photocopy of order No. 338 dated 26.11.2024 of SEIAA, Jharkhand is annexed herewith and marked as **Annexure-8** to this Application

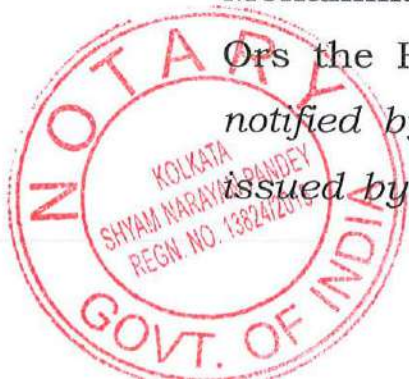
12. That the Applicant states that under section 28 of the National Green Tribunal Act, 2010 where any department of the government fails to comply with any order or award, the Head of the Department shall be liable to be proceeded

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against and punished accordingly. It is pertinent to mention here that due to the violation of the order dated 23/08/24 the respondent authority i.e. SEIAA Jharkhand is liable to be proceeded against in accordance of section 28 of the National Green Tribunal Act 2010.

13. The Applicant states that in order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors in paragraph 28 observed that “ At the cost of repetition, we may observe that State of Jharkhand is not mentioned in this list, however, the Central Pollution Control Board Guidelines, 2020, now prescribes uniform criteria for distance of 100 meters in case of quarry without explosives and 200 meters quarry with blasting, with the condition that stricter criteria would prevail if those criteria exist in the State regulation. Incidentally, the criteria under the Central Pollution Control Board Guidelines, 2020, does not contain any reference to distance of quarry from forest area such that a quarry should be environmentally compliant”

14. That the Applicant states that in paragraph 62, 63 & 64 in order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors the Hon'ble Tribunal “observed that *Department or notified by the State Government. No such siting criteria issued by the Forest Department or the State Government*



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has been placed before us. However, we make it clear that our findings recorded hereinabove with regard to the siting criteria will not preclude the Forest Department/State Government from undertaking an exercise in determining the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land. In case there are Rules or Guidelines in existence with regard to siting criteria issued by the Forest Department or State Government, the SEIAA, Jharkhand, shall consider the same with regard to the facts of the present case and pass fresh orders in this regard”

15. The Applicant states that the direction of this Hon'ble Tribunal in order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors was upon “ *the Respondent No.1, State Respondent, Government of Jharkhand, to carry out the expert exercise for determination of siting criteria for stone quarries/mines with reference to notified and demarcated forest/forest land and complete the same within a period of two months and notify the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land consistent with existing laws, if not already in existence.*”

16. The Applicant states that SEIAA Jharkhand failed to comply with the order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ



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in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors in its letter, spirit and intent. Hon'ble Apex Court in Commissioner, Karnataka Housing Board Vs. C. Muddaiah, (2007) 7 Supreme Court Cases, 689 has held as under: "31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. Once, the order has been passed by the Court, then all the respondents were duty bound to implement it in **letter and spirit**.

17. That the letter dated 15/10/24 memo no. 280 issued by SEIAA Jharkhand shows willful disobedience in implementation of the order the Hon'ble Tribunal dated 23/08/24. The expression "willful disobedience" has been discussed by the Hon'ble Supreme Court at some length in Niaz Mohammad and Others v. State of Haryana and Others(1994) 6 SCC 332 as -"Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the Act') defines "civil contempt" to mean "wilful disobedience to any judgment, decree, direction, order, writ or other process of a court ...". Where the contempt consists in failure to comply with or carry out an order of a court made in favour of a party, it is a civil contempt
18. The Applicant states that in a recent decision of the Hon'ble Supreme Court in Balwantbhai Somabhai Bhandari (supra)2023 SCC Online SC 1139, in the above

context, the Hon'ble Apex Court has made the following relevant observations :

"45. The sanctity to judicial proceedings is paramount to a society governed by law. Otherwise, the very edifice of democracy breaks and anarchy reigns. The Act, 1971 is intended to correct a person deviating from the norm and trying to breach the law/assuming law on to himself. It intends to secure confidence of the people in the administration of justice by disciplining those erring in disobeying the orders of the Court/undertaking given to court. xxx xxxxxx 56. Hence, the expression or word "wilful" means act or omission which is done voluntarily or intentionally and with the specific intent to do something which the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say with bad purpose either to disobey or to disregard the law. It signifies a deliberate action done with evil intent or with a bad motive or purpose."

19. The Applicant states that SEIAA Jharkhand not only failed to comply with the order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors in its letter, spirit and intent but also by issuing letter dated 15/10/24 willfully disobeyed the order of this Hon'ble Tribunal.

20. Hence this Application for non compliance of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of

Mohammad Ilyas and others Versus State of Jharkhand & Ors on following grounds :

GROUNDS

- i. That the SEIAA, Jharkhand has passed order dated 15.10.2024 (Annexure-4) directing to keep the environment clearance in abeyance in terms of earlier order No. 319 dated 22.12.2022 of SEIAA in gross violation and contempt of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ of the same petitioners.
- ii. That the SEIAA, Jharkhand could not have referred the matter once again to the Divisional Forest Officer, Giridih as because admittedly the location of mining lease is outside forest limits and the distance criteria of a mining lease from forest is irrelevant in absence of any siting criteria for stone mining lease. It is pertinent to submit at this juncture that the State Government of Jharkhand has not yet notified any siting criteria for stone mining lease vis-à-vis forest land in terms with Para 65 of NGT order dated 23.08.2024.
- iii. That though the Divisional Forest Officer, Giridih East is competent to demarcate forest land, however he is not competent to demarcate an adjoining raiyat land of Arun Kumar Ladia.



- iv. That the Divisional Forest Officer, Giridih East has still not demarcated the portion of protected forest land measuring 49.90 Acres/48.02 Acres out of full area of 81 Acres of Plot No. 01 of Mauza Lakhanpur. Even if State Government fixes any siting criteria for stone mining lease in future, the distance of mining lease is to be measured from protected forest/reserve forest only and not from *jungle jhari* land in terms with Specific Condition A-6/10 of environment clearance dated 31.12.2014.
- v. That the SEIAA, Jharkhand cannot take shelter behind Divisional Forest Officer, Giridih East for compliance of NGT order dated 23.08.2024 specially Para 65 of the said order regarding proposed notification of siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land by the State Government.
- vi. That the SEIAA, Jharkhand can not assume the role of the State Government of Jharkhand while giving directions to Divisional Forest Officer, Giridih East.
- vii. That SEIAA, Jharkhand showed willful disobedience to comply the NGT order dated 23.08.2024, by issuing letter dated 15/10/24.
- viii. That the order dated 15.10.2024 of SEIAA, Jharkhand enforcing the abeyance order of environment clearance passed by SEIAA vide earlier order No. 319 dated



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22.12.2022; is gross contempt of order dated 23.08.2024 of Hon'ble Tribunal passed in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors

- ix. That when the interim abeyance order No. 319 dated 22.12.2022 culminated into final order No. 205 dated 08.08.2023 of SEIAA, Jharkhand, which has already been set aside by the NGT, Eastern Zone Bench, Kolkata on 23.08.2024, then the same interim abeyance order No. 319 dated 22.12.2022 could not have been made alive by SEIAA by way of a fresh order dated 15.10.2024.
- x. That as far as Forest Offence Complaint Case No. 2656/2022 under Section 33(1)(b) and 33(1)(c) of the Indian Forest Act is concerned, the named accused persons Md Saraj and Md Ilyas have moved Hon'ble High Court of Jharkhand against cognizance dated 16.08.2024 taken by learned Chief Judicial Magistrate, Giridih in Cr. M.P.3049/2024. Hon'ble High Court of Jharkhand has already issued notices to Opposite Party No. 2 to 3 vide order dated 12.11.2024. The matter is subjudiced since then.

A photocopy of order dated 12.11.2024 passed by Hon'ble High Court of Jharkhand is annexed herewith and marked as **Annexure-9** to this Application



INTERIM PRAYER:-

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a) Direct SEIAA Jharkhand to comply order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors
- b) Quash and /or rescind order No. 280 dated 15.10.2024 and 338 dated 26.11.2024 passed by SEIAA Jharkhand till the disposal of this Application.

TERRITORIAL JURISDICTION:-

SEIAA Jharkhand has exceeded its jurisdiction and have failed to comply with the order of this Hon'ble Tribunal. Hence Eastern Zone Bench of this Hon'ble Tribunal has territorial jurisdiction to entertain the present application.

LIMITATION :-

That the impugned orders have been issued by SEIAA on 15.10.2024 and 26.11.2024 and the last order dated 26.11.2024 has been received by the project proponent on 03.12.2024 through India Post.

Hence the present petition is within limitation.



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PRAYER

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased

A) Direct SEIAA Jharkhand to comply order dated 23.08.2024 passed by Hon'ble NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors

B) Quash/set aside the order No. 280 dated 15.10.2024 and 338 dated 26.11.2024 issued by SEIAA, Jharkhand in violation of the order dated 23.08.2024 passed by Hon'ble NGT, Eastern Zone Bench, Kolkata in Appeal No. 24/2023/EZ in the matter of Mohammad Ilyas and others Versus State of Jharkhand & Ors

And/or

C) Pass suitable order(s) in the matter of gross violation of NGT order dated 23.08.2024 passed in Appeal No. 24/2023/EZ.

And/or

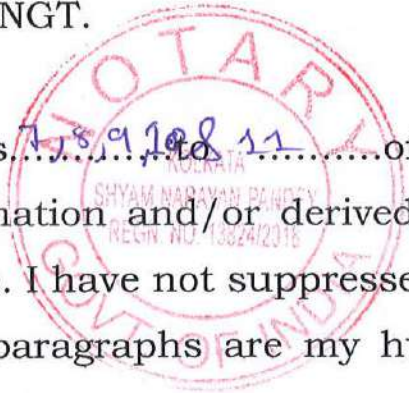
D) Pass such other order as deemed fit and proper in the interest of environmental justice, equity and fair play.

VERIFICATION

I, Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O. – Arkhango, P.S.- Dhanwar, District-Giridih, do verify that

1. I am one of the transferee mining lessee as such I am aware of the facts of this Appeal before NGT.

2. That the contents of paras. 7, 8, 9, 10 & 11 of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions.



Md. Ilyas
Appellant

Date-

Prepared in my office

Paushel Barua
Schubert

Sl. No. 60 19.12.2024

AFFIDAVIT

I, Mohammad Ilyas S/o Ahmad Ali resident of Nimadih. P.O. – Arkhango, P.S.- Dhanwar, District-Giridih, do solemnly affirm and say as follows ;

- 1. I am the Applicant No.1 and I on behalf of the other two Applicants affirm this Application being one of the transferee of the mining lessee as such I am aware of the facts of this Application before this Hon'ble Tribunal.
- 2. That the contents of paras. 7, 8, 9, 10 & 11 of the Application are based on information and/or derived from sources I verily believe to be true. I have not suppressed any material facts; the rest of the paragraphs are my humble submissions.



M. Ilyas
Appellant

Date-

Prepared in my office
Identified by
Ravshankar
Advocate

Solemnly Affirm & Declared
Before Me on Identification
of Ld. Advocate

[Signature]

SHYAM NARAYAN PANDEY
NOTARY, GOVT. OF INDIA
REGN. NO. 13824/2018

19 DEC. 2024

19.12.2024

To whom it may concern

We Arun Kumar Ladia S/o Bishwanath
Prasad Ladia P.O. 2 P.S. Giridist Pincode 815301
and Md Saraj S/o Sadik Miyan Baijudin
P.O. Kubri P.S. Dhanwar Dist. Giridih
do hereby Authorise Md. Elyas S/o Ahmad Ali
Ahmadin P.O. Askhango P.S. Dhanwar
Dist Giridih to represent us, sign the
Verification and Affidavit in the matter of
appeal No. 24/2023/EZ and any other Applica-
tion/s arising from the matter.

Arun Kumar Ladia.

श्री अरुण





State Level Environment Impact Assessment Authority, Jharkhand.

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C - 170, Road No. 4, Ashok Nagar, Ranchi, Jharkhand.834 002.

Tel #: 0651-2243488; Fax #: 0651-2243487.

E-mail: info@jseiaa.com; website: www.jseiaa.org

Letter No.- EC/ SEIAA / 2014-15 / 518/ 2014/ 703

Ranchi, Date: 31/12/14

To: **Mr. Arun Kumar Ladia,**
S/o- Late Vishwanath Prasad,
At-Tundi, P.O+ P.S- Giridih,
District- Giridih,
Jharkhand-815 301.

Sub.: Environmental Clearance for the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)".

Sir,

It is in reference to the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)" submitted by you for seeking prior Environmental Clearances(EC).

The proposal was appraised by State Level Expert Appraisal Committee (SEAC) and recommended for grant of Environmental Clearance in its meeting held on 15th to 18th December 2014.

The details of mine capacity as provided in Mining Plan Report are as follows-

1. Mineable Proved Reserve : 96,188 tonnes
2. Year-wise Production as proposed under Mining Plan Report for five years is as follows
 1. 1st Year : 10,214 t
 2. 2nd Year : 10,265 t
 3. 3rd Year : 10,252 t
 4. 4th Year : 10,341 t
 5. 5th Year : 10,276 t
3. The daily production as per Form 1 is 35 tonnes.

State Level Environment Impact Assessment Authority (SEIAA), Jharkhand in its meeting held on 30.12.2014 discussed the project proposal along with recommendations made by SEAC and decided to grant EC to the project.

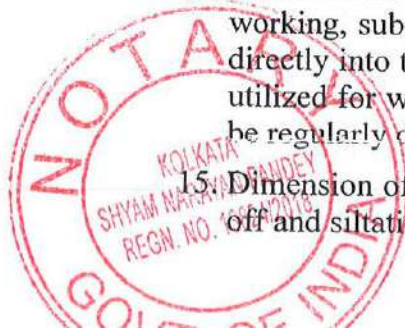
Following the decision of SEIAA, as mentioned above, Environmental Clearance is hereby issued to the project "Stone Mine of Mr. Arun Kumar Ladia at Plot No.- 4 & 5 (P), Village - Lakhanpur, Block- Bengabad, District- Giridih, Jharkhand (Area- 0.732 Ha.)" alongwith the following conditions-

A. Specific Conditions

1. That the proponent shall obtain approval of mining plan within 3 months from the committee constituted by the Deptt. of Mines & Geology, Govt. of Jharkhand from the date of grant of environmental clearance and the proponent shall be bound to comply the additional conditions framed by the Deptt. of Mines & Geology.

- 31 -
2. The environmental clearance is subject to grant of mining lease by the Department of Mines, Government of Jharkhand to PP and all other Statutory Conditions as imposed by various agencies / District Authorities are complied with.
 3. The project proponent shall obtain Consent to Establish and Consent to Operate from the Jharkhand State Pollution Control Board, Ranchi and effectively implement all the conditions stipulated therein.
 4. At the time of obtaining Consent to establish/ Consent to Operate, PP should submit site map duly signed by PP and DMO to JSPCB & SEIAA.
 5. At the time of obtaining consent to operate, PP will erect boundary pillars to demarcate boundary of lease. GPS reading, backward – forward bearing & pillar to pillar distance is to be written on each pillar. Pillar wise list will be submitted to SEIAA and JSPCB before issue of Consent to Establish/ Consent to Operate.
 6. No mining shall be undertaken in the forest area without obtaining requisite prior forestry clearance. Minimum distance shall be maintained from Reserved / Protected Forest as stipulated in SEIAA Guidelines.
 7. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India / MOEF Guidelines applicable to Minor Minerals.
 8. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, as may be applicable to this project (in case any fauna occurs / is found in the Project area). No damage is to be done to fauna if found in ML area (as mentioned in various schedules). In case found they should be given protection, collected alive with the help of the expert and transferred them or handing over them to the concerned authorities.
 9. The mining operations shall be restricted to above ground water table and it should not intersect the groundwater table. In case of working below the ground water table, prior approval of the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board shall be obtained. Benches height and slope shall be maintained as per approved Mining Plan. The Mining Plan has to be got approved by concerned authorities as per SEIAA guidelines. Safety measures shall be adopted in line with DGMS Guidelines.
 10. PP shall maintain minimum distance from Reserved / Protected Forests as stipulated in applicable guidelines.
 11. The project proponent shall ensure that no natural watercourse and / or water resources shall be obstructed due to any mining operations. Adequate measures shall be taken for conservation and protection of the first order and the second order streams, if any emanating / passing through the mine lease area during the course of mining operation.
 12. The top soil, if any shall temporarily be stored at earmarked site(s) only and it should not be kept unutilized for long. The topsoil shall be used for land reclamation and plantation.
 13. There shall be no external dump(s). Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Jharkhand State Pollution Control Board, Ranchi and its nearest Regional Office on six monthly basis.
 14. Catch drains and siltation ponds of appropriate size shall be constructed around the mine working, sub-grade and mineral dump(s) to prevent run off of water and flow of sediments directly into the agricultural fields, and other water bodies. The water so collected should be utilized for watering the mine area, haul roads, green belt development etc. The drains shall be regularly desilted particularly after the monsoon and maintained properly.
 15. Dimension of the retaining wall at the toe of the OB benches within the mine to check run-off and siltation shall be based on the rain fall data.

AA



16. Greenbelt shall be developed all along the mine lease area and haul roads. The Project proponent shall do tree plantation in at least 33% of the space, preferably along the periphery and in vacant space. Fast growing and local species will be planted. In case land is not available within the lease area or it is not possible to plant trees due to nature of land then PP will do necessary afforestation at other places / land.
17. Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and transfer points. Extensive water sprinkling shall be carried out on haul roads which should be made pucca with suitable water drainage arrangements. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
18. The project proponent should implement suitable conservation measures to augment ground water resources in the area in consultation with the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board.
19. The project proponent shall if required, obtain necessary prior permission/NOC of the competent authorities for drawl of requisite quantity of water required for the project.
20. Suitable rainwater harvesting measures shall be planned and implemented in consultation with the Ground Water Directorate, Government of Jharkhand / Central Ground Water Board.
21. Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The mineral transportation shall be carried out through the covered trucks only and the vehicles carrying the mineral shall not be overloaded. No transportation of ore outside the mine lease area shall be carried out after the sunset.
22. No blasting shall be carried out after the sunset. Blasting operation shall be carried out only during the daytime. Controlled blasting shall be practiced. The mitigative measures for control of ground vibrations and to arrest fly rocks and boulders should be implemented.
23. Drills shall either be operated with the dust extractors or equipped with water injection system.
24. Effective safeguard measures should be taken to control fugitive emissions so as to ensure that RSPM (PM10 and PM 2.5) levels are within prescribed limits.
25. Pre-placement medical examination and periodical medical examination of the workers engaged in the project shall be carried out and records maintained.
26. The project proponent shall take all precautionary measures during mining operation for conservation and protection of endangered fauna.
27. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, septic tanks, safe drinking water, medical health care, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
28. Proper safety measures as per statutory requirement are to be implemented around the mined out Pit prior to closure of site.
29. A final mine closure Plan along with corpus fund duly approved by Competent Authority shall be submitted to the Jharkhand State Pollution Control Board, Ranchi and to concerned DMO in advance of final mine closure for approval.

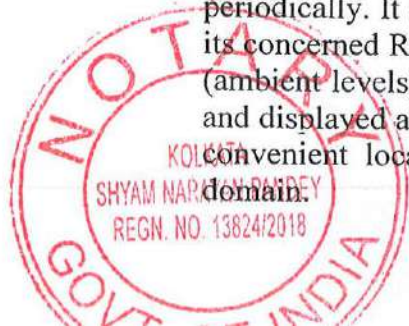


31/12

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B. General conditions

1. No change in mining technology and scope of working should be made without prior approval of the Statutory authorities / Department of Mines, Government of Jharkhand/ Jharkhand State Pollution Control Board, Ranchi during the EC period.
2. No change in the calendar plan including excavation, quantum of mineral and waste should be made.
3. The Project proponent shall make all internal roads pucca and shall maintain a good housekeeping by regular cleaning and wetting of the haul roads and the premises.
4. The Project proponent shall maintain register for production and dispatch and submit return to the Board.
5. The Project proponent shall not cut trees / carry out tree felling in leased out area without the permission of competent authority.
6. Measures should be taken for control of noise levels below prescribed norms in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
7. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards Oil and grease trap should be installed before discharge of workshop effluents.
8. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
9. Dispensary facilities for First Aid shall be provided at site.
10. A separate environmental management / monitoring cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
11. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Jharkhand State Pollution Control Board, Ranchi. PP shall carry out CSR activities as per Government Guidelines (%of Profit / turnover) or at least Rs 1 per ton whichever is higher.
12. The Jharkhand State Pollution Control Board, Ranchi directly or through its Regional Office, shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) by furnishing the requisite data / information / monitoring reports.
13. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the Jharkhand State Pollution Control Board, Ranchi and to its concerned Regional Office.
14. The proponent shall upload the status of compliance of the environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to Jharkhand State Pollution Control Board and its concerned Regional Office The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the project shall be monitored and displayed at a convenient location near the main gate of the company in the company in the public domain.




- 24-
15. A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zila Parisad / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the project proponent.
 16. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the Jharkhand State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along the status of compliance of EC conditions and shall also to the concerned Regional Office of JSPCB by e-mail.
 17. All statutory clearances shall be obtained before start of mining operations.

C. Other points

1. The SEIAA reserves the right to add any new condition or modify the above condition(s) or to revoke the clearance if conditions stipulated above are not implemented to the satisfaction of Authority or for that matter for any administrative reason.
2. The Environmental Clearance accorded shall be valid for the period of grant of lease for the mine (generally 10 years). The PP shall not increase production rate and alter lease area during the validity of Environmental Clearance.
3. In case of any deviation or alteration in the project proposed from those submitted to SEIAA, Jharkhand for clearance, a fresh reference should be made to SEIAA to assess the adequacy of the conditions imposed and to incorporate any new conditions if required.
4. The above stipulations would be enforced among others under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any order passed by the Hon'ble Supreme Court of India/ High Court of Jharkhand or any other Court of Law relating to the subject matter.
5. Any Appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

ASingh


 31/1/14
 Member Secretary
 State Level Environment Impact
 Assessment Authority, Jharkhand.



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Annexure - 2
(Collectively)

Annexure - 'E'



राज्य स्तरीय पर्यावरण समाधारित निर्धारण प्राधिकरण, झारखण्ड
State Level Environment Impact Assessment Authority, Jharkhand
पंचसाला परिसर, दुर्गा नगर स्टेशन के पश्चिम, पो-+थाना-दुर्गा, राँची झारखण्ड, 834004
ई-मेल: msaelaa.jhke@gmail.com; वेबसाइट: www.jselaa.org

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प्रेषक:

पत्रांक :

राँची, दिनांक :

अशोक कुमार, भा०व०से०,
सचिव, SEIAA,
झारखण्ड, राँची।

श्री अरुण कुमार लाडिया,
पिता : स्व० विश्वनाथ प्रसाद,
ग्राम : दुण्डी, पो० + थाना : गिरिडीह,
जिला : गिरिडीह - 816301,
झारखण्ड।

विषय : - श्री अरुण कुमार लाडिया का पत्थर खनन परियोजना मौजा : लखनपुर,
थाना : बेंगाबाद, जिला : गिरिडीह के खेसरा सं० 4 एवं 5 (अंश) (1.81
एकड़/0.732 हे०) के संबंध में।

प्रसंग : - वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल का पत्रांक 391,
दिनांक 25.02.2014, पत्रांक 4184, दिनांक 16.12.2022 एवं पत्रांक 4261,
दिनांक 21.12.2022।

महाशय,

उपर्युक्त विषयक क्रम में सूचित करना है कि आपके द्वारा पर्यावरणीय
स्वीकृति हेतु आवेदित प्रस्ताव के साथ संलग्न वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी
वन प्रमंडल के प्रासंगिक पत्र दिनांक 25.02.2014 द्वारा निर्गत प्रस्तावित भूमि से वन
भूमि की दूरी (500 मीटर से अधिक होने) संबंधी प्रमाण-पत्र के आलोक में तत्कालीन
SEAC, झारखण्ड की 24वीं बैठक दिनांक 15 से 18.12.2014 के अनुशंसा के आलोक
में तत्कालीन SEIAA, झारखण्ड की 28वीं बैठक दिनांक 30.12.2014 के अनुमोदनोपरांत
इस कार्यालय के पत्रांक EC/SEIAA/2014-15/518/2014/703, दिनांक 31.12.2014 द्वारा
विषयक परियोजना के पक्ष में पर्यावरणीय स्वीकृति निर्गत की गयी थी।

वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रासंगिक पत्र
दिनांक 16.12.2022 द्वारा प्रतिवेदित किया गया है कि मौजा लखनपुर, थाना बेंगाबाद के
प्लॉट सं० 4 एवं 5 (अंश) वनभूमि से शून्य मीटर की दूरी पर अवस्थित है तथा
गैर-कानूनी ढंग से अधिसूचित प्लॉट सं० 01 वन भूमि पर भी खनन कार्य करने की
सूचना प्रतिवेदित है।



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(90) 98

SEIAA, झारखण्ड द्वारा आपके परियोजना के पक्ष में निर्गत पर्यावरणीय स्वीकृति पत्रांक 703, दिनांक 31.12.2014 के विशिष्ट शर्त के कंडिका 6 एवं 10 में भी निम्न शर्त उद्धृत है :-

"6. No mining shall be undertaken in the forest area without obtaining requisite prior forestry clearance. Minimum distance shall be maintained from Reserved / Protected Forest as stipulated in SEIAA Guidelines.

10. PP shall maintain minimum distance from Reserved / Protected Forest as stipulated in applicable guidelines."

उपरोक्त तथ्य के आलोक में परिलक्षित होता है कि आपके द्वारा उपरोक्त शर्तों का न पालन करते हुए पर्यावरण (संरक्षण) अधिनियम, 1986 के प्रावधान का उल्लंघन किया गया है। साथ ही, भारतीय वन अधिनियम 1927 की धारा 33 के तहत अपराध किया गया है।

अतः उपरोक्त तथ्य के आलोक में विषयक परियोजना की पर्यावरणीय स्वीकृति को तत्काल प्रभाव से पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अधिसूचना सं० 637 (अ), दिनांक 28.02.2014 द्वारा प्रदत्त शक्तियों के आलोक में abeyance में रखा जाता है तथा साथ ही पत्र प्राप्ति के 15 दिनों के अंदर अपना स्पष्टीकरण इस कार्यालय में समर्पित करें। आपका स्पष्टीकरण निर्धारित समय-सीमा के अंदर प्राप्त नहीं होने की स्थिति में पूर्व निर्गत पर्यावरणीय स्वीकृति पत्र सं० EC/SEIAA/2014-15/518/2014/703 दिनांक 31.12.2014 को तत्काल प्रभाव से वापस लेने की कार्यवाही की जायेगी।

विश्वासभाजन

ह०/-

सदस्य सचिव,
राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

ज्ञापांक :

दिनांक :

प्रतिलिपि : सदस्य सचिव, झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद, रांची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अवगत कराना है कि वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रासंगिक पत्र दिनांक 15.12.2022 के आलोक में पूर्व निर्गत पर्यावरणीय स्वीकृति को तत्काल प्रभाव से abeyance में रखा जाता है। तद्आलोक में अपने स्तर से आवश्यक कार्रवाई करने की कृपा की जायें।

ह०/-

सदस्य सचिव,
राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।



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दिनांक : 22-12-2022

ज्ञापांक : 319

प्रतिलिपि : उपायुक्त/जिला खनन पदाधिकारी, गिरिडीह को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

अवगत कराना है कि वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के प्रांसंगिक पत्र दिनांक 15.12.2022 के आलोक में पूर्व निर्गत पर्यावरणीय स्वीकृति को तत्काल प्रभाव से abeyance में रखा गया है। तदआलोक में अपने स्तर से आवश्यक कार्रवाई करने की कृपा की जाय।

सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, रांची।

24-12-22

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ज्ञापांक 1263 /एम0 दिनांक 29-12-2022

प्रतिलिपि :- मोहम्मद इलियास, पिता अहमद अली, ग्राम नीमाडीह, पोस्ट अरखांगो थाना धनवार, जिला गिरिडीह, पार्ट0 मोहम्मद सराज, पिता सदीक मियां, साकिन बैजूडीह, करगालीखुर्द, पोस्ट कुबरी थाना धनवार, जिला गिरिडीह को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। निदेश दिया जाता है कि उपरोक्त वर्णित विन्दुओं के आलोक में अपना स्पष्ट प्रतिवेदन जिला खनन कार्यालय गिरिडीह में यथाशीघ्र उपलब्ध कराना सुनिश्चित किया जाय।

for 29/12/22
जिला खनन पदाधिकारी,
गिरिडीह।



State Level Environment Impact Assessment Authority at Jharkhand

DFO, Giridih East Division, GiridihComplainant
Versus

Shri Arun Kumar LadiaProject Authority(ies)

In the matter of

Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (0.732 Ha).

22.06.2023

The case was heard on 22.06.2023 under the provision of 8(vi) of EIA notification, 2006. DFO, Giridih East Division, Giridih Shri Parvesh Agrawal and project proponent Shri Arun Kmar Ladia along with his authorized representative, Shri Raghaw Nandan Prasad of Stone Mine of Shri Arun Kumar Ladia (Area : (0.732 Ha) District – Giridih, Jharkhand were present before Member Secretary, SEIAA.

Brief history of case:-

1. The project proponent Shri Arun Kmar Ladia has submitted application on 07.11.2014 for grant of Environmental Clearance of the stone mining project i.e. Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand



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Handwritten signature/initials

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(Area : 0.732 Ha) with all requisite documents such as Form-1, P.F.R., Mine Plan and other statutory documents like NOC given by Gram Sabha, the relevant certificates issued by CO, DMO and DFO. One of criteria for requirement of Environmental Clearance is the distance from forest boundary should be minimum 250 meter.

2. Then DFO, Giridih East Division, Giridih issued the certificate regarding the distance from forest boundary and mining lease vide its letter no. 391, dated 25.02.2014 (copy enclosed), in which it was mentioned that the distance of boundary of mining lease area from notified forest boundary is more than 500 meter.
3. On the basis of aforesaid and alongwith other mandatory documents, the project proposal was appraised by then SEAC in its 24th meeting held on 15th to 18th December, 2014 and project was recommended for Environmental Clearance. In the light of recommendation of SEAC Environmental Clearance was granted by the then SEIAA in its 28th meeting held on 30th December, 2014. Accordingly EC letter was issued vide letter no. : EC/SEIAA/2014-15/518/2014/703, dated : 31.12.2014 with certain conditions.
4. The present DFO, Giridih East Division, Giridih vide its letter no. : 4261, dated : 21.12.2022 (copy enclosed) has made a complaint that actual distance of mining lease area of Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P), Village – Lakhanpur, Block – Bengabad, District – Giridih, Jharkhand (Area : 0.732 Ha) is only zero(0) meter and previous certificate issued by then DFO vide letter no 391 dated 25.02.2014 is wrong / incorrect. DFO has further reiterated that project authority has also



done illegal mining activity on plot no 01, which is notified forest and therefore a forest case has also been lodged against the project proponent for illegal mining on notified forest and emphasized that due to distance of zero(0) meter of aforesaid mining lease, it is causing adverse impact on forest and also requested to cancel the Environmental Clearance.

5. After receiving the complaint from DFO, Giridih East Division, Giridih vide its letter no. 4261, dated : 21.12.2022, a show cause notice was issued to project Authority, Shri Arun Kumar Ladia vide SEIAA letter no. : 319, dated 22.12.2022. Project Authority Shri Arun Kumar Ladia submitted his reply of show cause vide its letter no. zero, dated 10.01.2023, in the light of para 8(vi) of EIA notification, 2006 as referred below:

"Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice".

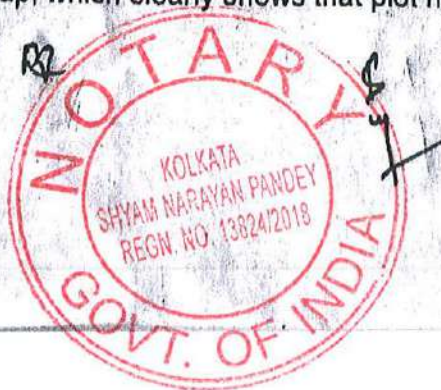
Thereafter a clarification was sought on show cause reply given by Shri Arun Kumar Ladia (Project Authority) from DFO, Giridih East Division, Giridih vide SEIAA letter no. 418, dated : 09.02.2023. The DFO, Giridih East Division, Giridih vide its letter no. : 1704, dated : 20.05.2023 submitted its clarification.



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6. In the clarification of DFO, Giridih East Division, stated that plot no. 01 and plot no. 04 are adjacent to each other. The plot no. 01 is notified forest area and plot no. 04 is area on which mining lease has been granted. Thus distance of boundary of mining lease area i.e., plot no. 04 is at zero(0) meter from notified forest. The actual distance of mining lease boundary is zero (0) meter and is inappropriate for the requirement of Environmental Clearance i.e. 250 meter.
7. As per the provision para 8(vi) of EIA notification 2006, a date 22.06.2023 was decided for personal hearings of both the parties and letter was issued vide SEIAA letter no. 142, dated 12.06.2023 to the DFO, Giridih East Division, Giridih and Project Authority Shri Arun Kumar Ladia to appear before the Member Secretary, SEIAA on 22.06.2023 for hearing of both parties.

Findings:-

8. Shri Pravesh Agarwal, Present DFO Giridih East Division, Giridih and Shri Arun Kumar Ladia with authorised representative Shri Raghav Nandan Prasad appeared before Member Secretary, SEIAA on 22.06.2023. The DFO, Giridih East Division reiterated the same facts as mentioned in his clarification letter no. 1704, dated 20.05.2023 that distance between plot no. 04 (on which mining lease was granted) and plot no. 01 (notified forest land) is zero(0) meter. He also emphasized that project proponent Shri Arun Kumar Ladia has also done illegal mining activity on plot no. 01, which is notified forest and produced documentary evidence like cadastral map, which clearly shows that plot no.01 is adjacent to the plot no. 04.



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9. The D.F.O., Giridih East Division has also submitted the letter no. 630 dated 26.11.2022 of Circle Officer, Bengabad, which addressed to the Deputy Commissioner, Giridih under the subject "inspection report" (Stone Mine of Shri Arun Kumar Ladia at Plot No. 4 & 5(P) at Village - Lakhanpur, Block - Bengabad, District - Giridih, Jharkhand (0.732 Ha) wherein it has been clearly written that:

" मौजा लखनपुर थाना नं० 349, प्लॉट सं० 04 में रकवा 03 डी० पर पत्थर उत्खनन का कार्य किया गया है एवं प्लॉट सं० 05 पर उत्खनन कार्य नहीं किया गया है। खाता सं० 01, प्लॉट सं० 01 सर्वे रकवा 81 एकड़ के मध्ये 1.53 ए० पर पत्थर उत्खनन का कार्य किया गया है, जो गैरमजरूआ खास खाते की भूमि है एवं किस्म जंगल दर्ज है।"

10. Project Proponent through authorized representative Shri Raghaw Nandan Prasad submitted that total plot area of plot no. 01 is 81 Acre while the total notified area as protected forest is only 49.90 Acre. The Gazettee notification dated 27.12.1953 is read with to the following:

"The nature and extent of the rights of Government and of private persons in or over the forest lands and waste lands comprised in this notification have not yet been enquired into and recorded as laid down in sub-section (3) of section 29 of the said Act, but as the State Government thinks that such enquiry and record will occupy such length of time as in the meantime to endanger the rights of Government and as the enquiry and record-of-right will hereafter be made, this notification is issued subject to all existing rights of individuals or communities".



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He further submitted the project proponent Shri Arun Kumar Ladia is also a present Raiyat on 01 Acre of land over plot no. 01 vide registered sale deed no. 10553/9519 dated 24.11.2014 of Sub-Registrar, Giridih. He also submitted the project proponent and lessee is in possession of 01 Acre area of plot no. 01 of mouza Lakhanpur. If the D.F.O. is aggrieved he is free to move a Title Suit and/or Jharkhand Public Land Encroachment Act against project proponent before Competent Court.

11. The authorized representative of the project authority Shri Raghaw Nandan Prasad could not controvert the facts regarding distance given by present DFO, Giridih East Division, Giridih from the forest boundary to lease area.
12. On the basis of above facts, it is clear that nearest distance of mining lease boundary from notified forest is zero(0) meter. And the certificate issued by then DFO, Giridih East Division, Giridih issued vide letter no. 391, dated 25.02.2014 was incorrect and this was the important documents for Screening, Scoping and Appraisal of the project under EIA notification, 2006.

In conclusion, it is ample clear that the project proponent has procured incorrect certificate from then DFO, Giridih East Division, Giridih by concealing the fact that plot no. 01 and plot no. 04 are adjacent to each other. This certificate is found False/incorrect and this certificate was the basis of appraisal and issuing Environmental Clearance by SEAC/SEIAA.

EIA notification 2006 does not give any mandate to SEIAA to take any decision on the facts given in para 10 and 11 presented by



representative of project proponent. He has the liberty to get relief, if any, from the Competent Authority/Court.

In the light aforesaid facts SEIAA In its 106th meeting held on 3rd and 04th July, 2023 has decided that Environmental Clearance granted to said project is hereby, cancelled with immediate effect under para 8(vi) of the EIA notification, 2006. The SEIAA further decided to request to the State Govt. / PCCF HoFF to take the appropriate / disciplinary actions against erring officials of Giridih East Forest Division for issuing incorrect/wrong distance certificate.

13. Accordingly Environmental Clearance issued to said project vide letter no. EC/SEIAA/2014-15/518/2014/703 dated 31.12.2014 is stand cancelled with immediate effect.

14. This is issued with approval of SEIAA, Jharkhand.

08/08/2023
 Member Secretary
 State Level Environment Impact
 Assessment Authority, Jharkhand

Memo No : 205

Ranchi, Date : 08.08.2023

Copy to:

1. Shri Arun Kumar Ladia, S/o Late Vishwanath Prasad, at Village : Tundi, P.O. + P.S. : Giridih, District : Giridih, Jharkhand : 815301 for information and necessary action.
2. Additional Chief Secretary, Department of Forests, Environment & Climate Change, Govt. of Jharkhand with enclosure for information and taking necessary action against the forest officials of Giridih East Forest Division for issuing of wrong certificate.

NR

8/8



Item No.08

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.24/2023/EZ
(I.A. No.50/2024/EZ)

IN THE MATTER OF

1. Mohammad Ilyas,

S/o Ahmad Ali
Nimadih, P.O.- Arkhango,
P.S.- Dhanwar,
District- Giridih.

2. Md. Saraj,

S/o Sadik Miyan
Bajjudih, P.O.- Kubri,
P.S.- Dhanwar,
District- Giridih.

3. Arun Kumar Ladia,

S/o Late Vishwanath Prasad
Vill-Tundi,
P.O. & P.S.- Giridih,
District- Giridih,
Pin- 815301.

.....Appellant(s)

Versus

1. State of Jharkhand,

Through Additional Chief Secretary,
Department of Forests, Environment & Climate Change,
Government of Jharkhand, Nepal House,
Ranchi- 834002.

2. State Level Environment Impact

Assessment Authority (SEIAA), Jharkhand,
Through its Member Secretary,
Nursery Complex, Near Dhurwa Bus Stand,
Dhurwa, Ranchi,
Pin- 834004.

3. Collector Cum Deputy Commissioner, Giridih,

Mahesh Mundi,
Paparwatand Colony, Jharkhand,
Pin- 815301.

4. District Mining Officer,

Giridih, Kuldiha,
Jharkhand - 815311.



5. **Divisional Forest Officer,**
Giridih East Division,
13, Forest Colony,
Giridih,
Jharkhand – 815301.

6. **Central Pollution Control Board,**

7. **Ministry of Environment, Forests & Climate Change,**
New Delhi,

.....Respondent(s)

Date of hearing and reserving of order:
Date of uploading of order on NGT Website:

30.07.2024
23.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Sanjay Upadhyay, Sr. Advocate a/w
Ms. Paushali Banerjee, Advocate

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for R-1,3-5, (in Virtual Mode)
Mr. Ashok Prasad, Advocate for R-2,
Mr. Dipanjan Ghosh, Adv. for R-6, (in Virtual Mode)
Mr. Apurba Ghosh, Adv. for R-7, (in Virtual Mode)

ORDER

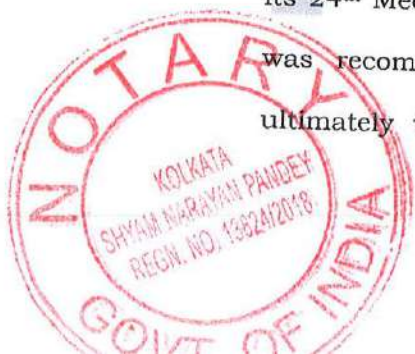
1. Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Paushali Banerjee, learned Counsel are present for the Appellants and Ms. Aishwarya Rajyashree, Mr. Ashok Prasad, Mr. Dipanjan Ghosh and Mr. Apurba Ghosh, learned Counsel for the Respondents.
2. The Appellants in the present Appeal are seeking quashing of the Order dated 08.08.2023 passed by State Environment Impact Assessment Authority (SEIAA), Jharkhand, cancelling the Environmental Clearance of the Appellants dated 31.12.2014, *inter-alia*, on the ground that the distance of the Appellants' Plot from the forest land is Zero.
3. It is stated that the Appellant No.3, Arun Kumar Ladia, was granted mining lease of stone minor mineral over 1.81 acres of land situated in Mouza – Lakhanpur, Police Station – Bengabad District-



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Giridih, bearing Cadastral Survey No./Thana No.349 over Khata Nos.02 & 04, Plot Nos.04 & 05 (P) under Jharkhand Minor Mineral Concession Rules, 2004, for a period of 10 years w.e.f. 05.02.2015 after fulfilment of all statutory criteria. The Appellant Nos.1 and 2 are the present lease holders to whom the lease had been stated to be transferred by the Appellant No.3 vide registered Lease Deed dated 26.11.2021.

4. It is further stated that prior to the grant of the aforesaid mining lease, the Project Proponent, Appellant No.3, had submitted application on 07.11.2014 for grant of prior Environmental Clearance of the Stone Mining Project on Plot Nos.4 & 5 (P), Village - Lakhanpur, Block - Bengabad, District - Giridih, Jharkhand, along with all statutory documents like - NOC given by the Gram Sabha and certificates issued by Circle Officer, Bengabad, District Mining Officer, Giridih and Divisional Forest Officer, Giridih East Division etc.
5. It is also stated that the Circle Officer, Bengabad forwarded letter No.786 dated 23.10.2013 to the Assistant Mining Officer, Giridih, stating specifically therein that the Plot in question is not forest land. It is stated that thereafter the Divisional Forest Officer, Giridih East Division, issued letter dated 25.02.2014 to the Assistant Mining Officer, Giridih regarding distance of the applied area for mining lease from the forest boundary which is more than 500 meters. On the basis of the aforesaid documents, the proposal was appraised by the State Expert Appraisal Committee (SEAC) in its 24th Meeting held on 15-18th December, 2014, and the Project was recommended for grant of Environmental Clearance and ultimately the State Environment Impact Assessment Authority



(SEIAA) Jharkhand, in its 28th Meeting held on 30.12.2014 decided to grant Environmental Clearance to the Project of the Appellant No.3 and in pursuance thereof Environmental Clearance was granted on 31.12.2014.

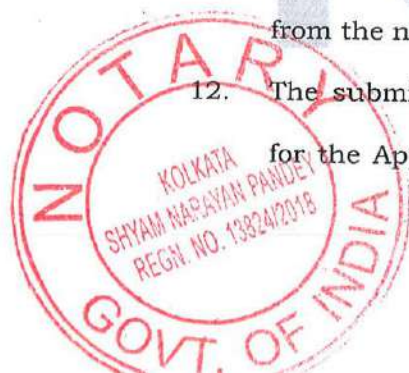
- 6. It is also stated that in 2021, the Appellant No.3 transferred the lease of the land in question to the Appellant Nos.1 and 2. However, the Appellant Nos.1 and 2 thereafter received an order from SEIAA vide Memo No.319 dated 22.12.2022 keeping the Environmental Clearance in abeyance in view of the letter of the Divisional Forest Officer, Giridih, dated 15.12.2022 stating that the lease area is situated at Zero distance from the forest land and is encroaching into the adjoining forest Plot No.01. It is stated that the contention of the Divisional Forest Officer in his letter dated 22.12.2022 is that Plot No.01 is a notified Forest and the distance of Plot Nos.4 & 5 (P) i.e., the Plots in question, from Plot No.1 is Zero.
- 7. The case of the Appellants is that no show cause notice has been issued by SEIAA, Jharkhand, to them before passing the order dated 22.12.2022 keeping the Environmental Clearance in abeyance. However, SEIAA issued letter dated 29.12.2022 directing the Appellant No.3 to submit written statement before SEIAA.
- 8. It is stated that the three Appellants appeared before SEIAA, Jharkhand, and submitted their reply dated 10.01.2023. It is also stated that SEIAA, Jharkhand, thereafter provided opportunity of hearing to the Project Proponent on 22.06.2023. The Appellant No.3 appeared before SEIAA, Jharkhand on 22.06.2023 and filed his written submission. The stand of the Appellants is that Plot No.01 of Mouza - Lakhanpur is recorded as 'Jungle Jhar' and it is stated that only 49.90 acres, out of 81 acres of the full plot area, has been



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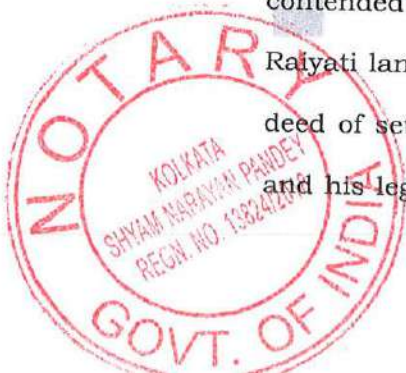
notified as 'Protected Forest' vide communication No.3983 dated 26.11.2022 of the Divisional Forest Officer addressed to the District Mining Officer, Giridih. It is stated that the guidelines requiring maintaining minimum 250 meters distance from Protected Forest and Reserve Forest is with respect to Protected Forest and Reserve Forest and not from 'Jungle Jhar' as per Specific Conditions No.6 and 10 of the Environmental Clearance.

9. The case of the Appellants further is that in his Memo No.3983 dated 26.11.2022 the Divisional Forest Officer, Giridih East Division, has stated that afforestation has been done over Plot No.16/20 of this Mouza at 195 meters and the same has been sent to the Government for notification and, therefore, the Divisional Forest Officer cannot turn the clock anti-clockwise and adversely affect a backdated Clearance/Mining Lease on the basis of a notification which is yet to be published.
10. The Appellants have filed letter of the Circle Officer, Bangabad, dated 23.12.2013 (Annexure-B, page 81) and submitted that the Circle Officer Bangabad had itself certified that the plot in question, namely, Khasra No.04, 05 (P) area 1.01 acres is not 'Jungle Jhari' and is also not a forest land.
11. Reference has also been made to the letter of the Divisional Forest Officer, Giridih East Division, dated 22.02.2014 (Annexure-C, page no.83, to the Memo of Appeal), and it is submitted that the Divisional Forest Officer had also certified that the land in question is not a notified forest and besides the said land is 500 meters away from the notified forest land.
12. The submission of Mr. Sanjay Upadhyay, learned Senior Counsel for the Appellants is that it is on the basis of this document that



State Expert Appraisal Committee ('SEAC' for short) had recommended for grant of Environmental Clearance to the Project Proponent ('PP' for short) and on the basis of the recommendations of SEAC, the Environmental Clearance dated 31.12.2014 (Annexure-D, page 84) was granted to the Appellant No.3 by the SEIAA, Jharkhand.

13. From the document dated 22/29.12.2022 filed as Annexure-E (page no.89), we find that the letter of the Divisional Forest Officer, Giridih East Division, dated 25.02.2014 was considered by the SEAC, Jharkhand, in its 24th meeting held on 15-18.12.2014 on the basis of which the SEIAA, Jharkhand, in its 28th meeting held on 30.12.2014 had recommended for grant of Environmental Clearance to the Project Proponent.
14. The submission of the learned Senior Counsel further is that the lease of the land in question was transferred by the Appellant No.3, Arun Kumar Ladia, to the Appellant No.1 & 2, Mohammad Ilyas and Md. Saraj respectively in 2021 but thereafter the SEIAA, Jharkhand, by its order dated 22.12.2022 communicated to the Appellant Nos.1 & 2 that the Environmental Clearance had been kept in abeyance in view of the letter of the Divisional Forest Officer dated 15.12.2022 and also that the Appellant had encroached into adjoining forest Plot No.01. It is stated that the contention of the Divisional Forest Officer in his Memo No.319 dated 22.12.2022 is that the Plot No.01 is a notified forest and the distance of the said plot from the Plot Nos.4 & 5 (P) is Zero. It has been vehemently contended by the learned Senior Counsel that the Plot No.1 is Raiyati land which was purchased by one Jamuna Ram through a deed of settlement from one Kani Ram in 1951 and Jamuna Ram and his legal heirs were in possession of Plot No.1 since 1951; the



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Appellant No.3, Arun Kumar Ladia, purchased 1.00 acre of land in Plot No.1 from the legal heirs of Jamuna Ram through two deeds being Deed Nos. 9519 and 9520 in 2014.

15. Reference has also been made to the order of the Forest Settlement Officer dated 16.07.1962 (Annexure-G, page no.132) in Case No.285 of Bengabad of 60-61, Petitioner-Sri Jamuna Ram and others, and it is submitted that the Forest Settlement Officer had conducted an enquiry on 04.12.1961 and found the land to be Parti and Waste land without any forest vegetation and, therefore, it was ordered that the Plot No.1 and Plot No.35 are Raiyati land of the Petitioner, Sri Jamuna Ram and others, and it is for the Divisional Forest Officer to consider the usefulness of this land for afforestation purposes and to take necessary steps for its acquisition under the Land Acquisition Act. It was further directed that if the Divisional Forest Officer did not take any step for acquisition within a period of three months from the receipt of the order, the petitioner shall have to take a formal order of release from the court of the Forest Settlement Officer.
16. The stand of the Appellants further is that till date no notice of acquisition has been issued to the Appellants and the name of Sri Jamuna Ram is recorded as owner of the plot in question though thereafter the Appellant No.3 purchased 1.00 acre of Plot No.1 from its recorded owner.
17. It is further submitted by the learned Senior Counsel for the Appellants that SEIAA, Jharkhand, without issuing any show cause notice to the Appellants has issued Memo No.319 dated 22.12.2022 keeping the Environmental Clearance granted on 31.12.2014 in



abeyance in view of the letter of the Divisional Forest Officer, Giridih, dated 15.12.2022.

18. The case of the Appellants further is that in pursuance of the notice issued by SEIAA, Jharkhand, the Project Proponent, Arun Kumar Ladia, Appellant No.3, and lessees Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, appeared before the SEIAA and submitted their reply dated 10.01.2023 stating that the alleged letter of the Divisional Forest Officer and the letter No.4261/22 through which the Environmental Clearance was kept in abeyance were not supplied to the Appellants and there is no allegation of deliberate concealment or submission of false/misleading information or data by the Project Proponent and, therefore, the provisions of Clause 8 (vi) of the EIA Notification, 2006, is not attracted in the present case nor has the Appellant been convicted by any court of law nor has the lessee been convicted of any illegal mining/encroachment over Plot No.1 of Mouza-Lakhanpur.

19. It is stated that after about five months the SEIAA, Jharkhand, provided opportunity of hearing to the Project Proponent on 22.06.2023 vide Memo No.142 dated 12.06.2023. The Appellant No.3 Arun Kumar Ladia, appeared before the SEIAA in the hearing held on 22.06.2023 and filed his written submissions along with preliminary objection, copy of the written submissions has been placed on record as Annexure-K (page145), which read as under:-

"(i) Any appeal against environment clearance lies with NGT and hence the Divisional Forest Officer, Giridih should have filed its objection/complain if any before NGT and not SEIAA;

(ii) The exercise of power delegated to SEIAA vide S.O.637 (E) dated 28.02.2014 of MOEFCC can only be used when SEIAA is



satisfied that there is violation of the conditions of environment clearance;

(iii) The DFO, Giridih has unambiguously accepted that Plot No.01 of Mouza Lakhanpur is recorded as 'Jungle Jhar' in Khatian and is to be treated as deemed forest as only 49.90 acres part area out of 81 acres of full plot area has been notified as protected forest vide communication No.3983 dated 26.11.2022 of DFO addressed to District Mining Officer, Giridih.

(iv) That guideline of 250 meters of distance is from Protected Forest and Reserve Forest and not from 'Jungle Jhar' (Refer A. Specific Conditions No.6/10 of EC);

(v) The contention of DFO Giridih is totally against the principle of natural justice and fair play when he says in Memo No.3983 dated 26.11.2022 that afforestation has been done over Plot No.16/20 of this Mouza at 195 meters and the same has been sent to Government for notification. DFO is unaware that he cannot turn the clock anti clockwise and adversely affected a backdated clearance/mining lease on the basis of a notification which is yet to be published;”

20. It is also stated that the Divisional Forest Officer, Giridih, vide his letter dated 26.11.2022 informed the District Mining Officer, Giridih, that 49.90 acres of land in Plot No.01 is forest land and the Hon'ble Supreme Court vide its order dated 12.12.1996 passed in Writ Petition No.202/1995 (T. N. Godavarman Thirumulpad Vs. The Union of India), directed creation of a Committee to identify forest land, based on which the forest is to be a 'deemed forest'. It is also stated that the Divisional Forest Officer, Giridih, vide his letter being No.483/2022 informed that the Plot Nos. 4 & 5 (P) are at Zero distance from the Plot No.01 which is forest land.

21. The term 'forest' has been defined by the Hon'ble Supreme Court in T. N. Godhavarman (Supra) vide its order dated 12.12.1996. Para 4 of the judgment reads as under:-



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"4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land" occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in Ambica Quarry Works v. State of Gujarat, Rural Litigation and Entitlement Kendra v. State of U.P. and recently in the order dated 29-11-1996 (Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority). The earlier decision of this Court in State of Bihar vs. Banshi Ram Modi has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permission granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay."

22. The submission of the learned Senior Counsel for the Appellants is that although the letter of the Divisional Forest Officer, Giridih, states that the Plot No.01 is notified as 'deemed forest' but only 49.90 acres of Plot No.01 is forest land out of the total area of 81

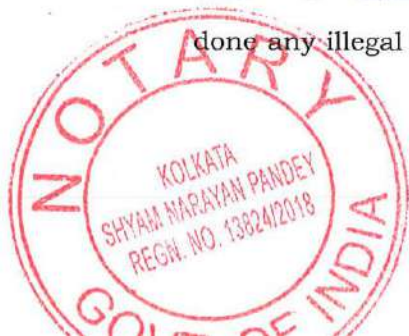


acres as per the notification of 1953. It is further submitted that the Appellant No.3 has purchased only 1.00 acres of Plot No.01 from its recorded owner and there is nothing on record to show that this plot is a part of the 49.90 acres of land declared to be forest land.

23. It is further submitted that neither the Appellants nor their predecessors were ever issued any notice communicating any notification of 1953 or otherwise to show as to which part of Plot No.01 has been demarcated as forest land which may or may not include 1.00 acres of land being purchased by the Appellant No.3, even though in terms of the directions of the Hon'ble Supreme Court issued in T. N. Godhavarman (Supra), it is the responsibility of the State Government to constitute an Expert Committee to identify the forest land.

24. The categorical case of the Appellants is that even if 49.90 acres out of 81 acres of Plot No. is declared to be forest, the same is required to be demarcated by the Expert Committee. The contention of the Appellants is that the Plot purchased by the predecessor of the Appellant No.3 was declared to be 'Parti and 'Waste' land and that Jamuna Ram, the predecessor of the Appellants, had acquired Raiyati Right over 60.50 acres in Village-Palokhari and 192.50 acres in Village-Lakhanpur; and that Plot No.01 of Village-Lakhanpur and Plot No.35 of Village-Palo Khari are part and parcel of the above mentioned Raiyati land as per order of the Forest Settlement Officer dated 16.07.1962.

25. The categorical stand of the Appellants further is that they have not done any illegal mining on Plot No.01 rather they have constructed



an approach road on Plot No.01 to reach Plot Nos.4&5 (P) in terms of the mining lease deed of 2015 Part-II Clause 3.

26. The Appellants have further placed on record the Central Pollution Control Board's Guidelines, 2020 (page 330 of the paper book), with regard to the 'Distance Criteria for Permitting Stone Quarrying' which was issued in pursuance of the order of the National Green Tribunal in Original Application No.304/2019 (*M. Haridasan & Ors. Vs. State of Kerala*), wherein the Tribunal had observed that the distance of 50 meters for stone quarry, particularly when blasts are involved, is highly inadequate and can have deleterious effect on noise and air pollution, environment and public health and had directed the Central Pollution Control Board to examine the matter and lay down more stringent conditions and appropriate distance.

27. We find that in these guidelines there is no existing distance criteria laid down for mining activities in the State of Jharkhand but that does not mean that there cannot be or should not be any siting criteria for stone quarrying mines in the State of Jharkhand. However, by way of illustration, a perusal of existing guidelines show that for Kerala a minimum 100 meters distance has been prescribed from residential buildings, places of worship, public buildings, public road, river or lake, railway line and bridges and where mining is carried on using explosives the distance is 100 meters; for Karnataka where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Maharashtra where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Gujarat where blasting is involved it is 200 meters and where no blasting is involved it is 50 meters; for Rajasthan it is 45 meters; for Madhya Pradesh it is 50 meters; for



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Punjab it is 75 meters; for Tamil Nadu it is 50 meters; for Orissa it is 100 meters; for Chhattisgarh it is 300 meters; for Bihar it is 50 meters; for Uttar Pradesh it is 50 meters; for Himachal Pradesh it is 75 meters; for Jammu & Kashmir it is 500 meters where explosives are used and 150 meters where explosives are not used; for West Bengal it is 5000 meters minimum distance from barrage axis or dam or a river and 200 meters minimum distance from any hydraulic structure, reservoir, bridge, canal, road and other public works or buildings and 200 meters minimum distance from both sides of any river bridge or culvert over any waterway or from any embankment and structural works of the irrigation and waterways and 100 meters minimum distance from any railway land; for Assam it is 250 meters minimum distance from outer periphery of the defined limits of any village habitation, national highway, state highway and other roads and 50 meters where no blasting is involved; for Meghalaya it is 50 meters and 10 meters; and for Manipur it is 50 meters.

28. At the cost of repetition, we may observe that State of Jharkhand is not mentioned in this list, however, the Central Pollution Control Board Guidelines, 2020, now prescribes uniform criteria for distance of 100 meters in case of quarry without explosives and 200 meters quarry with blasting, with the condition that stricter criteria would prevail if those criteria exist in the State regulation. Incidentally, the criteria under the Central Pollution Control Board Guidelines, 2020, does not contain any reference to distance of quarry from forest area such that a quarry should be environmentally compliant.



29. The Appellants have filed further affidavit dated 02.04.2024 wherein it is stated that the Plot No.01 was purchased by Sri Jamuna Ram through Deed No.806/51 of settlement in 1951 and the Appellant No.3, Arun Kumar Ladia, purchased 1.00 acre of the said Plot No.01 through Deed Nos.9519 and 9520 in 2014 from the heirs of Sri Jamuna Ram. The Appellants have also filed the copy of the Record of Rights dated 26.11.2022 wherein the Plot No.1+1 is shown having area of 145 acres, 2 decimal, 0 hectares and the agricultural revenue rent (Lagaan) being paid is Rs.145.1 and cess is shown as 210.4. Learned Senior Counsel for the Appellants submitted that the Lagaan is the rent paid for agricultural revenue land and the Record of Rights does not show the land in question be a protected forest. It is categorically denied that the Plot No.01 is a notified forest land, since acquisition of the said land, which is admittedly a private land, has not yet been completed.

30. The Collector-cum-Deputy Commissioner, Giridih, Respondent No.3, along with his affidavit of 22.11.2023 has filed document dated 18.11.2023 as Annexure-1 (page no.192 of the paper book), which is a letter of the Circle Officer, Bangabad, with regard to the status of Thana No.349, Khata No.1, area 1.70 acres in Mouza-Lakhanpur, to show that the said land is recorded in the name of Devanti Devi, W/o Dharam Ravidas-S/o Sanichar Ravidas, which is shown to have been purchased. The other Plot No.01 is shown to be recorded in the name of Jamuna Ram, Radhika Ram, Mathura Ram, S/o Dularchand Ram and Moosan Ram and Budhan Ram in Mouza-Lakhanpur. The document further mentions Case No.1/2004-05, area 81.00 acres and Plot No.15 area 44.75, Plot No.23 area 66.75 total area 192.50 and Mouza-Palokhari Khata



No.1, Plot No.35 area 58050, Plot No.25 area 2.02 total 60.52 decimals and combined area of both the Mouzas being 253.02 acres is remaining after sale which is shown as 145.02 decimals and it is mentioned that from the documents in the revenue office it is not clear as to what is the nature of the remaining land of Mouza-Lakhanpur Khata No.349, Plot No.1, and this is a matter for adjudication by the appropriate court.

31. The District Mining Officer, Giridih, Respondent No.4, has filed affidavit dated 22.11.2023 stating that Appellant No.3, Arun Kumar Ladia, was granted mining lease of stone minor mineral over 1.81 acres of land situated in Mouza-Lakhanpur, Police Station-Bengabad, District-Giridih, bearing Cadastral Survey No./Thana No.349 over Khata No.02&04, Plot Nos.-04&05(P) for a period of 10 years w.e.f. 05.02.2015 under the Jharkhand Minor Mineral Concession Rules, 2004. It is stated that Arun Kumar Ladia, Appellant No.3, transferred this mining lease in favour of the Appellant Nos.1&2, Mohammad Ilyas and Md. Saraj, vide registered lease deed dated 26.11.2021 under Rule 24 of the Jharkhand Minor Mineral Concession Rules, 2004, and as such on and with effect from 26.11.2021/30.11.2021, the transferee Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, respectively, became the lessees by stepping into the shoes of the transferor and original lessee Arun Kumar Ladia.

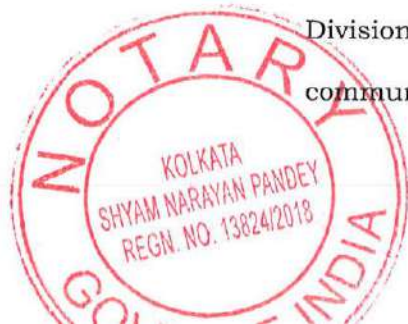
32. In the affidavit, it is further stated that the Divisional Forest Officer, Giridih, vide letter No.3840 dated 12.11.2022 (Annexure-2, page 234, to the affidavit), informed that the lessee has encroached Plot No.1 which is Forest/Jungle Jhari land and has gone beyond his lease boundary and that Plot Nos.4&5 (P) are situated at Zero meter



distance from the said forest land. It is stated that the Appellants/lessee opposed the report of the Circle Officer, Bengabad, dated 26.11.2022 whereupon re-demarcation of the mining lease area was carried out under the supervision of Additional Collector, Giridih, and the mining lease area over Plot Nos.4&5 (P) was re-demarcated vide Demarcation Case No.52/2022-23 wherein it was reported that the mining operation of lessees Mohammad Ilyas and Md. Saraj, Appellant Nos.1&2, is confined over Plot Nos.4&5(P) only and Plot No.01 of Mouza-Lakhanpur is being used as approach road to the mining lease area. It was also reported that lessee/ex-lessee is having 1.00 acres of land over Plot No.01 of Mouza-Lakhanpur by way of registered sale-purchase deed over which ex-lessee had built-up the road which is still in use.

33. It is further stated that in the meantime the Divisional Forest Officer, Giridih, vide his letter No.3983 dated 26.11.2022 addressed to the District Mining Officer, informed that earlier No Objection letter No.391 dated 25.02.2014 issued by the then Divisional Forest Officer, Giridih, was due to mistake of fact and according to the present Divisional Forest Officer this mining lease is situated at Zero distance from the forest land. It was also stated by the Divisional Forest Officer that Plot No.01 of Mouza-Lakhanpur was entered as "Jungle Jhar" in Khatian and an area of 49.90 acres was notified as forest land vide Notification of 1952/1954 under the Indian Forest Act, 1927.

34. In the affidavit, it is further stated that it appears that the present Divisional Forest Officer, Giridih, has made individual communication directly to the SEIAA, Jharkhand, upon which the



SEIAA, Jharkhand, has passed the impugned order of 08.08.2023 cancelling the Environmental Clearance dated 31.12.2014.

35. The Divisional Forest Officer, Giridih East Forest Division, Jharkhand, Respondent No.5 in his affidavit dated 30.11.2023 has stated that the Forest Range Officer, Khurchutta Range, Bengabad, carried out a detailed survey along with the Forester-in-Charge and Forest Guard on 10th November, 2022 and 12th November, 2022 and submitted a report vide letter dated 12.11.2022 wherein it was stated that the Plot Nos.4&5(P) are situated adjacent to the notified and demarcated protected forest of Plot No.01, and that the stone quarry operations were being conducted in a portion of the forest area in Plot No.01 by illegally encroaching upon it and, therefore, an Offence Report No.01420 dated 12.11.2022 has been lodged against the stone quarry owners/managers (Appellants). It is also stated that the Plot No.01 in Lakhanpur-Mouza was initially notified as a private protected forest under Section 14 of the Bihar Private Forest Act, 1946 ('the Act, 1946' for short) vide Notification No.12726-VIF-156/46R dated 30.11.1946. Subsequently, Notification No.1863-VIF/296/50R dated 30.03.1950 was issued under Section 15 of the Act, 1946, declaring Plot No.01 in Lakhanpur-Mouza as a private protected forest wherein ownership of the land has been shown to be in favour of the then Raja (Jamindar) Raja Bahadur Kamakhya Narayan Singh of Padma which later vested in the State of Bihar (now State of Jharkhand) after promulgation of the Bihar Land Reform Act, 1950, and the land in question was thereafter notified as a protected forest vide Notification Nos.CPF-10152/52-5803R dated 27.12.1952 and C/F-17066/54-3419R dated 11.08.1954. It is stated that under this



notification the name of the owner of the land in column no.2 is shown as 'State of Bihar'.

36. In the affidavit, it is further stated that the total area of Plot No.01 in Mouza-Lakhanpur is 81 acres out of which 49.90 acres was notified as Protected Forest vide Notifications dated 27.12.1952 and 11.08.1954; thereafter the Forest Settlement Officer ('FSO' for short) was appointed to enquire into the rights and claims of private individuals, if any, and the FSO after making due enquiry of claims made, if any, demarcated an area of 48.02 acres of Plot No.01 on the map and duly signed on 28.02.1966 as 'forest' and since then the demarcated forest area of Plot No.01 has been in undisputed possession, control and management of the Forest Department and has been a part of the management under Working Plan.

37. The stand of the Divisional Forest Officer, Giridih, further is that only 48.02 acres of land has been demarcated as protected forest out of the total area of 81 acres in Plot No.01 and the rest of the area i.e., 33 acres of Plot No.01 is the property of the State Government and has been handed over to the Divisional Forest Officer, Giridih East Forest Division by the Circle Officer, Bengabad, for plantation purposes vide his letter dated 14.02.2023; the nature of this 33 acres of land (outside demarcated protected forest) is 'Jungle Jhadi' as per the Government records and is considered as 'deemed forest'.

38. It is also stated that the Deputy Commissioner, Giridih, directed the Circle Officer, Bengabad, vide his letter No. 1089/M dated 24.11.2022 to conduct an enquiry and as per the enquiry report dated 25.11.2022 it was confirmed that illegal excavation and



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mining has been done in part of Plot No.01 and accordingly information was communicated to the SEIAA, Jharkhand, by the Divisional Forest Officer, Giridih East Forest Division, vide his letters dated 15.12.2022 and 21.12.2022 stating that the actual distance of mining lease area of stone quarry of Shri Arun Kumar Ladia, Appellant No.3, at Plot Nos.4&5(P) in Lakhanpur-Mouza is at Zero meter and the previous report of the then Divisional Forest Officer dated 25.02.2014 is incorrect. It was also pointed out that the Plot No.01 is a notified forest in which illegal mining is being carried on by the Appellants which constitutes violation of Condition C (2) of the Environmental Clearance. It is also the stand of the State Respondents that the said mining by the Project Proponent, Appellants, would have an adverse impact on forest area and plantation work done nearby and, therefore, a request was made for cancellation of the Environmental Clearance.

39. The stand of the State Respondents further is that the distance of boundary of the mining lease of Plot No.5(P) is at Zero meter from the notified forest, the same does not fulfill the criteria of the minimum distance of 250 meters for Environmental Clearance.
40. The stand of the Ministry of Environment, Forests and Climate Change, Respondent No.7, in its affidavit dated 26.07.2024 is that vide Notification S.O.1886(E) dated 20.04.2022 Environmental Clearance of all minor minerals shall be dealt at State level irrespective of mine lease area. It is also stated that the land in question is a subject matter of State Government and forest areas and the legal boundaries thereof are determined by the State Government.



41. It is further stated that prior approval from the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (formerly known as Forest (Conservation) Act, 1980) is mandatory for carrying out any non-forestry activity in the forest land. Reference has also been made to the judgment of the Hon'ble Supreme Court dated 12.12.1996 passed in Writ Petition (C) No.202 of 1995 (*T. N. Godavarman Thirumulpad Vs. Union of India & Ors.*).

42. The SEIAA, Jharkhand, Respondent No.2, in its affidavit dated 05.01.2024 has reiterated the stand of the Divisional Forest Officer, Giridih, and stated that the Divisional Forest Officer vide his letter dated 21.12.2022 complained that the actual distance of mining lease of stone mine of Arun Kumar Ladia, Appellant No.3, at Plot Nos.4&5(P) Village-Lakhanpur, Block-Bengabad, District-Giridih, Jharkhand (area 0.732 hectares) is only Zero meter from the forest standing on Plot No.01 and that the previous certificate issued by the then Divisional Forest Officer vide letter dated 25.02.2014 was wrong. It is also stated that the present Divisional Forest Officer complained that the Project Proponent (i.e., the Appellants herein), was carrying on illegal mining activity on Plot No.01 which is a notified forest and, therefore, a forest case has also been lodged against the Project Proponent; the Appellant No.3 was also issued a show cause notice vide SEIAA, Jharkhand, letter dated 22.12.2022; the Project Proponent submitted his reply on 10.01.2023 denying the contents of the show cause notice; thereafter a clarification was also sought from the Divisional Forest Officer, Giridih, vide SEIAA, Jharkhand, letter dated 09.02.2023 which was submitted by the Divisional Forest Officer, Giridih, vide his letter dated 20.05.2023



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stating that the mining was being carried on on Plot Nos.4&5(P) and was within Zero meter distance from the notified forest standing on Plot No.01 which is protected/notified forest and, therefore, in violation of the requirement of a minimum distance of at least 250 meters for grant of Environmental Clearance.

43. It is also stated that the Divisional Forest Officer, Giridih, and the Appellant No.3 with his authorized representative Shri Raghav Nandan Prasad, appeared before the SEIAA on 22.06.2023 and they were heard and cadastral map was also filed by the Divisional Forest Officer to show illegal mining being done by the Appellant No.3 on Plot No.01 which is adjacent to Plot No.4.

44. We have heard the learned Counsel for the parties and perused the documents on record.

45. The Environmental Clearance dated 31.12.2014 was granted to the Project Proponent, Appellant No.3, by the SEIAA, Jharkhand, on the basis of its recommendations in its meeting held on 30.12.2014. Condition 'A' of the Environmental Clearance deals with 'Specific Conditions', Condition 'B' deals with 'General Conditions' and Condition 'C' deals with 'Other Points'. Condition C (2) of the Environmental Clearance provides that *"the Environmental Clearance accorded shall be valid for the period of grant of lease for the mine (generally 10 years). The PP shall not increase production rate and alter lease area during the validity of Environmental Clearance"*. The lease was granted for the project of stone mine of Shri Arun Kumar Ladia, Appellant No.3, on Plot Nos.4&5(P) in Village-Lakhanpur, Block-Bengabad, District-Giridih, Kharkhand (Area 0.732 Ha.).



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46. From the Environmental Clearance it is clear that the same was granted for stone mining operation only on Plot Nos.4&5(P) and not on Plot No.01 or any part thereof. The stand of the Appellants is that the land in question has not been identified as a forest area which was a mandatory requirement in view of the judgment of the Hon'ble Supreme Court in T. N. Godhavarman (Supra). The learned Senior Counsel appearing for Appellants submitted that the undisputed fact in the present case is that Plot No.01 comprised an area of 81 acres of which only 49.90 acres was declared to be forest land by the then Government of Bihar vide Notification of 1953. The contention of the learned Senior Counsel is that part of this 49.90 acres of land out of the total 81 acres in Plot No.01 has not been demarcated and, therefore, it cannot be alleged that the Appellants have encroached into the forest land and carried out illegal stone mining. The submission of the learned Senior Counsel further is that a Committee of Experts ought to have been constituted in order to determine as to whether the Plot No.01 was indeed a waste land or forest land and in the absence of such determination the Appellants cannot be said to have carried out illegal stone mining in forest land standing on Plot No.01 in Mouza-Lakhanpur.

47. Learned Senior Counsel further laid stress on the order of the Forest Settlement Officer dated 16.07.1962 (page 132 of the paper book) and submitted that the said order mentions that the land in Plot No.01 belonged to Shri Jamuna Ram and others, predecessors of the Appellant No.3, and it was found that the land was 'Parti' and 'Waste' land; there was no forest vegetation or fencing found during the local inspection. In the same order of 16.07.1962 the Forest Settlement Officer while deciding the Case No.285 of

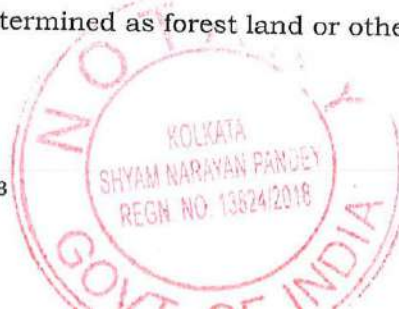


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Bengabad of 60-61 has noted the Bihar Government Notification dated 27.12.1952 notifying 49.90 acres of the land as forest land and thereafter has recorded a finding that the land in Plot No.01 was Raiyati land and cannot become Government property as envisaged in Section 29 of the Indian Forest Act, 1927, unless the said land is acquired under the Land Acquisition Act, 1894.

48. The repeated stand of the Appellants is that Plot No.01 is the Raiyati land purchased by Shri Jamuna Ram in 1935 and they have been in possession since 1951 and that the Appellant No.3 purchased 1.00 acre of land in Plot No.01 through two deeds in 2014 from the legal heirs of Shri Jamuna Ram. The case of the Appellants further is that till date no land acquisition notice has been received by the Appellants and the said land continues to be recorded in the name of Shri Jamuna Ram but thereafter the Appellant No.3 purchased 1.00 acres of the said Plot No.1 from the recorded owner.

49. Two points emerge for consideration, one, so far as the submission of the learned Senior Counsel for the Appellants is concerned that 1.00 acres of land in Plot No.01 is the ownership property of the Appellant No.3 having been purchased from the erstwhile recorded land holder Shri Jamuna Ram and his heirs and that the land in question has never been acquired by the Government, and second, that as per the findings recorded by the Forest Settlement Officer vide his order dated 16.07.1962, Plot No.01 is Raiyati land but 'Parti' and 'Waste' land and has never been determined to be a forest land nor has the portion of 1.00 acres purchased by the Appellant No.3 ever been determined as forest land or otherwise.



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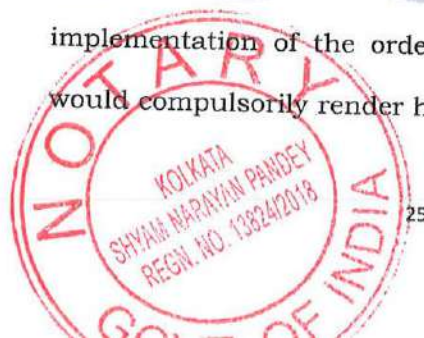
50. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in (1962) 3 SCR 727: AIR 1966 Sc 1847 (*State of Bihar & Ors. Vs. Lt. Col. K.S.R. Swami*). This was also is a case under Bihar Private Forest Act, 1946 ('Act, 1946' for short), wherein the Governor in the said case had by notification ordered that until publication of a notification under Section 30 of the Act, 1946, all the rights to cut, collect and remove trees or class of trees in or from the forest shall cease to exist subject to conditions and specifications specified in the Second Schedule. The appeal before the Hon'ble Supreme Court was filed by the State of Bihar and the argument of the State was that words 'notification under Section 30 is published' includes a notification made under the proviso to that section and that subsequently when a notification under the proviso to Section 30 has been published all rights other than landlord's rights, in respect of which no claim has been preferred under Section 16 of the Act, 1946, and of the existence of which no knowledge has been acquired by an enquiry under Section 17 of the Act, 1946, shall be extinguished. It is also noted by the Hon'ble Supreme Court that it is clear that rights 'other than landlords' rights in respect of which no claim has been preferred under Section 16 or which have not been disclosed by enquiry under Section 17 were intended by the legislature to be extinguished only after the final notification is made.
51. In our opinion, the controversy in the present case is not with regard to the rights of the landlord or the Appellants herein over the Plot No.01 or acquisition of the said Plot by the State Government, since the Plot No.01 was never the subject matter of the Environmental Clearance granted to the Appellant No.3. The entire



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claim of the Appellants that no acquisition proceedings have been held with respect to the Plot No.01 under the Land Acquisition Act as held by the Forest Settlement Officer and, therefore, the rights of the landlord and his erstwhile owner Jamuna Ram and his successor in interest the Appellant No.3 do not stand extinguished, are absolutely irrelevant for purposes of determining the controversy in the present case.

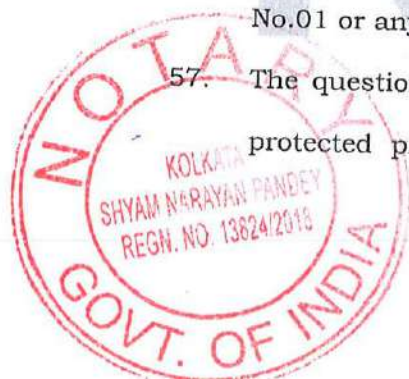
52. The Appellants have also placed reliance on the judgment of the Hon'ble Supreme Court in (2014) 3 SCC 430 (*Godrej and Boyce Manufacturing Company Limited and Anr. Vs. State of Maharashtra & Ors.*), which was a case in which notice had been issued under Section 35 (3) of the Indian Forest Act, 1927, and the question was whether mere issuance of notice under Section 35(3) of the Forest Act, 1927, was sufficient for any land having declared as 'Private Forest' within the meaning of expression as defined in Section 2 (f)(iii) of the Maharashtra Private Forest (Acquisition) Act, 1975, which was issued to Godrej in 1957 but no decision was taken thereon till 1975. The Hon'ble Supreme Court held that in view of the unusual long period of time of 18 years that had lapsed for enabling the State to take a decision on the show cause notice, the show cause notice must be treated as having become a dead letter. The question in that case was also that a large number of constructions such as - residential buildings, industrial buildings, commercial buildings, Bhabha Atomic Energy Complex and Employees State Insurance Scheme Hospital had come into existence over the so called forest land and, therefore, implementation of the orders/decisions of the State Government would compulsorily render homeless thousands of families, some of



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whom may have invested considerable savings in the undisputed lands, as observed by the Hon'ble Supreme Court in para 75 of the said judgment.

53. In the light of the facts of the present case, we are of the view that judgments of the Hon'ble Supreme Court in the case of Godrej and Boyce Manufacturing Company Ltd. (Supra) and Lt. Col. K. S. R. Swami (Supra) have no application to the facts and peculiar circumstances of the present case.
54. The Appellants have also relied on the judgment of the Hon'ble Supreme Court in (2019) 2 SCC 727 (*Jamila Begum (Dead) Through Legal Representatives Vs. Shami Mohd. (Dead) Through Legal Representatives & Ors.*), that was a case with regard to validity/invalidity of a registered sale deed and the onus to prove the same in suit proceedings. The Hon'ble Supreme Court, inter-alia, held that a registered sale deed carried with it a presumption that it was validly executed and it is for the party challenging the genuineness of the transaction to show that the transaction is not valid in law.
55. Next, the Appellants have relied on the judgment of the Hon'ble Supreme Court in (2022) 8 SCC 210 (*Asset Reconstruction Company (India) Vs. S. P. Valayutham & Ors.*).
56. In our opinion, the said judgments have absolutely no application to the facts of the present case, since this Tribunal is not examining right and title of the Appellants over Plot No.01 nor does it have jurisdiction to decide questions relating to right and title over Plot No.01 or any part thereof.
57. The question whether the Plot No.01 had ever been notified as a protected private forest is no longer in dispute in view of the



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Notifications of 1950-1954 issued by the then State of Bihar declaring the said plot to be Private Protected Forest. We may, however, hasten to add that only 49.90 acres out of total of 81 acres of Plot No.01 was notified as Protected Private Forest. The only question to be examined is as to whether the Appellants have carried on illegal mining in Plot No.01 and have illegally encroached into the said Plot of land for the purpose of their stone mining activities.

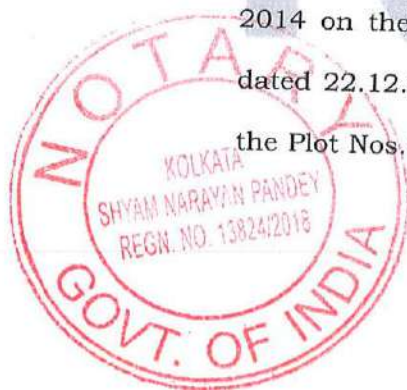
58. From the documents on record and perusal of the Environmental Clearance dated 31.12.2014, we find that the Environmental Clearance was granted to the Appellant No.3, Arun Kumar Ladia, only for Plot Nos.4&5(P) (area 0.732 hectares) in Village-Lakhanpur, Block-Bengabad, District-Giridih, and not for carrying on mining operations in Plot No.01. The copy of the map which has been filed along with the affidavit of the Divisional Forest Officer, Giridih, dated 30.11.2023 at page no.383 of the paper book, shows Plot No.01 to be adjacent to Plot No.5 and also shows mining operations being carried on within the dotted area of Plot No.01. It is also mentioned on the map that illegal mining is being carried out on this plot over an area of 0.96 acres and mining debri (malba) has been dumped over an area of 0.86 acres and the total area forming part of Plot No.01 which has been encroached is 1.82 acres. Thus, it is irrefutably clear that the Project Proponent, Appellants, has encroached into the Plot No.01 and has carried out mining operations which is in clear violation of the Condition C (2) of the Environmental Clearance dated 31.12.2014. The contention of the Appellants that in the report of the Circle Officer, Bengabad, dated 26.11.2022 it was stated that mining operation by the Appellant



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was confined to Plot Nos.4 and 5(P) and that Plot No.01 is being used as approach road to the mining lease area and that Plot No.01 shows that no mining was being carried on on Plot No.01 is completely misconceived. The letter of the Circle Officer, Bengabad, dated 26.11.2022 is filed at page no.235 of the paper book, and it clearly mentions that mining has been done of an area of 1.53 acres of Plot No.01, Khata No.1, area 81 acres which is recorded as Forest land. The contention of the learned Senior Counsel for the Appellants that the mining lease deed 2015, Part II Clause 3 permitted the Appellants to construct an approach road over Plot No.01 to reach Plot.4 and Plot No.5(P) is also not borne out from the record. The Mining Lease Deed Part II Clause 3 (page 46 of paper book) permits the lease holder i.e., the Appellants, to use or construct road only over the 'Ullikhit Bhoomi' i.e., land over which lease has been granted i.e., 4 and Plot No.5 (P), Mouza-Lakhanpur and not over Plot No.01. For the same reason the submission of the learned Senior Counsel for the Appellants that 1.00 acre of Plot No.01 was purchased by the Appellants from the recorded holder and that the approach road was constructed over this 1.00 acres does not hold much water, in as much as even ancillary activity such as construction of road over Plot No.01 to aid mining activity on Plot Nos.04 and 05 (P) would not be permissible under Condition C (2) of the Environmental Clearance.

59. The next leg of the argument of learned Senior Counsel for the Appellants is that the Environmental Clearance was granted in 2014 on the report of the then Divisional Forest Officer, Giridih, dated 22.12.2014 (page 83 of the paper book), clearly stating that the Plot Nos.4&5(P) in Mouza-Lakhanpur, Thana-Bengabad, was at



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a distance of more than 500 meters from the notified forest and, therefore, the Appellants cannot be accused of having misled the SEIAA, Jharkhand, into granting Environmental Clearance and in any case the decision to grant Environmental Clearance to the Project Proponent, Appellant No.3, was taken by the SEIAA, Jharkhand, correctly in its meeting held on 30.12.2014. It is further submitted by the learned Senior Counsel for the Appellants that, in fact, the stand of the SEIAA and the State Respondents in their affidavits itself is that Environmental Clearance was granted on the basis of the previous report of the Divisional Forest Officer dated 22.12.2014 which was wrong and the fact that subsequent letter of the Divisional Forest Officer, Giridih, dated 15.12.2022 (page 404 of the paper book), that Plot Nos.4&5(P) for which stone mining lease has been granted and Environmental Clearance has been granted to the Appellant No.3 is at Zero distance from the notified forest and less than 250 meters from the notified forest. How was the siting criteria of 250 meters arrived at by the Divisional Forest Officer, Giridih, has not been disclosed.

60. Mr. Sanjay Upadhyay, learned Senior Counsel for the Appellants further submitted that though the Plot No.01 was notified as forest/private protected forest vide Notification dated 1953 but out of the total area of 81 acres, only 49.90 acres was notified as private protected forest and out of the said plot, 1.00 acre of land has been purchased by the Appellant No.3 and there is nothing on record to show that this particular piece of land of 1.00 acres is forest land forming part of the total notified forest area of 49.90 acres.



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61. We have sifted through the various documents on record as well as carefully considered the pleadings of the parties and we find that it is nowhere the stand of the State Respondents that 1.00 acre of land purchased by the Appellant No.3 in Plot No.01 forms part of the 49.90 acres of notified forest land out of the total area of 81 acres, therefore, the stand of the SEIAA, Jharkhand, in its impugned order dated 08.08.2023, based on the subsequent report of the Divisional Forest Officer, Giridih, dated 15.12.2022 that the stone quarry mine was situated at Zero meters from the notified forest, cannot be accepted. We have also noted hereinabove that the mining lease was granted to the Appellant No.3 over Plot Nos.4&5(P) but no document has been placed before us by the State Respondents to show that the siting criteria mandates that mining lease for a stone quarry cannot be granted within 250 meters from a forest land.
62. Mr. Ashok Prasad, learned Counsel appearing for Respondent No.2, SEIAA, Jharkhand, has passed on to the Court a Notification issued by the Jharkhand State Pollution Control Board on 07.12.2015 which mentions that the minimum distance of battery of the proposed industries/units for stone mines is 400 meters from forest/forest land (as notified earlier) and 250 meters from notified and demarcated forest/forest land (revised) and in the case of stone crusher 500 meters from forest/forest land (as notified earlier) and 250 meters from notified and demarcated forest/forest land (revised). The said Notification mentions that these guidelines vide Notification No.22 dated 22.03.2005 and Memo No.1163 dated 22.03.2005 have been revised on the recommendations of the NOC Expert Committee of the Jharkhand State Pollution Control Board



in its meetings held on 09.11.2015 and 02.12.2015 and thereafter the Notification No.B-12 dated 07.12.2015 has been issued.

63. Notification No.B-12 dated 07.12.2015 is extracted herein below:-

"Notification No.B-12

Ranchi, Date 07/12/15"

NOTIFICATION

On the basis of the recommendation of the NOC Expert Committee of the Jharkhand State Pollution Control Board (hereinafter called as "Board"), in its meeting held on 09.11.2015 and 02.12.2015, the guidelines of the minimum distance(s) of the land marks from the batter limit of the proposed unit(s) as notified in Annexure-II of the Notification No.22, dated 22.03.2005, Memo No.1163, dated 22.03.2005 of the Board are revised to the extent as follows:

Sl.	Type of category of Industries/ Units	Minimum distance of battery of the proposed Industries/units (in meters)	
		Forest/Forest land notified earlier	Notified and demarcated Forest/Forest land (revised)
8.	Stone Mines	400	250
11.	Stone Crusher	500	250"

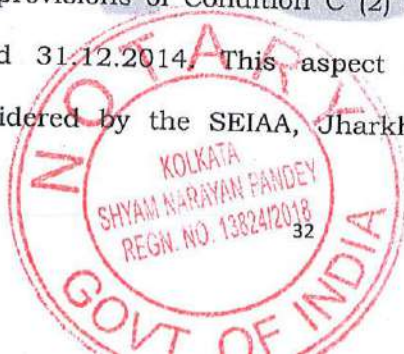
64. There is nothing on record to show that this notification issued by the Jharkhand State Pollution Control Board on 07.12.2015 has been accepted by the Forest Department or the State Government. It is an undisputed scientific fact that mining/quarry has adverse impact on the neighbouring forest ecosystem. At the same time, we appreciate that incidence of mineral is also site specific. Therefore, any prohibitory distance can be prescribed only after expert studies keeping the concept of sustainable development and precautionary principle into consideration. Therefore, we are of the firm view that the siting criteria has to be approved and notified by the Forest



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Department or notified by the State Government. No such siting criteria issued by the Forest Department or the State Government has been placed before us. However, we make it clear that our findings recorded hereinabove with regard to the siting criteria will not preclude the Forest Department/State Government from undertaking an exercise in determining the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land. In case there are Rules or Guidelines in existence with regard to siting criteria issued by the Forest Department or State Government, the SEIAA, Jharkhand, shall consider the same with regard to the facts of the present case and pass fresh orders in this regard.

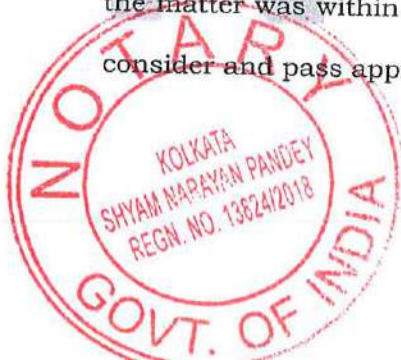
65. We, therefore, direct the Respondent No.1, State Respondent, Government of Jharkhand, to carry out the expert exercise for determination of siting criteria for stone quarries/mines with reference to notified and demarcated forest/forest land and complete the same within a period of two months and notify the siting criteria for establishment of stone mines and stone crushers with reference to the notified and demarcated forest/forest land consistent with existing laws, if not already in existence.
66. However, in view of the letter of the Circle Officer dated 26.11.2022, it is confirmed that the Appellants have carried out illegal mining and dumping activities over Plot No.01 of Lakhanpur Mouza for which no Environmental Clearance had been granted by the SEIAA, Jharkhand and, therefore, prima facie, the Appellants have violated the provisions of Condition C (2) of the Environmental Clearance dated 31.12.2014. This aspect of the matter has not been considered by the SEIAA, Jharkhand, on the ground that EIA



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Notification, 2006, does not give any mandate to SEIAA to take any decision on the facts given in paras 10 and 11 of its order dated 08.08.2023. In paras 10 and 11 of the order, the only stand of the Project Proponent was that the total area of Plot No.01 is 81 acres while the notified area as Protected Forest is only 49.90 acres and that the Appellant No.3, Shri Arun Kumar Ladia, is the present Raiyat of 1.00 acres of land over Plot No.01 via registered sale deed dated 24.11.2014 and if the Divisional Forest Officer is aggrieved, he is free to move a title suit or Jharkhand Public Land Encroachment proceedings against the Project Proponent before the competent court.

67. We find that the SEIAA, Jharkhand, has completely overlooked the fact that though the question of determination of right and title over Plot No.01 is beyond the jurisdiction of the SEIAA, Jharkhand, the facts stand established from the documents on record that even though the Appellant No.3 may be the owner of 1.00 acres of land over Plot No.01, he could not mine or construct approach road for mining purposes on the same without Environmental Clearance and that the Environmental Clearance dated 31.12.2014 was only in respect of Plot Nos.4 & 5 (P) i.e., adjoining plots, and having carried out illegal mining and dumping activities over any part of Plot No.01, the Appellants were clearly acting in violation of the provisions of the Indian Forest Act, 1927, and the offence has also been booked against them. This also violates the Condition C (2) of the Environmental Clearance dated 31.12.2014 and this aspect of the matter was within the jurisdiction of the SEIAA, Jharkhand, to consider and pass appropriate orders thereon.



68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months.

69. I.As. if any, stand disposed of accordingly.

70. There shall be no order as to costs.

सत्यमेव जयते

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

July 30, 2024,
Appeal No.24/2023/EZ
(I.A. No.50/2024/EZ)
AK

NGT





राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड 79

State Level Environment Impact Assessment Authority, Jharkhand

पौधशाला परिसर, धुर्वा बस स्टैण्ड के समीप, पो0+थाना-धुर्वा, राँची झारखण्ड, 834004

ई-मेल. msseiaa.jhk@gmail.com; वेबसाइट. www.jseiaa.in

पत्रांक : 280

राँची, दिनांक : 15/10/2024

प्रेषक:

सदस्य सचिव,
SEIAA,
झारखण्ड, राँची।

सेवा में,

श्री अरुण कुमार लाडिया,
पिता : स्व० विश्वनाथ प्रसाद,
ग्राम : टुण्डी, पोस्ट + थाना : गिरिडीह,
जिला : गिरिडीह - 815301,
झारखण्ड।

विषय : - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में
दायर वाद सं० 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of
Jharkhand & Ors के संबंध में।

प्रसंग : - 1. SEIAA का ज्ञापांक 205, दिनांक 08.08.2023।
2. माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा वाद सं०
24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors
में पारित न्यायादेश दिनांक 23.08.2024।

महाशय,

उपर्युक्त प्रासंगिक विषयक पत्थर खनन परियोजना मौजा :
लखनपुर, थाना : बेंगाबाद, जिला : गिरिडीह के खेसरा सं० 4 एवं 5 (अंश)
(1.81 एकड़/0.732 हे०) के क्रम में सूचित करना है कि आपके द्वारा पर्यावरणीय
स्वीकृति हेतु आवेदित प्रस्ताव के साथ संलग्न वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी
वन प्रमंडल के पत्रांक 391, दिनांक 25.02.2014 द्वारा निर्गत प्रस्तावित भूमि से वन भूमि
की दूरी (500 मीटर से अधिक होने) संबंधी प्रमाण-पत्र के आलोक में तत्कालीन
SEAC, झारखण्ड के अनुशंसा के आलोक में तत्कालीन SEIAA, झारखण्ड के
अनुमोदनोपरान्त इस कार्यालय के पत्रांक EC/SEIAA/2014-15/518/2014/703, दिनांक
31.12.2014 द्वारा प्रश्नगत परियोजना के पक्ष में पर्यावरणीय स्वीकृति निर्गत की
गयी थी।



पुनः वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 4184, दिनांक 15.12.2022 द्वारा सूचित किया गया कि मौजा लखनपुर, थाना बेंगाबाद के प्लॉट सं० 4 एवं 5 (अंश) वनभूमि से शून्य मीटर की दूरी पर अवस्थित है तथा गैर-कानूनी ढंग से अधिसूचित प्लॉट सं० 01 वन भूमि पर भी खनन कार्य किया गया है।

तद्आलोक में इस कार्यालय द्वारा स्पष्टीकरण पृच्छा की गयी तथा आपके द्वारा अपना स्पष्टीकरण इस कार्यालय में समर्पित किया गया।

सदस्य सचिव, SEIAA द्वारा समुचित अवसर प्रदान करते हुए प्रश्नगत मामले की सुनवाई की तिथि 26.06.2023 निर्धारित की गयी, जिसमें आपने एवं वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल ने अपना पक्ष प्रस्तुत किया तथा आप दोनों के द्वारा तथ्यों के साथ अपने पक्ष को रखा गया, जिसे SEIAA के 106वीं बैठक दिनांक 03 एवं 04 जुलाई, 2023 में रखा गया। दोनों पक्षों द्वारा प्रस्तुत तथ्यों के आधार पर SEIAA द्वारा पर्यावरणीय स्वीकृति निरस्त करने का निर्णय लिया गया। तत्पश्चात् इस कार्यालय के ज्ञापांक 205, दिनांक 08.08.2023 द्वारा पूर्व निर्गत पर्यावरणीय स्वीकृति को निरस्त किया गया।

SEIAA द्वारा निर्गत उक्त आदेश के विरुद्ध आपके द्वारा मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में OA no. 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors वाद दायर किया गया, जिसमें मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता ने न्यायादेश दिनांक 23.08.2024 द्वारा SEIAA के आदेश दिनांक 08.08.2023 को Set aside करते हुए 02 महीने के अंदर प्रश्नगत मामले पर पुर्नविचार करते हुए अंतिम निर्णय लेने हेतु आदेश निर्गत किया गया है।

अतः इस मामले में पुर्नविचार करने हेतु निम्न प्रकार से प्रतिवेदन पत्र प्राप्ति के एक सप्ताह के अंदर समर्पित करें : -

1. वन सीमा से प्रश्नगत परियोजना स्थल की दूरी की संयुक्त जाँच प्रतिवेदन जिसमें वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल एवं आपका हस्ताक्षर हो।
2. वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल के पत्रांक 4184, दिनांक 15.12.2022 एवं उपायुक्त-सह- जिला दण्डाधिकारी, गिरिडीह को संबोधित अंचल अधिकारी, बेंगाबाद के पत्रांक 630, दिनांक 26.11.2022 द्वारा कृत जाँच प्रतिवेदन द्वारा अवैध खनन किये जाने की सूचना दी गयी, इस संबंध में आपका स्पष्ट मंतव्य।
3. 01 अगस्त, 2021 से 28.02.2023 तक की अवधि में खनन कार्य हेतु जिला खनन कार्यालय द्वारा निर्गत माईनिंग चालान की सत्यापित प्रति।

मा० राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा पारित न्यायादेश दिनांक 23.08.2024 के आलोक में SEIAA द्वारा प्रश्नगत मामले में पुर्नविचार करते हुए अंतिम आदेश पारित किया जाना है।



पुनर्आदेश पारित किये जाने तक इस कार्यालय के पत्रांक 319, दिनांक 81
22.12.2022 द्वारा प्रश्नगत परियोजना के पक्ष में निर्गत पर्यावरणीय स्वीकृति को
abeyance में रखे जाने का निर्णय यथावत रहेगा।

विश्वासभाजन्

12/12/2024
सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, राँची।

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कार्यालय, वन प्रमण्डल पदाधिकारी, गिरिडीह पूर्वी वन प्रमण्डल।

मोहनपुर, पोस्ट-पचम्बा, जिला-गिरिडीह, पीन कोड-815316
email-dfo-giridiheast@gov.in, Phone No.-06532-222127

पत्रांक- 3373 दिनांक- 18/10/2024

सेवा में,

श्री अरुण कुमार लाडिया,
पिता-स्व० विश्वनाथ प्रसाद,
ग्राम-टुण्डी, पोस्ट+थाना-गिरिडीह,
जिला-गिरिडीह-815301, झारखण्ड।

विषय - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच कलकत्ता मे दायर वाद संख्या-24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors के संबंध में।

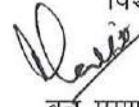

प्रसंग - सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची का पत्रांक-280 दिनांक-15.10.2024.

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र की छाया प्रति इस पत्र के साथ संलग्न प्रेषित है। सदस्य सचिव, राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड, रांची के उक्त निदेश के आलोक में स्थलीय जाँच हेतु दिनांक-25.10.2024 11.00 बजे तिथि निर्धारित की जाती है। जाँच हेतु निर्धारित तिथि को आप वन क्षेत्र पदाधिकारी, खुरचुड्डा वन प्रक्षेत्र से सम्पर्क (मोबाईल नं०-9431369028, 8292881275) स्थापित कर विषयक खनन स्थल से वनभूमि की दूरी जाँच कार्य में उपस्थित रहना सुनिश्चित करें, ताकि अग्रतर कार्रवाई की जा सकें। आप अनुपस्थित रहते हो तो यह माना जायगा कि आपको इस संबंध में कुछ नहीं कहना है एवं इस संबंध में एकतरफा निर्णय ले लिया जायगा।

सूचनार्थ प्रेषित।

अनु०-यथोक्त।

विश्वासभाजन,

वन प्रमण्डल पदाधिकारी,
गिरिडीह पूर्वी वन प्रमण्डल।
18.10.24




23/10/24
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Anneawre - 5 83
(Collectively)
Date: 23.10.2024

To,

The Divisional Forest Officer

Giridih East

24/10/24

Sub: National Green Tribunal Eastern Zone Bench Kolkata order dated 30.07.2024 uploaded on 23.08.2024 in Appeal No. 24/2023/EZ Mohammad Ilyas Versus State of Jharkhand

Ref: DFO Giridih East Letter No. 3373 dated 18.10.2024/SEIAA Jharkhand Letter No. 280/15.10.2024

Sir,

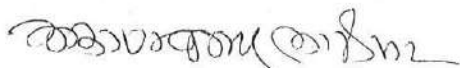
1. With reference to final order dated 30.07.2024/23.08.2024 of NGT, Kolkata you are humbly requested to provide an authenticated map of Plot No. 01 of Mauza Lakhanpur jointly authenticated by Secretary, Forest and Secretary, Revenue (or their authorised officer) clearly demarcating protected forest land measuring 49.90 Acres /48.02 Acres and balance non-forest land measuring $81-49.9 = 31.1$ Acres as because the distance of mining lease is to be measured from protected forest/reserve forest only and not *jungle jhari* land in terms with Specific Condition A-6/10 of environment clearance No. 703 dated 31.12.2014 of SEIAA, Jharkhand.
2. A copy of siting criteria for stone mining lease notified by the State Government of Jharkhand in compliance to Para 65 of NGT order dated 30.07.2024/23.08.2024 would be the next requirement.
3. You will agree that an authentic forest-non forest map is a condition precedent before any joint survey on ground by the forest and revenue



officers regarding which you are requested to make adequate arrangements.

4. As far as the Forest Offence Complaint Case No. 2656/2022 under Section 33(1)(b) and 33(1)(c) of the Indian Forest Act is concerned, the named accused persons Md Saraj and Md. Ilyas have already moved Hon'ble High Court of Jharkhand on 13.09.2024 against cognizance dated 16.08.2024 taken by learned Chief Judicial Magistrate, Giridih in Cr.M.P. 3049/2024. Hence the forest offence matter is subjudiced before Hon'ble High Court of Jharkhand.
5. Undersigned shall be present at site on 25.10.2024 / 11:00 AM along with copies of my two registered deeds dated 24.11.2014 over Plot No.01 total area 1.00 Acres of Mauza Lakhanpur which is my raiyati land.

Yours faithfully



Arun Kumar Ladia
Mob-6201466876

Copy to: Forest Range Officer, Khurchutta





सेवा में,

श्रीमान जेंज पदाधिकारी, पूर्वी वन प्रमण्डल केजालाद
बिदिही

विषय :- जिला वन प्रमण्डल पदाधिकारी पूर्वी वन
प्रमण्डल मोहनपुर फचम्बा के कार्यालय
से प्रेषित पत्रांक :- 3373 दिनांक - 18-10-24
के आलोच में जापी हेतु मौजा लखनपुर
स्त्रिभूख खदान का खाला - 01 प्लॉट सं० 01 का
केजाला जमा करके के संबंध में,

महाशय,

साबर पूर्वक कदना हेतु मैं अरुण कुमार
लाडीला मौजा लखनपुर स्त्रिभूख खाला नए-01 केजाला
प्लॉट सं० 01 का केजाला जमा कर रहा हूँ।

① केजाला सं० - 9519 रकबा - 0.56 ए०

② केजाला सं० - 9520 रकबा - 0.44 ए० तथा

आपनी उपदिप्रती हेतु - अविनाश कुमार को
आपके कार्यालय में भेजा हूँ।

Avinash Kr.

For

Arunkr.Ladia

Dated: -25-10-24



18 November, 2024

To,

The Member Secretary

State Level Environment Impact Assessment Authority, Jharkhand

Dhurwa, Ranchi - 834004

Sub: National Green Tribunal Eastern Zone Bench Kolkata order dated 30.07.2024 uploaded on 23.08.2024 in Appeal No. 24/2023/EZ Mohammad Ilyas Versus State of Jharkhand

Ref: SEIAA Jharkhand Letter No. 280 dated 15.10.2024

Sir,

1. SEIAA, Jharkhand has been pleased to call for a report from project proponent Arun Kumar Ladia for reconsideration of the matter in terms of order dated 23.08.2024 passed by NGT, Eastern Zone Bench, Kolkata
2. An extract of operative part of order of NGT dated 30.07.2024/23.08.2024 is reproduced below for ready reference-

"68. We, therefore, allow the present Appeal and set aside the order of the SEIAA, Jharkhand, dated 08.08.2023 and direct the SEIAA, Jharkhand, to reconsider the matter and pass fresh order in the light of the observations made hereinabove within a period of two months"

3. Compliance report of project proponent on three specific issues set out by SEIAA is given below in tabular format-

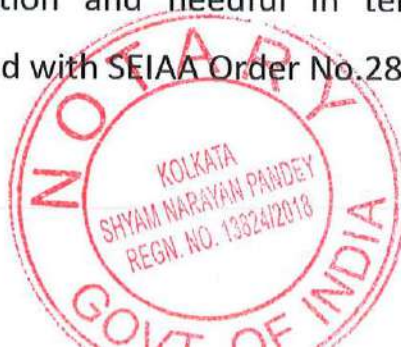


-87-

Issue No.	Query of SEIAA	Compliance of project proponent
1	Joint inspection report with DFO, Giridih East regarding distance of notified forest from project	<p>Divisional Forest Officer, Giridih, East has been pleased to issue a direction contained in Memo No. 3373 dated 18.10.2024 (Annexure-1), which has been duly replied vide Annexure-2 receipted to DFO and Range Officer on 23.10.2024/24.10.2024 which is self explanatory.</p> <p>Project Proponent presented himself before Forest Range Officer, on the date of joint inspection fixed for 25.10.2024 at 11:00 AM along with two registered deeds in the name of Arun Kumar Ladia over Khata No. 01, Plot No. 01 of Mauza Lakhanpur totalling an area of 1.00 Acres (Annexure-3 series).</p> <p>Final joint inspection report of DFO, Giridih East may be called from them.</p>
2	Allegation of illegal mining outside lease hold area in forest land	<p>Allegation is denied.</p> <p>As far as the Forest Offence Complaint Case No. 2656/2022 under Section 33(1)(b) and 33(1)(c)</p>

		of the Indian Forest Act is concerned, the named accused persons Md Saraj and Md. Ilyas have moved Hon'ble High Court of Jharkhand against cognizance dated 16.08.2024 taken by learned Chief Judicial Magistrate, Giridih in Cr.M.P. 3049/2024.Hon'ble High Court of Jharkhand has already issued notices to Opposite Party No. 2 to 3 vide order dated 12.11.2024 (Annexure-4) . Hence this issue stands subjudiced.
3	Mining Transport challan from 01.08.2021 to 28.02.2023 issued by DMO, Giridih	Print out taken from JIMMS are enclosed at Annexure-5 Series in 10 Pages in total.

4. Project Proponent hopes and trust that the SEIAA, Jharkhand must have taken necessary steps for compliance of Para 64/65 of NGT Order dated 30.07.2024/23.08. 2024.A copy of the same may be served to project proponent also.
5. This is for your information and needful in terms of NGT dated 30.07.2024/23.08.2024 read with SEIAA Order No.280 dated 15.10.2024.

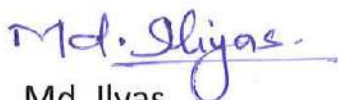


6. Project Proponent humbly submits that the second abeyance order dated 15.10.2024 passed by SEIAA, Jharkhand is hit by principle of *res judicata* and also in gross contempt of NGT order dated 30.07.2024/23.08.2024. Project Proponent prays in the interest of environmental justice to validate the environment clearance No. 703 dated 31.12.2014 at the earliest.

Yours faithfully



Arun Kumar Ladia



Md. Ilyas



Md. Saraj

stonemines4@gmail.com

Enclosure: As above...⁴²...Pages



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भारतीय गैर न्यायिक INDIA NON JUDICIAL

एक हजार रुपये
रु.1000

ONE THOUSAND RUPEES
Rs.1000



-90-

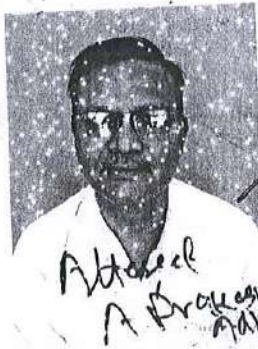
झारखण्ड JHARKHAND

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Attorney
A Prayag

24.11.14



Pankaj Kumar
24.11.14

तारीफ मोकीर - श्री पंकज कुमार पिता श्री गोपाल राम , जाति अग्रवाल बनियां ,
पेशा नौकरी, साकिन मौजा कोयरीडीह, पो0 चपूआडीह, थाना बेंगाबाद ,
जिला गिरिडीह । नागरिकता भारतीय । ----- बिकेता.

तारीफ मोकीरअल्हे - श्री अक्षय कुमार लाडिया पिता स्व0 विश्वनाथ
प्रसाद लाडिया , जाति अग्रहरि वैश्य, पेशा व्यापार, साकिन कुठिया
रोड गिरिडीह, थाना गिरिडीह नगर, जिला गिरिडीह । नागरिकता
भारतीय । ----- क्रेता ।

लेख्य प्रकार - दस्तावेज केवाला बैइला कला मीरुदा मदी ।



श्रीम ब्रज
पिता. मं. सुनिवर 21M
साकिन कोयरीडीह
थाना बेंगाबाद
मिरा कोयरी
24/11/2014

130
मिहल कोली
साकिन कोयरीडीह



झारखण्ड JHARKHAND

. 2.

A 706410

तायदाद जरसम्मन - मोवलग 1, 10,000/- एक लाख दस हजार रूपैये मात्र ।

तायदाद मालगुजारी - मोवलग 50 पैसा माल अलावे सेस, लगान पाने वाला
झारखण्ड सरकार अंचल - बेंगाबाद ।

तारीफ जायदाद :- सैय मोवइया म्वाजी 44 चौवालीस डीसमील जमीन टांड हकीयत रैयती काब्यमी दखली व खरीदगी वाके मौजा लखनपुर , थाना बेंगाबाद , जिला गिरिडीह गादी सिरामपुर, परगना खरगडीहा, सबरजिस्टरी , सदर रजिस्टरी व जिला गिरिडीह अंदर खाता नम्बर 01 एक, तौजी नम्बर 10, थाना नं0 349, हल्का नम्बर 9 , हसब तफसील पलौट रकवा व चौहद्दी जैल के दर्ज है ।

जायदाद शैय मोवइया हाजा व भी बसमूल दीगर अराजियात हासील बजरिये केवाला खरीदी मोसदके रजिस्टरी नविस्ते बाबु कनी राम वल्द बाबु ढालो राम से बन्नाम व बहक जमुना राम , दादा मोकीर व राधिका राम व मथुरा राम व बाबु गौरी राम के नाम से हासील है जिसका केवाला दस्तावेज नं0- 813/806 मुरकमा तारीख 2. 2. 1951 ईस्वी है । बाद वफात दादा मोकीर के पेदर मोकीर अपने हिस्सेदारों से आपसी बटवारा कर लिये व जायदाद शैय मोवइया हाजा व भी बसमूल दीगर अराजियात हिस्सा व तखता में पेदर मोकीर को मिला व पड़ा है जिसपर पेदर मोकीर शांतिपूर्वक कायम काबिज दखलकार चले आते हैं व हैं , पेदर मोकीर काफी अस्वस्थ हो गये हैं तथा अपने

Tamil Nadu
29/11/2018

जायदाद शैय मोवइया हाजा व भी बसमूल दीगर अराजियात हिस्सा व तखता में पेदर मोकीर को मिला व पड़ा है जिसपर पेदर मोकीर शांतिपूर्वक कायम काबिज दखलकार चले आते हैं व हैं , पेदर मोकीर काफी अस्वस्थ हो गये हैं तथा अपने



झारखण्ड JHARKHAND

. 3.

A 706371

जीवनकाल में अपने हिस्से तख्ते की जमीन का बटवारा अपने पुत्रों के बीच कर दिये हैं जिसपर मोकीर साथ अपने भाई प्रवीण कुमार अग्रवाल व प्रकाश कुमार अग्रवाल के शांतिपूर्वक करियम का बिज दखलकार चले आते हैं व हैं। आज तारीख में मोकीर अपना हिस्सा तख्ता वाली जमीन साथ मोकीरअह्ते के बिक्री करते हैं। जो अंचल कार्यालय बेंगाबाद के जमाबंदी पंजी-बो के भोलुम नं० 1 के पेज नं० 14 में जमुना राम वगैरह के नाम दर्ज है। जिसका मालगुजारी रसीद सं०- जे०एन०/ 39 - 175000 दिनांक 10.9.2014 ईस्वी है।

तफसील जमीन.

खोता नं०	पलौट नं०	नाम जमीन	रकबा.
01 एक	01 एक	डांड	81.00 ए० मध्ये 44 डी०

जिसकी चौहद्दी :-

उत्तर - पलौट नं०- 4 व 5 ,

दखिन - पलौट नं० 1 व 2 ,

पूरब - पलौट नं०- 2 व 4

पश्चिम - जुजो पलौट.

जो साथ संलग्न नक्शा में लाल रंग से घिरा हुआ दर्शाया गया है।





झारखण्ड JHARKHAND

. 4.

A 818629

सरायत वसीका - चुं मोकीर जिनकी परी तारीफ उपर में दर्ज है, हसब जैल एकरार करता है कि मोकीर को रुपये का जरूरत वास्ते काम जरूरी के है इसलिए मोकीर ने साथ मोकीरअल्ले के मोवलम 1, 10, 000/- रुपया में मवाजी 44 डी० जमीन बिक्री किया, बैइला कलामी किया व दखलकार गरदाना । आजतक विक्रय सम्पत्ति पर मोकीर या उनके वारीसान का जिस जिस किसीम का भी हक हकुक, वास्ता सरोकार दखल कब्जा था या आइंदा हासील होता वह सब कितई मुंतकील होकर मोकीरअल्ले सदर के दर आया । चाहिए कि मोकीरअल्ले सदर जायदाद शौय मोवइया हाजा पर बहैस्थित मालिक खरीददार के दखलकार कायम काबिज होकर व रहकर हसब ख्वाहिस अपने मसरफ में दर लाया करें तथा बनिस्वत् विक्रय सम्पत्ति के झारखण्ड सरकार के सीरीस्ते अंचल कार्यालय बैंगाबाद में खारिज दाखिल कराके नाम अपना दर्ज करा लें व सालाना माल साल व साल अदाय कर मालगुजारी रस्तीदाद अपने नाम से हासील किया करें । विक्रय सम्पत्ति हर तरह के देन वारदेन से पाक व साफ है अगर भविष्य में उसपर किसी किसीम का कानूनी नुकस या ऋण भार पाया जाय तो उसका सारा हर्जा खर्चा मय जरसम्मन का देनदार मोकीर मय वारीसान अपने दिगर जायदादसे होगा । जायदाद जरसम्मन का कुल रकम मोकीर मोकीरअल्ले सदर से नगद बेवाक वहुल पाया, जिम्मे मोकीरअल्ले सदर एक खरमोहरा भी बाकी नहीं रहा वो न हाजत कबजुल वसुली रस्तीदाद जी रही ।

Notary
 Jharkhand
 24-11-19



- 74 -



झारखण्ड JHARKHAND

. 5.

A 823870

यह सब एकरा कर मोकीर अपने राजी खुशी साथ होशो हवास के यह दस्तावेज विक्रय पत्र अपने सदा मदी लिख दिये जो वखत जरूरत पर काम आवे व प्रमाण रहे । मुकाम गिरिडीह, दिनांक - 22. 11. 2014 ईस्वी.

विक्रय सम्पत्ति हर तरह के देन वारदेन से पाक व साफ है भूहदबंदी, भूदान, सरकारी बंदोवस्ती व जंगल क्षेत्र से बाहर है ।



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 24.11.14.

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प्रमाणित किया जाता है कि प्रत्येक व्यक्ति जिसका छाया चित्र दस्तावेज में लगा है के बाये हाथ के अंगुलियों के निशान मेरे सामने लिया गया ।

टंकक - ध कु० सिन्हा.

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 प्रालपक. *APK*
 24.11.14.

NOTARY
 KOLKATA
 SHYAM NARAYAN PANDEY
 REGN. NO. 13824/2018
 GOVT. OF INDIA

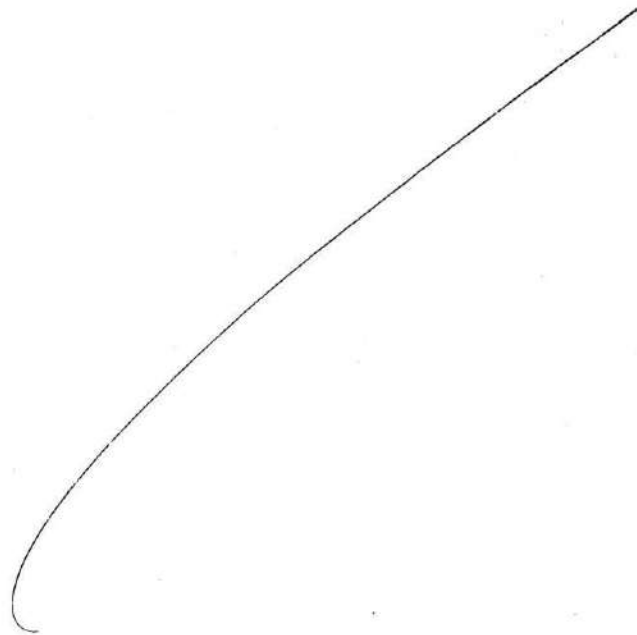
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झारखण्ड JHARKHAND

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Ranvij Kumar




 सत्यमेव जयते
 भारत निर्वाचन आयोग
 परिचय पत्र
 ELECTION COMMISSION OF INDIA
 IDENTITY CARD
 KDW6414544



मतदाता का नाम : पंकज कुमार
 Elector's name : Pankaj Kumar
 पिता का नाम : गोपाल राम
 Father's Name : Gopal Ram
 लिंग / Sex : पुरुष / Male
 जन्म तिथि / Date of Birth : 10/01/1967

KDW6414544

पता - म.ज.82/1,
 बरवाडीह,
 अना-गिरिडीह तहसील,
 जिला-गिरिडीह

Address- HN0.82/1,
 Barwadih,
 PS-Girdih Town,
 DIST-Girdih

32 - गिरिडीह विधान क्षेत्र के निर्वाचक
 रजिस्ट्रार ऑफिस की अनुमति।
 - Facsimile Signature of the Electoral
 Registration Officer for 32 - Girdih -

Constituency
 दिनांक: 2-1-2013 Date: 2-1-2013

इस कार्ड को विभिन्न सरकारी योजनाओं के अन्तर्गत
 पहचान-पत्र के रूप में प्रयोग किया जा सकता है।
 This Card may be used as an Identity Card
 under different Government Schemes.

कृपया ध्यान दें, जब यह एक अलग नाम निर्वाचक तालिका के तहत
 अपना नाम बदलें, तो इस कार्ड को बदलने के लिए, मतदाता
 अपनी नई पता पर आवेदन करें।
 In case of change in address, mention this Card No.
 in the relevant Form for providing your name in the roll
 at the changed address and to obtain the card again.

Part No 114

Pankaj Kumar





भारत सरकार
Unique Identification Authority of India
Government of India

नामांकन क्रम / Enrollment No 1124/00111/04479

To,
अरुण कुमार लाडिया
Arun Kumar Ladia
S/O Bishwanath Prasad Ladia
TUNDI ROAD PO-GIRIDIH PS-GIRIDIH
KUTIYA ROAD
Giridih
Jharkhand 815301

Ref: 790 / 10D / 552507 / 552688 / P



UE294448599IN



आपका आधार क्रमांक / Your Aadhaar No. :

5711 5610 6529

आधार – आम आदमी का अधिकार



भारत-सरकार
GOVERNMENT OF INDIA



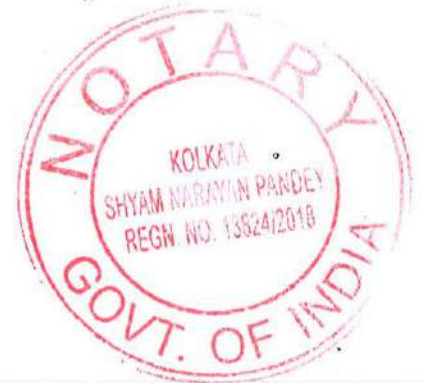
अरुण कुमार लाडिया
Arun Kumar Ladia
जन्म वर्ष / Year of Birth : 1962
पुरुष / Male



5711 5610 6529

आधार – आम आदमी का अधिकार

(Handwritten signature)





ELECTION COMMISSION OF INDIA
भारत निर्वाचन आयोग

IDENTITY CARD
पहचान पत्र

KGQ1310687



Elector's Name मतदाता का नाम	Bhim Ram भीम राम
Father's Name पिता का नाम	Bhuneshwar Ram मुनेश्वर राम
Sex लिंग	Male पुरुष
Age as on 1.1.2003 १.१.२००३ को आयु	39 ३९

Address
10B GAON KOYRIDIH THANA NO. 352
P.O. CHAPUADIH, DIST. GIRIDIH
PIN 815302

पता
10वीं गांव कोयरीडीह थाना नं. 352
पो. चपुवाडीह, जिला गिरिडीह
पिन ८१५३०२

Facsimile Signature
Electoral Registration Officer
For
निर्वाचक निबंधन अधिकारी
31 - GANDEY

Assembly Constituency
३१ - गाण्डेय
विधानसभा निर्वाचन क्षेत्र

Place
स्थान
Date
दिनांक

Giridih
गिरिडीह
10.06.2003
१०.०६.२००३

127/0859

भीम राम



Serial No. A

26758/14



Santhou



Before NOTARY Public / EXECUTIVE Magistrate,
AFFIDAVIT

मैं / हमलोग श्री. प्रकाश कुमार
पिता / पति श्री. गोपाल राम
निवासी ग्राम / मोहल्ला बेयारडीह पोस्ट अ.प. 371576 थाना वे. 211914

जिला-गिरिडीह झारखण्ड का निवासी हलफान ब्यान करता / करती हूँ-

- (1) यह कि मेरी उम्र लगभग 53 वर्ष है।
- (2) यह कि मैं जाति का अ. 21911111 वर्तिया हूँ।
- (3) यह कि मैं छोटानागपुर काश्तकारी अधिनियम की धारा 46(i)(b) के अन्तर्गत नहीं आता हूँ और मैं उससे बाहर हूँ।

NO 2398
24 NOV 2018

Santhou
SRI/SMT. Prakash Kumar
who is identified by Prakash Kumar
Advocate Prakash Kumar
Solemnly affirm and declared before me

24 NOV 2018
घोषणा

Prakash Kumar

Prakash Kumar
WITNEY KUMAR

मैं / हमलोग श्री. प्रकाश कुमार निष्ठा पूर्वक घोषणा करता / करती हूँ की
इस शपथ पत्र में लिखी गई सारी बातें मेरे जानते सही सत्य और दुरुस्त है।

Prakash Kumar

Prakash Kumar
A Prakash
24.11.18



24/11/18



निबंधन विभाग, झारखंड
गिरिडीह

जांच पर्चा-सह घोषणा प्रपत्र (नियम 114)

No: 18

Token Date/Time: 24/11/2014 14:12:43

Document Type	Sale Deed	Presenter	Pankaj Kumar	Date of Entry	24/11/2014
Presenter' Name & Address	Koyridih, Bengabad, Giridih	DOE		Total Pages	26
Stampable Doc. Value	110000	Stamp Value	4500	Book	1
Document/Transaction Value	110000	Serial No.	0	CNO/PNO	
Special Type		Old Serial No.	/	e-Stamp Cert. No.	
Remarks / Other Details		App. ID			

Anchal	Th.No.	Wrd/Hlk	Mauza	Kh. No.	Plot No	Plot Type	H No	Category	Area	Min. Value
BENGABAD	349d	9	LAKHANPUR	1	1	RSP		R_AGR	44 Decimal	

Other Property Details:

Property Type	Th. No.	Wrd	Mauza	Location	Area	Rate	Amount
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Party Details:

SN	P Type	Party Name	Father/Husband	Occup.	Caste	PAN/F 60	UID	Address
1	VENDOR	Pankaj Kumar	Gopal Ram	Service	General	Form 60		Koyridih, Bengabad, Giridih
2	VENDEE	Arun Kumar Ladia	Late Bishwanath Prasad Ladia	Business	General	Form 61		Kutiya Road Giridih
3	Identifier	Bhim Ram	Late Bhuneshwar Ram	Business	General			Koyridih, Bengabad, Giridih

Fee Details:

SN	Description	Amount	CHC	Net Amount
1	LL	2.50	0.00	2.50
2	PR	0.94	0.00	0.94
3	A1	3,300.00	33.00	3,333.00
4	SP	390.00	0.00	390.00
Total		3,693.44	33.00	3,726.44

उपर्युक्त प्रविष्टियाँ दस्तावेज में अंकित तथ्यों के अनुरूप हैं।

निबंधन पूर्व सारांश में इंफॉर्म के अनुरूप डाटा इंट्री की गई है।

Abhishek Prakash
दस्तावेज लेखक का हस्ताक्षर
837/10.

Pankaj Kumar
प्रस्तुतकर्ता का हस्ताक्षर
डाटा इंट्री ऑपरेटर का हस्ताक्षर

उपर्युक्त स्वीकार किया गया है कि ने इस दस्तावेज के निष्पादन को मेरे समक्ष

जिसकी

पहचान

निवासी

श्री. राम
श्री. राम

पिता

पेशा

ए-१० गुणेश्वर टाकी,
दक्षिण।
निबंधन पदाधिकारी का हस्ताक्षर

Pankaj Kumar

श्री. राम



24/11/14



निबंधन विभाग, झारखंड
गिरिडीह

Token No.18 Token Date: 24/11/2014 14:12:43
Serial/Deed No./Year :10554/9520/2014
Deed Type: Sale Deed

SN	Party Details.	Photo	Thumb
1	Pankaj Kumar Father/Husband Name:Gopal Ram (VENDOR) Koyridih, Bengabad, Giridih		
2	Arun Kumar Ladia Father/Husband Name:Late Bishwanath Prasad Ladia (VENDEE) Kutiya Road Giridih		
3	Bhim Ram Father/Husband Name:Late Bhuneshwar Ram (Identifier) Koyridih, Bengabad, Giridih		

Book No. I
Volume 419
Page 471 To 496
Deed No 10554/9520
Year 2014
Date 24/11/2014 14:59:25

26/11/2014
Registering Officer

[Signature]
Signature of Operator



पौजा - मखनपुर, थाना - बेंगाकड, थाना नं - 349,
जिला - जिरिडीह

खेत नं - 1 एक, पलौट नं - 1 एक खेता - 44 बीसमाल

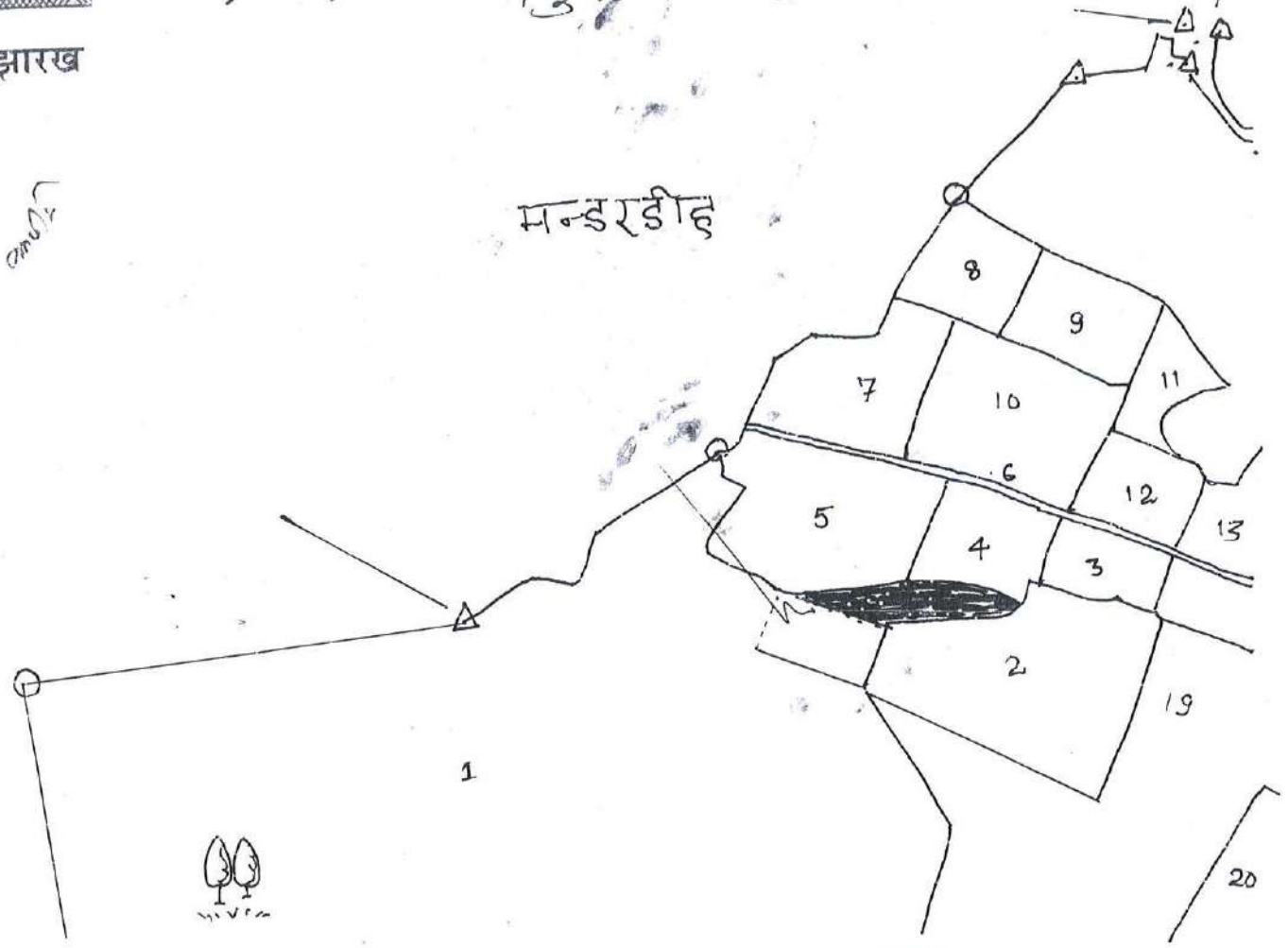
बिक्रेता - पंकज कुमार पिता श्री गोपाल राम,
ग्राम कौचरीडीह, थाना - बेंगाकड,
जिला - जिरिडीह

क्रेता - अरुण कुमार माडिया पिता स्व. विश्वनाथ
प्रसाद माडिया कुटिया रोड, जिरिडीह - कुचानवाडीह

झारख

मन्डरडीह

पंजाब 34902
मखनपुर



Shyam Narayan



भारतीय गैर न्यायिक INDIA NON JUDICIAL

एक हजार रुपये
रु.1000

ONE THOUSAND RUPEES
Rs.1000



- 103 -

झारखण्ड JHARKHAND

A 706399



Attested

A. Prakash

Adr-
24-11-14

Prakash Kumar

24-11-14

तारीफ मोकीर - श्री पंकज कुमार पिता श्री गोपाल राम , जाति अग्वाला बनियां,
पेशा नौकरी, साकिन मौजा कोयरीडीह, पो0 चपुआडीह, थाना बेंगाबाद ,
जिला गिरिडीह । नागरिकता भारतीय । ----- बिकेता.

तारीफ मोकीरअल्हे - श्री अरुण कुमार लाडिया पिता स्व0 विश्वनाथ
पु साद लाडिया, जाति अग्रहरि वैश्य, पेशा व्यापार, साकिन - कुटिया
रोड गिरिडीह, थाना गिरिडीह नगर, जिला गिरिडीह । नागरिकता
भारतीय । ----- केता ।

लेख्य प्रकार - दस्तावेज केवाला बैइला कलामी सदागती



मीम राठ
श्रीमन्त रम
श्रीमन्त रम
श्रीमन्त रम

Handwritten notes on the left margin: 'तारीफ मोकीर - 34400', 'रु. 1000', '24-11-14', 'A.P. Prakash', '24-11-14', 'Prakash Kumar', '24-11-14'.

Handwritten signature 'अरुण' (Arun) with a line through it.

Handwritten number '7128-75'.



झारखण्ड JHARKHAND . 2.

A 706400

तायदाद जरसम्पन - मोवला 1,37,500/- एक लाख सैतीस हजार पांच सौ रूपये मात्र ।

तायदाद मालगुजारी - मोवला 50 पैसा माल अलावे सेस, लगान पाने वाला झारखण्ड सरकार अंचल - बेंगाबाद ।

तारीफ जायदाद :- शैय मोवइया मवाजी 56 छप्पन डीसमील जमीन टांड हकियत रैयती कायमी दखली व खरीदगी वाके गौजा लखनपुर, थाना बेंगाबाद, जिला गिरिडीह गादी सिरामपुर, परगना खरगडीहा, सबरजिस्टरी, सदर रजिस्टरी व जिला गिरिडीह अंदर खाता नम्बर 01 एक, तौजी नम्बर 10, थाना नं0 349, हल्का नम्बर 98, हसब पलौट रकवा व चौहद्दी जैल के दर्ज है ।

जायदाद शैय मोवइया हाजा व भी बसमूल दीगर अराजीयात हासील बजरिये केवाला खरीदी मोसदके रजिस्टरी नविस्ते बाबु कनी राम वरख बाबु डालो राम से बनाम व बहक जमुना राम, दादा मोकीर व राधिका राम व मथुरा राम व बाबु गौरी राम के नाम से हासील है जिसका केवाला दस्तावेज नं0- 813/806 मरकुमा तारीख 2. 2. 1951 ईस्वी है । बाद वफात दादा मोकीर के पेदर मोकीर अपने हिस्सेदारों से आपसी बटवारा कर लिखे व जायदाद शैय मोवइया हाजा हिस्सा व तखता में पेदर मोकीर को मिला व पड़ा है जिसपर पेदर मोकीर अपने हिस्से तखते की जमीन जायदाद शैय मोवइया हाजा व भी दीगर अराजीयात पर शांतिपूर्वक कायम का बिज दखलकार चले आते हैं व हैं



Handwritten signature

Handwritten notes:
गणपत राजका
पिता स्वर्ग- 2 वा
सा सिरखीप गिरिडीह



झारखण्ड JHARKHAND

. 3.

A 706401

पेदर मोकीर कापी अस्वस्थ हो गये हैं तथा अपने हिस्से तख्ते की जमीन अपने पुत्रों को अपने जीवनकाल में दखल कब्जा दे दिये हैं जिसपर मोकीर साथ अपने भाई प्रवीण कुमार अग्रवाल व प्रकाश कुमार अग्रवाल के शांतिपूर्वक कायम का बिज दखलकार चले आते हैं व हैं । आज तारीख में मोकीर अपना हिस्सा तख्ता वाली जमीन साथ मोकीरअह्द के बिक्री करते हैं । जो अंचल कार्यालय बैंगलाबाद के जमाकंदी पंजी-दो के भोलुम नं० । के पेज नं०- 14 में जमुना राम वगैरह के नाम दर्ज है । जिसका मालगुजारी रसीद सं०- जे०एन०/39-175000 दिनांक 10.9.2004 ईस्वी है ।

Dattaj Kumar

तफ्सील जमीन

खता नं०	पलौट नं०	नाम जमीन	रकबा.
01 एक	01 एक	टांड	81.00 ए० मध्ये 56 डी०

जिसकी चौहद्दी -

उत्तर - जुजो पलौट ,

दखिन - जुजो पलौट,

परब - पलौट नं०- 2,

पश्चिम - जुजो पलौट ,

जो साथ संलग्न नक्शा में लाल रंग से घिरा हुआ दर्शाया गया है ।





झारखण्ड JHARKHAND

. 4.

A 818615

सरायत वसीका - चुं मोकीर जिनकी पूरी तारीफ़ उपर में दर्ज है, हसब जैल एकरार करता है कि मोकीर को रूपये का जरूरत वास्ते काम जरूरी के है इसलिए मोकीर ने साथ मोकीरअल्हे के मोवलग 1,37,500/- रूपया में मवाजी 56 डीसगील जमीन बिक्री किये, बैइला कलामी किये व दखलकार गरदाने । आजतक विक्रय सम्पत्ति पर मोकीर या उनके वारीसान का जिस जिस किसीम का भी एक हकुक, वास्ता सरोकार दखल कब्जा था या आइंदा हासील होता वह सब कितई मुंतकील होकर मोकीरअल्हे सदर के दर आया । चाहिए कि मोकीरअल्हे सदर जायदाद शौय मोवइया हाजा पर बहैसियत मालिक खरीददार के दखलकार कायम काबिज होकर व रहकर हसब ख्वाहिस अपने मसरफ़ में दर लाया करें तथा बनित्स्वत् विक्रय सम्पत्ति के झारखण्ड सरकार के सीरीस्ते अंचल कार्यालय बैंगाबाद में खारिज दाखिल कराके नाम अपना दर्ज करा लें व सालाना माल साल व अदाय कर मालगुजारी रसीदाद अपने नाम से हासील किया करें । विक्रय सम्पत्ति हर तरह के देन वारदेन से पाक व साफ़ है अगर भविष्य में उसपर किसी किसीम का कानुनी नुकस या शृणु भार पाया जाय तो उसका देनदार मोकीर मय वारीसान अपने दिगर जायदाद से होगा । जायदाद जरसम्न का कुल रकम मोकीर मोकीरअल्हे सदर से नगद बेवाक वसूल पाया जिसे मोकीरअल्हे सदर एक खरमोहरा भी बाकी नहीं रहा वो न हाजत कबजुल वसूली रसीद की रही ।

Handwritten signature/initials.





झारखण्ड JHARKHAND

. 5.

A 818616

यह सब एकरार कर मोकीर अपने राजी खुशी साथ होशो हवास के यह
दस्तावेज विक्रय पत्र सदा मदी लिख दिये जो वख्त जरूरत पर काम आवे व
प्रमाण रहे । मुकाम गिरिडीह, दिनांक 24. 11. 2014 ईस्वी.

विक्रय सम्पत्ति भूदबंदी, भूदान, सरकारी बंदोवस्ती व जंगल क्षेत्र से बाहर है ।



Adv
24.11.14.



श्याम नारायण पण्डे



प्रमाणित किया जाता है कि प्रत्येक व्यक्ति जिनका छाया चित्र दस्तावेज में
लगा है के बांये हाथ के अंगुलियों के निशान मेरे सामने लिखा गया ।

टंकक - धोकुसिन्हा.

Abhinav Prakash
गारूपक. Adv

24.11.14

Pankaj Kumar

भारतीय गैर न्यायिक INDIA NON JUDICIAL

-108-

एक हजार रुपये

ONE THOUSAND RUPEES

रु.1000

Rs.1000



झारखण्ड JHARKHAND

A 706398

Pantey Kumar



भारतीय गैर न्यायिक

भारत INDIA

109-

₹. 500

FIVE HUNDRED
RUPEES



पाँच सौ रुपये

Rs. 500

सत्यमेव जयते

INDIA NON JUDICIAL

झारखण्ड JHARKHAND

A 818613

Pantley Kumar



सत्यमेव जयते
 भारत निर्वाचन आयोग
 परिचय पत्र
 ELECTION COMMISSION OF INDIA
 IDENTITY CARD
 KDW6414544



मतदाता का नाम : पंकज कुमार
 Elector's name : Pankaj Kumar
 पिता का नाम : गोपाल राम
 Father's Name : Gopal Ram
 लिंग / Sex : पुरुष / Male
 जन्म तिथि / Date of Birth : 10/01/1967

पता - म.क्र. 82/1,
 बरवाडीह,
 आना-गिरिडीह नगर,
 जिला-गिरिडीह

Address- HNo.82/1,
 Barwadih,
 PS-Girdih Town,
 DIST-Girdih

32 - गिरिडीह विधानसभा क्षेत्र के निर्वाचक
 रजिस्ट्रार अधिकारी के हस्ताक्षर की अनुकृति
 - Facsimile Signature of the Electoral
 Registration Officer for 32 - Girdih -
 Constituency
 दिनांक : 2-1-2013 Date : 2-1-2013

इस कार्ड को विभिन्न सरकारी योजनाओं के अन्तर्गत
 पहचान-पत्र के रूप में प्रयोग किया जा सकता है।
 This Card may be used as an Identity Card
 under different Government Schemes.

यदि मतदाता पता, बंधे का नाम, लिंग, नाम परिवर्तन, जन्म तिथि, पता
 परिवर्तन आदि में कोई भी परिवर्तन हो तो उसे संबंधित प्रारूप में
 निर्वाचक रजिस्ट्रार को सूचित करना होगा।
 In case of change in address, mention this Card No.
 in the relevant Form for issuing year name in the card
 at the change address and to obtain the card with.

Pankaj Kumar,





- 111 -

भारतीय विशिष्ट पहचान प्राधिकरण
भारत सरकार
 Unique Identification Authority of India
 Government of India

नामांकन क्रम / Enrollment No 1124/00111/04479

To,
 अरुण कुमार लाडिया
 Arun Kumar Ladia
 S/O Bishwanath Prasad Ladia
 TUNDI ROAD PO-GIRIDIH PS-GIRIDIH
 KUTIYA ROAD
 Giridih
 Jharkhand 815301

08/03/2012

Ref: 790 / 10D / 552507 / 552688 / P



UE294446599IN



आपका आधार क्रमांक / Your Aadhaar No. :

5711 5610 6529

आधार – आम आदमी का अधिकार



भारत सरकार
 GOVERNMENT OF INDIA



अरुण कुमार लाडिया
 Arun Kumar Ladia
 जन्म वर्ष / Year of Birth : 1962
 पुरुष / Male



5711 5610 6529

आधार – आम आदमी का अधिकार

Handwritten signature





ELECTION COMMISSION OF INDIA
भारत निर्वाचन आयोग

IDENTITY CARD
पहचान पत्र

KGQ1310687



Elector's Name	Bhim Ram
मतदाता का नाम	भीम राम
Father's Name	Bhuneshwar Ram
पिता का नाम	भुनेश्वर राम
Sex	Male
लिंग	पुरुष
Age as on 1.1.2003	39
१.१.२००३ को आयु	३९

Address KGQ1310687
10B GAON KOYRIDIH THANA NO. 352
P.O. CHAPUADIH, DIST. GIRIDIH
PIN 815302

पता
10बी गांव कोयरीडीह थाना नं. 352
पो. चपुवाडीह, जिला गिरिडीह
पिन ८१५३०२

Facsimile Signature
Electoral Registration Officer
For 31 - GANDEY निर्वाचक निबंधन अधिकारी

Assembly Constituency
३१ - गाण्डेय विधानसभा निर्वाचन क्षेत्र

Place Girdih
स्थान गिरिडीह
Date 10.06.2003
दिनांक १०.०६.२००३

127/0859

भीम राम





T. BAR ASSOCIATION, GIRIDIH.

Serial No. A

26958 114



Santhou



Before NOTARY Public / EXECUTIVE Magistrate, GiridiH
AFFIDAVIT

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मैं/हमलोग *श्री प्रकाश कुमार*
पिता/पति *श्री गोपाल राम*
निवासी ग्राम/मोहल्ला *कोयरी/हं* पोस्ट *चपु. 3715/हं* थाना *वेणुगुड*

जिला-गिरिडीह झारखण्ड का निवासी हल्फान ब्यान करता/करती हूँ-

- (1) यह कि मेरी उम्र लगभग *53* वर्ष है।
- (2) यह कि मैं जाति का *अज्ञाता* *अधिका* हूँ।
- (3) यह कि मैं छोटानागपुर काश्तकारी अधिनियम की धारा 46(i)(b) के अन्तर्गत नहीं आता हूँ और मैं उससे बाहर हूँ।

12.4 NOV 2014
No 02398
S.No. Date

SRT/SMT *Prakash Kumar*
who is identified by *Prakash Kumar*
Advocate
Solemnly affirm and declared before me

24 NOV 2014 घोषणा

Prakash Kumar

VIJAY KUMAR
Notary Public

मैं/हमलोग *श्री प्रकाश कुमार* निष्ठा पूर्वक घोषणा करता/करती हूँ की
इस शपथ पत्र में लिखी गई सारी बातें मेरे जानते सही सत्य और दुरुस्त है।



Prakash Kumar



निबंधन विभाग, झारखंड
गिरिडीह

जांच पर्चा-सह घोषणा प्रपत्र (नियम 114)

Token No: 16

Token Date/Time: 24/11/2014 14:07:39

Document Type	Sale Deed	Presenter	Pankaj Kumar	Date of Entry	24/11/2014
Presenter Name & Address	Koyridih, Bengabad, Giridih	DOE		Total Pages	26
Stampable Doc. Value	137500	Stamp Value	5500	Book	1
Document/Transaction Value	137500	Serial No	0	CNO/PNO	
Special Type		Old Serial No.	/	e-Stamp Cert. No.	
Remarks / Other Details		App. ID			

Anchal	Th.No.	Wrd/Hik	Mauza	Kh. No.	Plot No	Plot Type	H No	Category	Area	Min. Value
BENGABAD	349d	9	LAKHANPUR	1	1	RSP		R_AGR	56 Decimal	

Other Property Details:

Property Type	Th. No.	Wrd	Mauza	Location	Area	Rate	Amount
---------------	---------	-----	-------	----------	------	------	--------

Party Details:

SN	P Type	Party Name	Father/Husband	Occup.	Caste	PAN/F 60	UID	Address
1	VENDOR	Pankaj Kumar	Gopal Ram	Service	General	Form 60		Koyridih, Bengabad, Giridih
2	VENDEE	Arun Kumar Ladia	Late Bishwanath Prasad Ladia	Business	General	Form 61		Kutiya Road Giridih
3	Identifier	Bhim Ram	Late Bhuneshwar Ram	Business	General			Koyridih, Bengabad, Giridih

Fee Details:

SN	Description	Amount	CHC	Net Amount
1	LL	2.50	0.00	2.50
2	PR	0.94	0.00	0.94
3	A1	4,125.00	41.25	4,166.25
4	SP	390.00	0.00	390.00
Total		4,518.44	41.25	4,559.69

उपर्युक्त प्रविष्टियाँ दस्तावेज में अंकित तथ्यों के अनुरूप हैं।

निबंधन पूर्व सारांश में इंफॉर्म फॉर्म के अनुरूप डाटा इंट्री की गई है।

Abhishek Prakash
दस्तावेज लेखक का हस्ताक्षर
Pankaj Kumar
प्रस्तुतकर्ता का हस्ताक्षर
डाटा इंट्री ऑपरेटर का हस्ताक्षर

उपर्युक्त ने इस दस्तावेज के निष्पादन को मेरे समक्ष

स्वीकार किया Pankaj Kumar

जिसकी

पहचान

निवासी

श्रीम. (श्री)
लक्ष्मी (व्याज) प.

पिता

पेशा

एच.ओ. मुनेश्वर (वकील)

अवकाश, अरेव
निबंधन पदाधिकारी का हस्ताक्षर

Pankaj Kumar
श्रीम. राम











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निबंधन विभाग, झारखंड
गिरिडीह

Token No.16 Token Date: 24/11/2014 14:07:39
Serial/Deed No./Year :10553/9519/2014
Deed Type: Sale Deed

SN	Party Details	Photo	Thumb
1	Pankaj Kumar Father/Husband Name:Gopal Ram (VENDOR) Koyridih, Bengabad, Giridih		
2	Arun Kumar Ladia Father/Husband Name:Late Bishwanath Prasad Ladia (VENDEE) Kutiya Road Giridih		
3	Bhim Ram Father/Husband Name:Late Bhuneshwar Ram (Identifier) Koyridih, Bengabad, Giridih		

Book No. I
Volume 419
Page 445 To 470
Deed No 10553/9519
Year 2014
Date 24/11/2014 14:58:41

REK
24/11/2014
Registering Officer

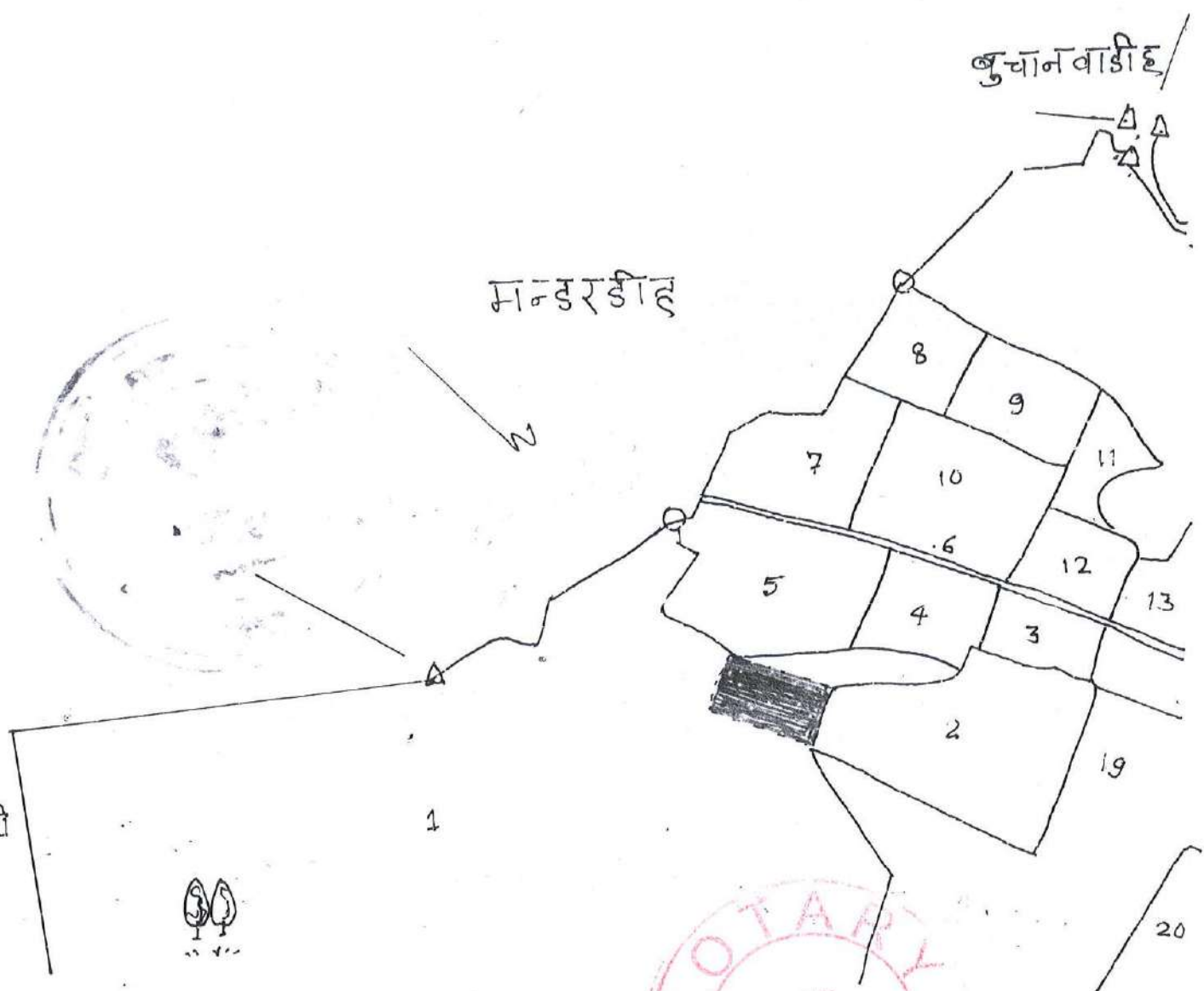
Signature of Operator *Shankar*



मौजा - मखनपुर, थाना बेंगाबद, थाना नं० - 349, जिला - जिरिडीह
रकबा नं० - 1 एक, पत्तो नं० - 1 एक, रकबा - 56 बीघमोल -

बिक्रेता - पंकज कुमार पिता श्री गोपाल राम,
सा. कोचराडीह, थाना बेंगाबद, जिला - जिरिडीह

क्रेता - श्री अरुण कुमार माडिया पिता स्व. विश्वनाथ प्रसाद
माडिया, कुडिया रोड, जिरिडीह.



577000-

Pankaj Kumar.



Important Notice



Home » Pass » Pass reports

Permit Wise Report

Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee
 Financial Year * : 2022-2023
 Permit Number * : C92201484

Show

Permit Number	: C92201484	Mineral Name	: STONE
Permit On	: 15 Sep 2022	Permit Validity	: 30 Nov 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 25000.000Cft	Unlifted Quantity	: 2800.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	01 Nov 2022	4	1300.000
2	01 Oct 2022	5	1800.000
3	11 Nov 2022	1	400.000
4	13 Oct 2022	1	400.000
5	15 Oct 2022	1	400.000
6	15 Sep 2022	2	600.000
7	16 Sep 2022	1	400.000
8	18 Oct 2022	1	400.000
9	18 Sep 2022	2	600.000
10	19 Oct 2022	3	1200.000
11	19 Sep 2022	1	300.000
12	20 Oct 2022	3	1200.000
13	20 Sep 2022	6	2100.000
14	21 Nov 2022	1	400.000
15	21 Oct 2022	1	300.000
16	21 Sep 2022	3	900.000
17	22 Nov 2022	1	400.000
18	22 Oct 2022	3	1200.000



19	22 Sep 2022	5	1500.000
20	23 Oct 2022	4	1300.000
21	23 Sep 2022	5	1800.000
22	24 Sep 2022	1	300.000
23	25 Sep 2022	1	300.000
24	26 Oct 2022	3	1100.000
25	27 Sep 2022	1	300.000
26	29 Sep 2022	4	1300.000
	Total:	64	22200.000





Welcome Arun Kumar Ladia
Friday, October 18, 2024 7:06 PM

Important Notice

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Permit Wise Report

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Permit Wise Report

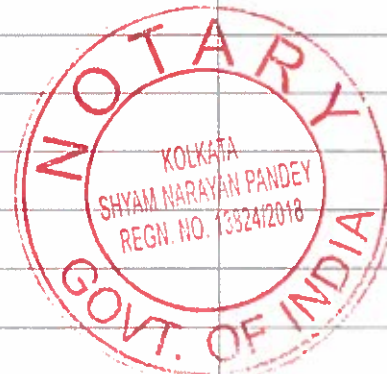
* indicates mandatory field

Pass Type * : Lessee
Financial Year * : 2022-2023
Permit Number * : C72201712

Show

Permit Number	: C72201712	Mineral Name	: STONE
Permit On	: 19 Jul 2022	Permit Validity	: 30 Sep 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 25000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	01 Aug 2022	4	1600.000
2	01 Sep 2022	1	300.000
3	04 Aug 2022	3	1200.000
4	04 Sep 2022	5	1500.000
5	05 Aug 2022	3	1000.000
6	06 Sep 2022	1	300.000
7	07 Sep 2022	4	1300.000
8	08 Sep 2022	2	700.000
9	09 Sep 2022	2	600.000
10	10 Sep 2022	1	300.000
11	11 Sep 2022	1	300.000
12	15 Sep 2022	2	700.000
13	16 Aug 2022	2	600.000
14	17 Aug 2022	3	900.000
15	18 Aug 2022	2	600.000
16	19 Jul 2022	2	800.000
17	20 Jul 2022	2	800.000
18	21 Aug 2022	1	400.000



19	21 Jul 2022	1	300.000
20	22 Aug 2022	1	300.000
21	22 Jul 2022	3	1100.000
22	23 Aug 2022	1	400.000
23	24 Aug 2022	1	300.000
24	26 Jul 2022	5	2000.000
25	27 Jul 2022	4	1600.000
26	28 Jul 2022	6	2400.000
27	29 Aug 2022	2	700.000
28	30 Jul 2022	4	1600.000
29	31 Jul 2022	1	400.000
Total:		70	25000.000

Department of Mines & Geology, Government of Jharkhand

About SSL Certificates



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Permit Wise Report

Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee

Financial Year * : 2022-2023

Permit Number * : C62200987

Show

Permit Number	: C62200987	Mineral Name	: STONE
Permit On	: 10 Jun 2022	Permit Validity	: 31 Aug 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 25000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	04 Jul 2022	4	1100.000
2	07 Jul 2022	2	600.000
3	08 Jul 2022	2	600.000
4	10 Jun 2022	3	1200.000
5	11 Jun 2022	4	1600.000
6	12 Jun 2022	4	1600.000
7	13 Jul 2022	3	900.000
8	13 Jun 2022	4	1600.000
9	14 Jun 2022	4	1600.000
10	15 Jun 2022	4	1600.000
11	16 Jul 2022	1	300.000
12	16 Jun 2022	4	1600.000
13	18 Jul 2022	2	800.000
14	18 Jun 2022	3	1200.000
15	19 Jul 2022	1	100.000
16	19 Jun 2022	1	400.000
17	20 Jun 2022	1	400.000
18	23 Jun 2022	5	2000.000



19	24 Jun 2022	5	2000.000
20	25 Jun 2022	5	2000.000
21	26 Jun 2022	5	1800.000
		Total:	67
			25000.000

Department of Mines & Geology, Government of Jharkhand

About SSL Certificates

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Important Notice

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Permit Wise Report

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Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee

Financial Year * : 2022-2023

Permit Number * : C42202099

Show

Permit Number	: C42202099	Mineral Name	: STONE
Permit On	: 26 Apr 2022	Permit Validity	: 30 Jun 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 10000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	08 May 2022	2	800.000
2	09 Jun 2022	4	1200.000
3	09 May 2022	2	800.000
4	11 May 2022	1	400.000
5	12 May 2022	2	800.000
6	13 May 2022	2	800.000
7	20 May 2022	1	400.000
8	23 May 2022	2	800.000
9	26 May 2022	2	800.000
10	27 May 2022	3	1200.000
11	28 Apr 2022	1	400.000
12	29 Apr 2022	1	400.000
13	29 May 2022	1	400.000
14	30 Apr 2022	2	800.000
Total:		26	10000.000





Important Notice

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Permit Wise Report

Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee

Financial Year * : 2021-2022

Permit Number * : C22202139

Show

Permit Number	: C22202139	Mineral Name	: STONE
Permit On	: 18 Feb 2022	Permit Validity	: 26 Apr 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 10000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	02 Mar 2022	2	800.000
2	03 Mar 2022	1	400.000
3	04 Mar 2022	2	800.000
4	05 Mar 2022	2	800.000
5	08 Mar 2022	1	400.000
6	09 Mar 2022	2	800.000
7	12 Mar 2022	1	400.000
8	13 Mar 2022	2	800.000
9	14 Mar 2022	2	800.000
10	18 Feb 2022	1	400.000
11	19 Feb 2022	2	800.000
12	21 Feb 2022	2	800.000
13	22 Feb 2022	1	400.000
14	24 Feb 2022	1	400.000
15	26 Feb 2022	1	400.000
16	27 Feb 2022	1	400.000
Total:		24	9600.000





Welcome Arun Kumar Ladia

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Important Notice

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Permit Wise Report

Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee

Financial Year * : 2021-2022

Permit Number * : C122101594

Show

Permit Number	: C122101594	Mineral Name	: STONE
Permit On	: 19 Dec 2021	Permit Validity	: 28 Feb 2022
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 10000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	02 Feb 2022	1	400.000
2	03 Feb 2022	1	400.000
3	08 Jan 2022	2	800.000
4	09 Feb 2022	1	400.000
5	11 Feb 2022	1	400.000
6	12 Feb 2022	1	400.000
7	12 Jan 2022	1	400.000
8	13 Feb 2022	2	800.000
9	14 Feb 2022	2	800.000
10	21 Dec 2021	1	400.000
11	22 Jan 2022	2	800.000
12	23 Dec 2021	2	800.000
13	25 Dec 2021	1	400.000
14	25 Jan 2022	2	800.000
15	27 Dec 2021	1	400.000
16	28 Jan 2022	1	400.000
17	30 Dec 2021	1	400.000
18	31 Jan 2022	2	800.000



Important Notice

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Permit Wise Report

Permit Wise Report

* indicates mandatory field

Pass Type * : Lessee

Financial Year * : 2021-2022

Permit Number * : C82101007

[Show](#)

Permit Number	: C82101007	Mineral Name	: STONE
Permit On	: 17 Aug 2021	Permit Validity	: 30 Sep 2021
Name Of Consigner	: MD ILIYAS AND MD SARAJ	Name Of Consignee	:
Permit Quantity	: 20000.000Cft	Unlifted Quantity	: 0.000Cft

Sl.No.	Pass Date	No. of challan generated	Mineral Quantity
1	01 Sep 2021	14	7000.000
2	02 Sep 2021	6	3000.000
3	17 Aug 2021	6	3000.000
4	18 Aug 2021	7	3500.000
5	19 Aug 2021	7	3500.000
	Total:	40	20000.000





राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, झारखण्ड

State Level Environment Impact Assessment Authority, Jharkhand

मौजशाला परिसर, पूर्ण बस स्टैण्ड के समीप, पो-1 थाना -धुर्ता, राँची झारखण्ड, 834004

ई-मेल msseiaa.jhka@gmail.com; वेबसाइट: www.jseiaa.in

Annexure - 8.

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Read
03/11/2024
1.00 PM

पत्रांक : 338

राँची, दिनांक : 26/11/2024

प्रेषक:

सदस्य सचिव,
SEIAA,
झारखण्ड, राँची।

सेवा में,

श्री अरुण कुमार लाडिया,
पिता : स्व० विश्वनाथ प्रसाद,
ग्राम : टुण्डी, पोस्ट + थाना : गिरिडीह,
जिला : गिरिडीह - 815301,
झारखण्ड।

विषय : - माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में दायर वाद सं० 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors के संबंध में।

प्रसंग : - 1. SEIAA का पत्रांक 319, दिनांक 22.12.2022 एवं पत्रांक 280, दिनांक 15.10.2024।

2. वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल का पत्रांक 1704, दिनांक 20.05.2023 एवं ज्ञापांक 3373, दिनांक 18.10.2024।

महाशय,

उपर्युक्त प्रारंभिक विषयक माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता में दायर वाद सं० 24 of 2023/EZ M/s Mohammad Ilyas & Ors Vs State of Jharkhand & Ors में पारित न्यायादेश दिनांक 23.08.2024 का संदर्भ लेने का कष्ट करें।

तदालोक में सूचित करना है कि इस कार्यालय के प्रारंभिक पत्र दिनांक 15.10.2024 द्वारा वन भूमि से पत्थर खनन परियोजना मौजा : लखनपुर, थाना : बेंगाबाद, जिला : गिरिडीह के खेसरा सं० 4 एवं 5 (अंश) (1.81 एकड़/0.732 हे०) की वास्तविक दूरी के निर्धारण के संबंध में आपकी एव वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल, गिरिडीह के उपस्थिति में रायुक्त



स्थलीय जाँच कराते हुए जाँच प्रतिवेदन संयुक्त हस्ताक्षर से समर्पित करने हेतु अनुरोध किया गया था, जिसका अनुपालन आपके द्वारा अभी तक नहीं किया गया है।

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पूर्व में भी SEHAA द्वारा संयुक्त स्थलीय जाँच संपन्न कराने हेतु अनुरोध प्रयास किये गये हैं, परन्तु इस मामले में आपके सार्थक सहयोग नहीं मिलने के कारण संयुक्त स्थलीय जाँच संपन्न नहीं हो सकी है।

वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल, गिरिडीह के माध्यम से भी संयुक्त जाँच के संदर्भ में प्रयास किये गये हैं, परन्तु आपके स्तर से सार्थक सहयोग नहीं मिलने के कारण निर्धारित संयुक्त स्थलीय जाँच अनिष्पादित रही है।

माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा पारित न्यायादेश दिनांक 23.08.2024 के अनुपालन हेतु प्रश्नगत मामले का संयुक्त स्थलीय जाँच अत्यावश्यक है। फलस्वरूप अनुरोध है कि इस मामले में पत्र प्राप्ति के 01 सप्ताह के अंदर वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल, गिरिडीह से संपर्क कर वन भूमि से प्रश्नगत परियोजना स्थल की वास्तविक दूरी की संयुक्त स्थलीय जाँच एवं उसका प्रतिवेदन आपके एवं वन प्रमंडल पदाधिकारी, गिरिडीह पूर्वी वन प्रमंडल, गिरिडीह के संयुक्त हस्ताक्षर अंकित हो, प्राप्त कर इस कार्यालय में यथाशीघ्र समर्पित करना सुनिश्चित करने का कष्ट करें। वांछित प्रतिवेदन के अभाव में माननीय राष्ट्रीय हरित न्यायाधिकरण, पूर्वी बेंच, कलकत्ता द्वारा पारित न्यायादेश दिनांक 23.08.2024 का अनुपालन संभव नहीं हो सकेगा।

कृपया इसे अत्यावश्यक समझे।

विश्वासभाजन्

सदस्य सचिव,

राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण,
झारखण्ड, राँची।

१९



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3049 of 2024

129-

Md. Saraj @ Md. Saraj Mian & Another ... Petitioners
Versus
The State of Jharkhand & Others ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Rahul Kumar, Advocate
For the State : Ms. Vandana Bharti, Addl.P.P.

Order No:-02 Dated:-12-11-2024

Heard the parties.

Issue notice to the opposite party Nos.2 to 3

The petitioners are directed to file requisites for service of notice upon the opposite party Nos.2 to 3 by registered post with A/D as well as under process of the court within four weeks; failing which, this Cr.M.P. shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case requisites are filed, list this case after receipt of the service report of the notice issued to the opposite party Nos.2 to 3.

(Anil Kumar Choudhary, J.)

Saroj/



VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

District: State Jharkhand

Execution ~~APP/~~ OA/ MA / RA/ Contempt No.

of 20 24

MD. Ilyas

{Appellant
{Petitioners

- Versus -

State of Jharkhand & ors.

{Respondent
{Opposite Party

Vakalatnama on behalf of Appellant
Know all men by these presents that by Vakalatnama, I/We appoint the Advocates noted below or any one of them my/our lawful Advocate or Advocates for filling the memorandum or appeal or petition of entering appearance

in the above matter for appearing conducting and arguing the same for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers, petitions etc. On my/ our behalf for filing, taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suit etc. For signing and filling petitions of compromise in connections with the said matter and for taking copies of paper from the Record and I / We further say that any act. Done by my / our said Advocate or Advocates or by any one of them after accepting this Vakalatnama, shall be considered as my/our own true and lawful act.

And I/We further hereby agree and undertake to pay the said Advocates his or their fees as settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct the case properly. Failing which the said Advocates after notice to me/us will be at liberty to withdraw from further conducting the case.

IN WITNESS WHERE OF I/WE sign and execute this Vakalatnama on this
the 19th day of December 20 24

Name of Advocates
Ms. Paushali Banerjee,
High Court, Calcutta,
NPS Business Centre,
Ground Floor, Kolkata - 700001
M- 9433253274

MD. Ilyas
From Kirona Ladia
27/10/24