

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

IN THE MATTER OF:

Original Application No. 152/2024/EZ

(Earlier O.A No. 567/2024/PB)

LAKHAN KUMAR

...Applicant

-Versus-

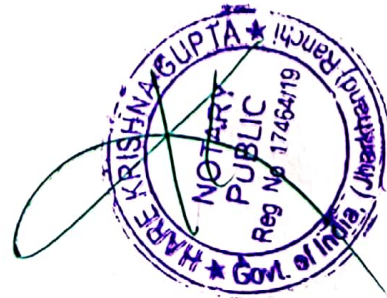
STATE OF JHARKHAND & ORS.

...Respondents

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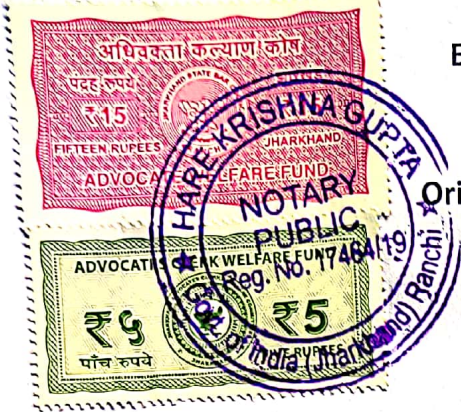
STATE OF JHARKHAND & ORS.

...Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF DISTRICT MAGISTRATE, RANCHI, JHARKHAND, (i.e. RESPONDENT NO. 4 HEREIN).

I, Md. Abu Husain, son of Md. Anwar Alam, aged about 36 years, by Religion - Islam, by Occupation - Service under Government of Jharkhand in the office of District Magistrate, Ranchi, Jharkhand, having its office at Room No. 401, B Block, District Collectorte Office, Kutchery, Ranchi, Jharkhand, do hereby solemnly affirm and state as follows:

1. That, I am the District Mining Officer, Ranchi, Jharkhand, and that I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit. Further, I have been duly authorized by the District Magistrate, Ranchi, Jharkhand.
2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.



269
 12 FEB 2025
 Not. No. _____
 via Jharkhand Ranchi
 & Notaries Rules 1956 by Govt of
 Jharkhand under Notaries Act-1956

3. That in pursuance and in compliance to the order dated 12.09.2024 and 26.11.2024 of the Hon'ble Tribunal in the instant Original Application this Counter Affidavit is being filed by District Magistrate, Ranchi, Jharkhand, Respondent No. 4 herein.
4. That this affidavit is being filed for bringing necessary facts and statements on record for just and proper adjudication of this case.
5. That in compliance to the said order dated 12.09.2024 passed by the Hon'ble Tribunal, the inspecting committee comprising of the following members visited and inspected the site on 27.09.2024:
- i. District Magistrate, Ranchi, Jharkhand,
 - ii. IRO, Scientist D, MoEF & CC, Ranchi,
 - iii. Scientist B, CPCB, Regional Directorate, Kolkata,
 - iv. Regional Officer, JSPCB,
 - v. Deputy Director of Mines South Chota Nagpur Division, Ranchi
 - vi. District Mining Officer, Ranchi
6. That the said inspection committee members carried out the inspection of the site and on basis of the said site inspection, the committee came up to the following recommendation on 27.09.2024:

"On the basis of the above observations the Joint Committee recommends the following: -

- a) *The Railway Department should ensure that the agencies engaged in construction activities of Railway Bridge should procure raw material like sand, for work on the chips etc from authorized source only.*



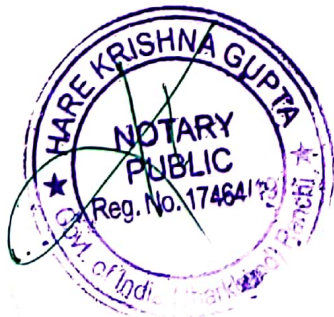
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3

- b) *The engaged agencies should maintain the serenity and Flora Fauna of the river.*
- c) *The Agency engaged in Railway Bridge construction works should carry out the avenue plantation along the banks where the bridge construction work is being carried out.*
- d) *The Agency engaged in Railway Bridge construction works should not carry out any construction activity during the monsoon season (i.e. from 10th June to 15th October).*
- e) *The Forest Department, Govt of Jharkhand should keep a check on the issues of illegal mining in forest area, if any."*

A photocopy of the said Inspection Report dated 27.09.2024 is annexed herewith and marked as Annexure - A.

7. That, this Counter Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant Counter Affidavit.
8. That the answering respondent seeks leave to file any further affidavits, if required, as per direction of the Hon'ble Tribunal.
9. I state that the statements contained in paragraphs Nos. 1 to 4 are true to my knowledge, the statements contained in paragraph Nos. 5 to 6 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.



12 FEB 2025

VERIFICATION

I, Md. Abu Husain, son of Md. Anwar Alam, aged about 36 years, by Religion - Islam, by Occupation - Service under Government of Jharkhand in the office of District Magistrate, Ranchi, Jharkhand, having its office at Room No. 401, B Block, District Collectorte Office, Kutchery, Ranchi, Jharkhand.

Date: 12/02/2025

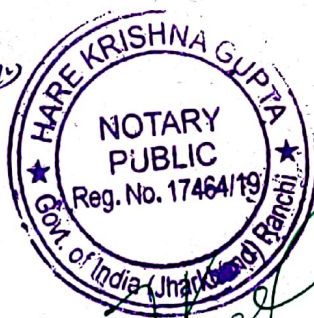
Place: @

(Signature)
12/02/2025
Md. Abu Husain
District Minsr officer, Ranchi

Deponent

Identified by me:

Advocate
(Signature)
12.02.2025



(Signature)
12.02.2025
E.No-3021/25
Signature attested on
Identification of Lawye,

12 FEB 2025

(Signature)
12/2/2025
NOTARY PUBLIC RANCHI

Inspection Report w.r.t the Hon'ble NGT case in O.A. No. 567/2024/PB, re-numbered as O.A. No. 152/2024/EZ (Lakhan Kumar vs State of Jharkhand)

1.0 Introduction

The Original Application No. 567/2024/PB was registered as suo moto by the New Delhi Bench of the Hon'ble Tribunal on the basis of letter petition received on 03.10.2023 from Lakhan Kumar, Village & Post Navadih, Bhaya Masculiganj, District Ranchi.

In the letter petition, it is alleged that rampant illegal mining is being carried on near Churi of Sapai River, Hesalong Damodar River, Dhamdhama located at Damodar River, Lapri Chatti River, Sulochana Damodar River and Dega Degi River by using heavy machines like JCB etc. Mining is being carried out in the forest area also and continuing in night hours with collusion of authorities who are responsible for prohibition, prevention and regulation but they are not discharging their statutory duties. Railway rack has been laid from Rai Station to Masculiganj Station for which huge quantity of morrum has been excavated in an illegal manner from land, substantial part whereof belong to forest department. Similarly, for construction of bridges no.101 to 133 of aforesaid railway line, huge quantity of sand has been excavated illegally. Lots of other infrastructure activities have been referred for which it is said that large scale illegal mining has been carried out.

The Hon'ble NGT, Principal Bench heard the case on 08.07.2024 and directed the following:

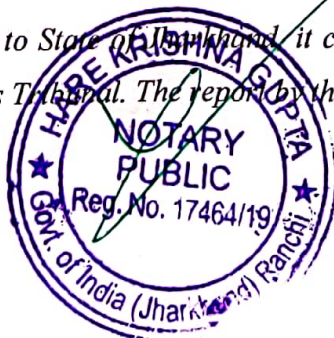
2. before taking any further action in the matter, we find it appropriate to have the facts verified for the purpose, thereof, we constitute a Joint Committee comprising following:

- (i) IRO, MoEF&CC, Ranchi;
- (ii) Central Pollution Control Board;
- (iii) Director Mining and Geology, Jharkhand;
- (iv) Jharkhand Pollution Control Board;
- (v) District Magistrate, Ranchi.

3. District Magistrate, Ranchi shall be nodal agency for coordination and compliance.

4. Said committee shall visit the concerned area, collect relevant information and submit a factual report within two months.

5. Since the matter relates to State of Jharkhand, it comes under the jurisdiction of Eastern Zone Bench, Kolkata of this Tribunal. The report by the Joint Committee shall be submitted to Registrar, Kolkata Bench.



Hare Krishna Gupta

Thereafter, the said Original Application was transferred by the New Delhi Bench of the Hon'ble Tribunal vide its order dated 08.07.2024 to the Eastern Zonal Bench of the Tribunal at Kolkata and the case has now been re-numbered as Original Application No. 152/2024/EZ.

The Hon'ble NGT, Eastern Zonal Bench heard the case on 12.09.2024 and directed the following:

"15. We also direct that in case the allegation of illegal mining is made out, the Joint Committee in its Report shall mention the names of the person(s) carrying on the illegal mining so that they may be impleaded in the array of Respondents and be given an opportunity of being heard.

16. The Committee Report on affidavit shall be filed by the District Magistrate, Ranchi, within four weeks."

Copies of the relevant orders dated 08.07.2024 (OA 567 of 2024, Principal Bench) and 12.09.2024 (OA 152 of 2024, Eastern Zonal Bench) are attached as **Annexures I and II**, respectively.

2.0 Formation of Committee:

In compliance with the Hon'ble NGT's directions, the Joint Committee was constituted based on nominations received from the relevant Authorities. The Committee's initial meeting was conducted on September 11, 2024, with the following members in attendance:

1. Shri Rahul Kumar Sinha, Deputy Commissioner, Ranchi
2. Shri Pasupala Ravi, Scientist 'D', Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Ranchi
3. Md Abdur Rafique, Scientist 'B', Central Pollution Control Board, Regional Directorate, Kolkata
4. Regional Officer, Jharkhand State Pollution Control Board, Ranchi
5. Shri Abu Hussain, District Mining Officer, District Mining Office, Ranchi.

Based on the decision taken by the Joint Committee on meeting dated September 11, 2024 (Minutes of the Meeting is attached as **Annexure III**), the joint committee carried out the site visit on September 27, 2024 where the following members were present: -

1. Shri Rahul Kumar Sinha, Deputy Commissioner, Ranchi.
2. Shri Pasupala Ravi, Scientist 'D', Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Ranchi.



Mishra

3. Md Abdur Rafique, Scientist 'B', Central Pollution Control Board, Regional Directorate, Kolkata.
4. Shri Kumar Manibhusan, Environmental Engineer – Cum - Regional Officer, Jharkhand State Pollution Control Board, Ranchi.
5. Sri Amrendra Kumar Singh, Deputy Director of Mines, South Chota Nagpur Division, Ranchi.
6. Shri Abu Hussain, District Mining Officer, District Mining Office, Ranchi.

3.0 Committee Activities

3.1 Initial Meeting and Planning

Meeting of the Joint Committee was held at Ranchi on September 11, 2024 to discuss the preliminary investigation plan of collecting relevant information / evidence by conducting site visit. It was decided in the joint committee meeting to carry out site visit on September 27, 2024 to investigate the allegations.

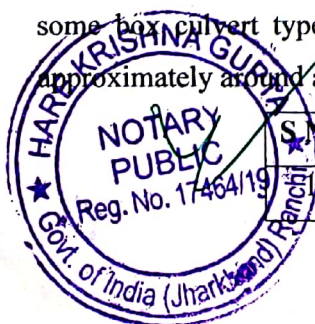
3.2 Site Visit

The joint committee has conducted the site visit on September 27, 2024 for ascertaining the correctness of the facts regarding rampant illegal mining at concerned area and collection of relevant information mentioned in the Hon'ble NGT order.

Joint Committee has carried out the field visit at following locations of River Sapai, River Damodar, Lapri Chatti River and Dega Degi River:

S No	Location	Latitude	Longitude
1	Sapai River at Churi	23.6483	84.97503
2	Damodar River at Hesalong	23.69259	84.93957
3	Damodar River at Dhamdhama	23.705	84.98423
4	Lapri Chatti River at Masculiganj	23.65402	84.92005
5	Damodar River at Sulochana	23.70091	84.9646
6	Confluence point of Damodar River and Dega Degi River	23.6925	84.93951

Joint committee has also carried out the field visit at following major railway bridge along with some box culvert type bridge laid between Rai station and Masculigang railway station, approximately around a stretch of around 13 km.



S No	Bridge No	Latitude	Longitude
	Bridge No 133	23.65416	84.92006

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2	Bridge No 132	23.65303	84.92972
3	Bridge No 128	23.65111	84.94766
4	Bridge No 123	23.6483	84.97503
5	Bridge No 120	23.64891	84.99223
6	Bridge No 110	23.66394	85.04092
7	Bridge No 110A	23.6605	85.03378

4.0 Findings

1. Sapai River at Churi

Sapai river at Churi is located between Mayapur and Lalpur Panchayat. River is a tributary of 2nd or 3rd order stream where significant sand deposition was not found. During inspection, activity related to sand mining or stacking of sand was not found. The Joint Committee also didn't found any machinery at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.6483, Longitude: 84.97503) photo has been taken by the inspection team as depicted in *Fig-1*.

2. Damodar River at Hesalong

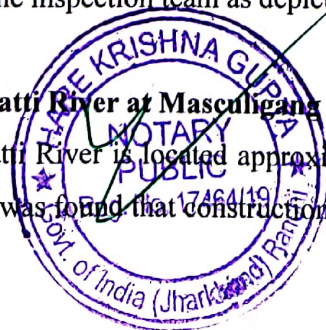
Both banks of Damodar river at Hesalong are filled up with water. During inspection, activity related to sand mining or stacking of sand was not found. The Joint Committee also didn't found any machinery at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.69259, Longitude: 84.93957) photo has been taken by the inspection team as depicted in *Fig-2*.

3. Damodar River at Dhamdhama

Left bank of Damodar river at Dhamdhama was found filled up with water, whereas deposition of sand was visible at the right bank of the river. During inspection, activity related to sand mining or stacking of sand was not found. The joint committee also didn't found any machinery at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.705, Longitude: 84.98423) photo has been taken by the inspection team as depicted in *Fig-3*.

4. Lapri Chatti River at Masculigang

Lapri Chatti River is located approximately 2.3 km away from Musculigang railway station. It was found that construction of Bridge No 133 near Piller No HFL 1976 was



M. Shalini

under progress by M/s KEC International. As reported, raw materials like soil, 10-20 mm stone chips, sand, morrum for construction of bridge are being carried from M/s VBB Infra-Ready mix plant located at Malhan, Latehar which is approximately 12 kms away from the site towards Tori. During inspection, activity related to sand mining in Lapri Chatti river or stacking of sand was not found. The Joint Committee also didn't found any machinery involved in sand mining at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.65402, Longitude: 84.92005) photo has been taken by the inspection team as depicted in *Fig-4*.

5. Damodar River at Sulochana

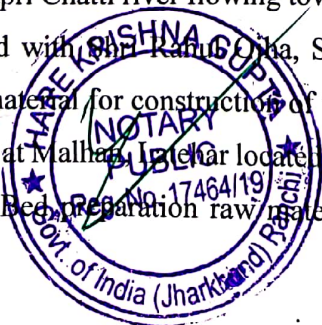
Both banks of Damodar river at Sulochana found filled up with water. During inspection, activity related to sand mining or stacking of sand was not found. The joint committee also didn't found any machinery at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.70091, Longitude: 84.9646) photo has been taken by the inspection team as depicted in *Fig-5*.

6. Dega Degi River

Team visited the confluence Point of Damodar River and Dega Degi river at Hesalong where deposition of sand was found at the confluence point. During inspection, activity related to sand mining or stacking of sand was not found. The joint committee also didn't found any machinery at the time of inspection. Vegetation was found in both bank of the river. Geo-tagged (Latitude: 23.6925, Longitude: 84.93951) photo has been taken by the inspection team as depicted in *Fig-6*.

7. Railway bridge No 133

Railway Bridge No. 133 is under construction on Lapri Chatti river having width of approximately 60 meters. The under construction bridge is located approximately 2.3 km away from Masculigang railway station. During inspection, mechanical activity of construction of railway bridge was under progress. Stack of sand or morrum were not found during inspection, only loose soil was found stacked. Sand mining activity was not found at the Lapri Chatti river flowing towards Damodar River. During inspection, the team interacted with Mr. Ranu Ojha, Site Engineer of K.E.C. International. As reported, all raw material for construction of the bridge was coming from V.B.B Infra (Ready Mix Plant) at Malhan, Latehar located at around 12 km from the site. He further informed that for bed preparation raw material such as Soil, Aggregates, sand and



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morrhum are also being send from V.B.B Infra (Ready Mix Plant) at Malhan, Latehar. It is also reported that the construction of bridges started in November 2021 and between Rai station and Masculigang railway station, total 05 nos. of major railway bridges are under construction namely Bridge No. 110, 120, 123, 128 and 133 and rest are culverts which are almost completed since more than a year. Vegetation was found along the under construction bridge. Geo-tagged (Latitude: 23.65416, Longitude: 84.92006) photo has been taken by the inspection team as depicted in *Fig-7*.

8. Railway bridge No 132

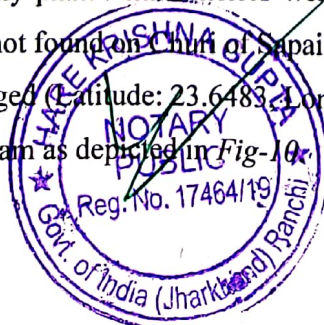
Bridge No 132 is a box culvert type and was constructed more than 1 year back. The bridge is located in between Bridge No 133 (approx 1 km away) and Masculigang railway station (approx 1.3 km away). During inspection no further activity of construction was being carried out. Stack of sand/morrhum and any plant/machineries were not found during inspection. Geo-tagged (Latitude: 23.65303, Longitude: 84.92972) photo has been taken by the inspection team as depicted in *Fig-8*.

9. Railway bridge No 128

Bridge No 128 was constructed more than 1 year back on natural stream near Godden guest house at Lappa village, Masculigang. The bridge is located in between Masculigang railway station (approx 0.66 km away) and Rai railway station (approx 12.34 km away). During inspection no further activity of construction was being carried out. Stack of sand/morrhum and any plant/machineries were not found during inspection. Also, sand deposition was not found on natural stream. Geo-tagged (Latitude: 23.65111, Longitude: 84.94766) photo has been taken by the inspection team as depicted in *Fig-9*.

10. Railway bridge No 123

Bridge No 123 was under construction on Churi of Sapai river (having width around 12 meters) located approx 2.83 km away from Bridge No 128 towards Rai railway station. During inspection, construction activity was not being carried out. Stack of sand / morrhum and any plant / machineries were not found during inspection. Also, sand deposition was not found on Churi of Sapai river which is a tributary of 2nd or 3rd order stream. Geo-tagged (Latitude: 23.6483, Longitude: 84.97503) photo has been taken by the inspection team as depicted in *Fig-10*.



M. K. Mishra

11. Railway bridge No 120

Bridge No 120 was under construction near the confluence of River Sonadhubi and Pomp at Khalari Bazar Tand, Khalari, having width of around 22 meters. Bridge no 120 is located approx 1.83 km away from Bridge No 120 and 1 km behind Khalari railway station. During inspection, construction activity was not being carried out. Stack of sand / morrum and any plant/machineries were not found during inspection. Also, sand deposition was not found on both rivers which are tributaries of 2nd or 3rd order stream. Geo-tagged (Latitude: 23.64891, Longitude: 84.99223) photo has been taken by the inspection team as depicted in *Fig-11*.

12. Railway bridge No 110 A

Bridge No 110A is a box culvert type and was under construction, located approx 3.44 km away from Khalari railway station and 3.4 km behind Rai railway station. During inspection, construction activity of Railway Bridge was under progress but stacking of sand/morrum and any plant / machineries were not found at the site. Geo-tagged (Latitude: 23.6605, Longitude: 85.03378) photo has been taken by the inspection team as depicted in *Fig-14*.

13. Railway bridge No 110

Bridge No 110 was under construction on Sapai River, located approx 800 meter away from culvert type Bridge No 110A and 2.5 km behind Rai railway station. During inspection, construction activity of Railway Bridge was not being carried out. Deposition of sand was observed in Sapai river (*Fig-13*) near Railway Bridge no 110, but sand mining activity, stacking of sand/morrum and any plant/machineries were not found during inspection. Geo-tagged (Latitude: 23.66394, Longitude: 85.04092) photo has been taken by the inspection team as depicted in *Fig-12*.

5.0 Conclusion

- The areas, as mentioned in the order and letter petition are not leased out for the sand mining activity purpose. Moreover, any type of mining activity was not found during the day of visit.
- The machineries like JCB, crane etc were found at site and these were in use for the construction work under Railway department.



M. S. Saha

- c) The concerned department like O/o DM and DMO did not receive any type of complaint in recent days regarding illegal mining activity in the mentioned areas. The patrolling activity is also carried out on regular basis by respective departments.

6.0 Recommendation

On the basis of the above observations the Joint Committee recommends the following: -

- The Railway Department should ensure that the agencies engaged in construction activities of Railway Bridge should procure raw material like sand, morrum, stone chips etc from authorized source only.
- The engaged agencies should maintain the serenity and Flora Fauna of the river.
- The Agency engaged in Railway Bridge construction works should carry out the avenue plantation along the banks where the bridge construction work is being carried out.
- The Agency engaged in Railway Bridge construction works should not carry out any construction activity during the monsoon season (i.e. from 10th June to 15th October).
- The Forest Department, Govt of Jharkhand should keep a check on the issues of illegal mining in forest area, if any.



(Abu Hussain)
District Mining Officer
Ranchi



(Md Abdur Rafique)
Scientist 'B'
CPCB, Kolkata



(Amrendra Kumar Singh)
Deputy Director of Mines
South Chota Nagpur
Division, Ranchi



(Pasupala Ravi)
Scientist 'D'
MoEF&CC, IRO, Ranchi



(Kumar Manibhushan)
Environmental Engineer –
Cum - Regional Officer
JSPCB, Ranchi



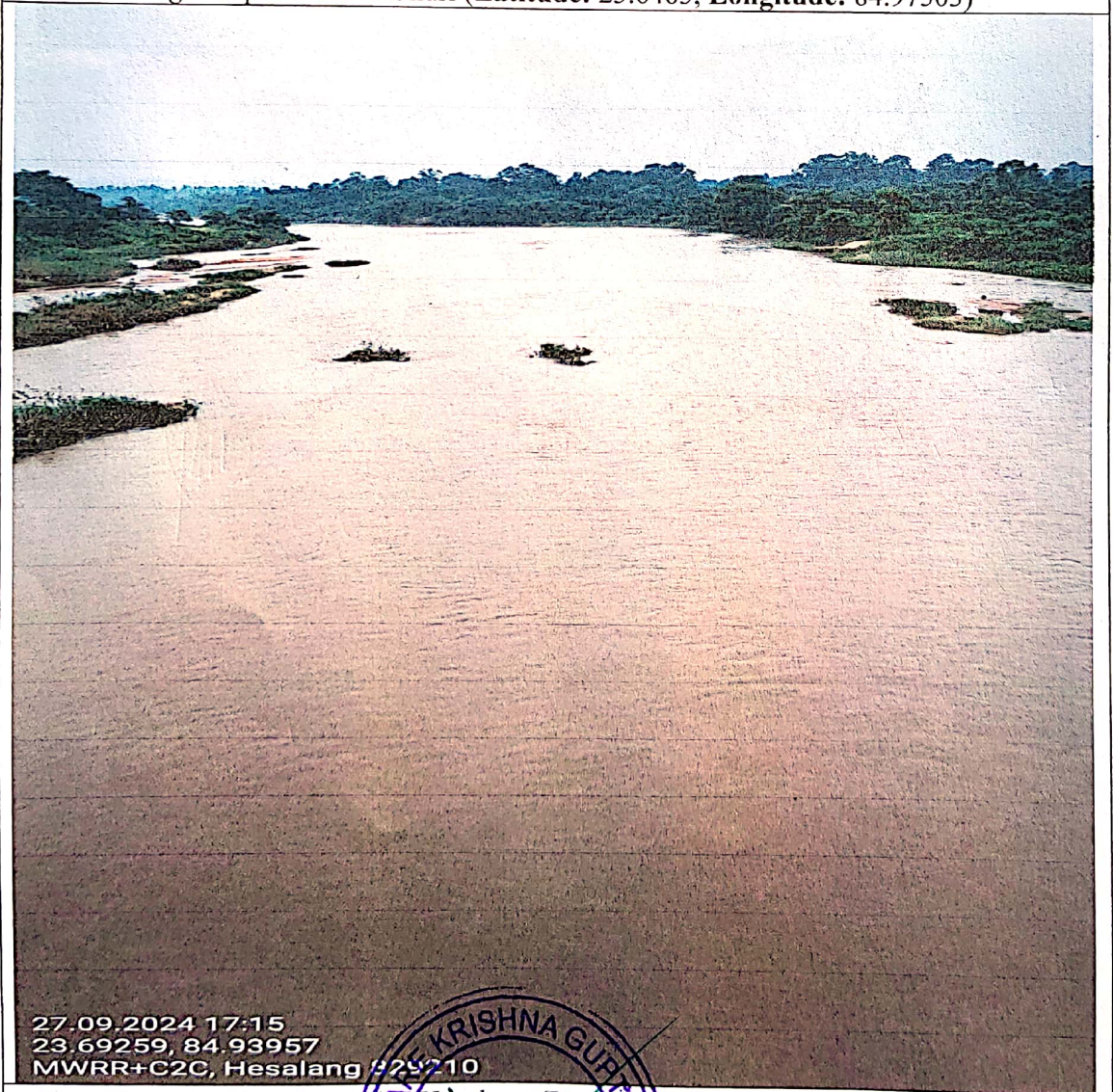
District Magistrate
Ranchi





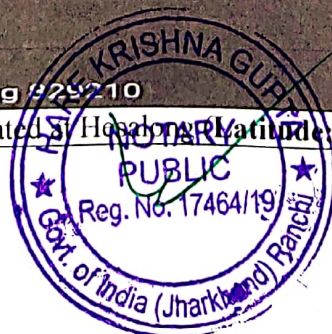
27.09.2024 13:40
 23.6483, 84.97503
 MWR+C2C, Khatan Rd, Konka, Mayapur, 829 708

Fig:1 Sapai River at Churi (Latitude: 23.6483, Longitude: 84.97503)



27.09.2024 17:15
 23.69259, 84.93957
 MWRR+C2C, Hesalang 829 210

Fig:2 Damodar River located at Hesalang (Latitude: 23.69259, Longitude: 84.93957)



mebali



27.09.2024 16:44
 23.705 84.98423
 Dhamdhamiya Rd, Tumang 829208

Fig:3 Damodar River located at Dhamdhama (Latitude: 23.705, Longitude: 84.98423)



27.09.2024 12:48
 23.65402 84.92005
 MW30+R2 CHHATTI RIVER RLY BRIDGE, Lap...

Fig:4 Lapri Chatti River (Latitude: 23.65402, Longitude: 84.92005)



M. K. Gupta



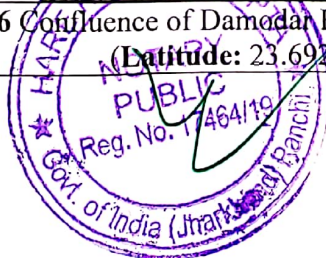
27-09-2024 16:58
 23.70091, 84.9646
 Dhamdhariya Rd, Tumang 829208

Fig:5 Sulochana Damodar River (Latitude: 23.70091, Longitude: 84.93951)



27-09-2024 17:14
 23.6925, 84.93951
 MWIR+020, Hesalong 829210

Fig:6 Confluence of Damodar River and Dega Degi River at Hesalong (Latitude: 23.6925, Longitude: 84.93951)



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27.09.2024 12:40
 23.65416, 84.92106
 MW3C+R2 CHOTI RIVER RLY BRIDGE Lapra 829210

Fig:7 Bridge No 133 on Lapri Chatti River (Latitude: 23.65416, Longitude: 84.92006)



27.09.2024 13:15
 23.65303, 84.92972
 MW2G+XQ Lapra 829208



Fig:8 Bridge No 132 - Box Culvert Type (Latitude: 23.65303, Longitude: 84.92972)

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27-09-2024 13:25
 23.651117 84.947667
 MW2X-W2M-Lappa 879208

Fig:9 Bridge No 128 at Lappa village (Latitude: 23.65111, Longitude: 84.94766)



27-09-2024 13:40
 23.6483 84.97603
 MW2X-W2M-Lappa 879208

Fig:10 Bridge No 123 on Sapal River at Churi (Latitude: 23.6483, Longitude: 84.97503)



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Fig:11 Bridge No 120 at Khalari Bazar Tand (Latitude: 23.64891, Longitude: 84.99223)

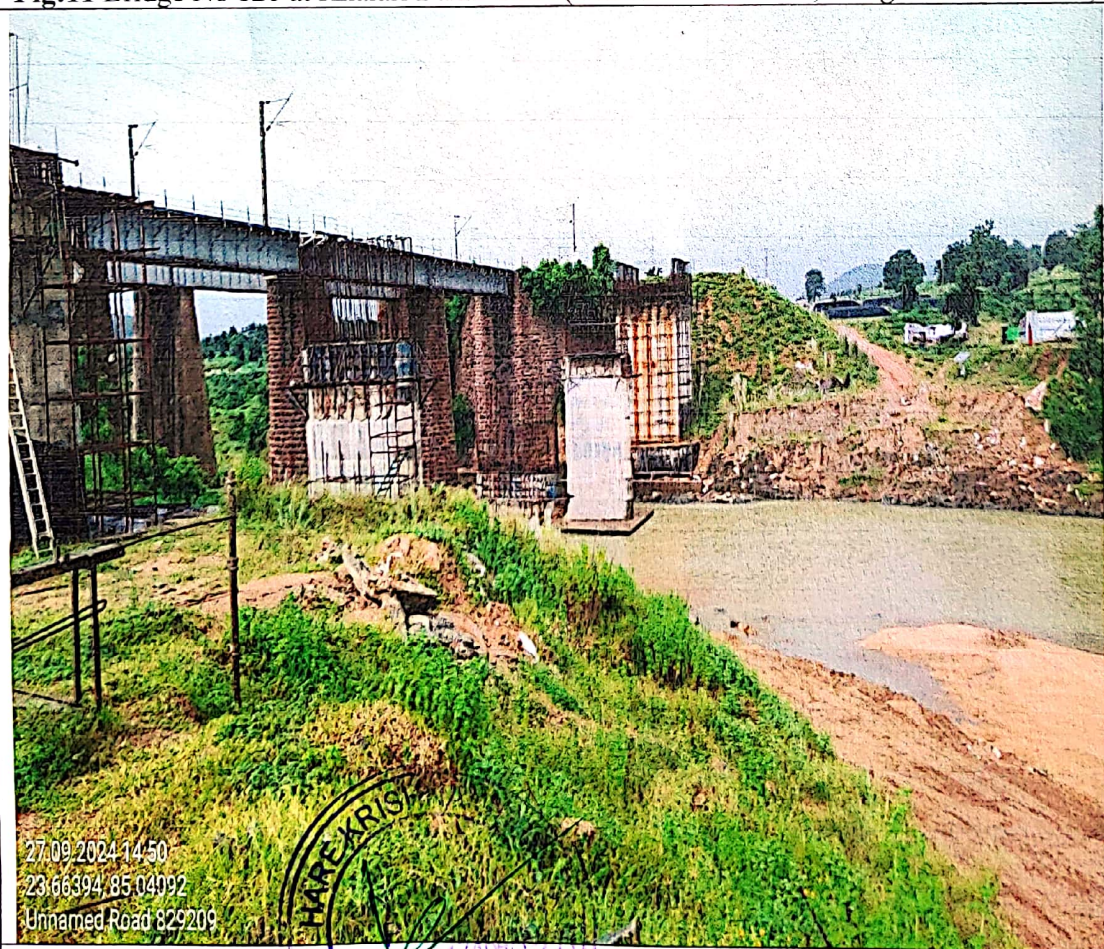


Fig:12 Bridge No 110 on Sapai River (Latitude: 23.66394, Longitude: 85.04092)

Melahi



27.09.2024 14:50
 23.66394, 85.04095
 Unnamed Road 829209

Fig:13 Sapai River near Bridge No 110 (Latitude: 23.66394, Longitude: 85.04095)



27.09.2024 17:09
 23.6605, 85.03378
 Unnamed Road 876119

Fig:14 Bridge No 110A Box Culvert Type (Latitude: 23.6605, Longitude: 85.03378)



Mehar Singh

कार्यालय उपायुक्त-सह-जिला दण्डाधिकारी, राँची।

(विधि शाखा)

पत्रांक/विधि.

प्रेषक,

उपायुक्त-सह-जिला दण्डाधिकारी,
राँची।

सेवा में,

जिला खनन पदाधिकारी,
राँची।

राँची, दिनांक.....

विषय :- O.A. No.-567/2024 Lakhan Kumar Vs The State of Jharkhand & Ors. के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि NGT, Eastern Zone Bench, Kolkata में दायर O.A. No.-567/2024 Lakhan Kumar Vs The State of Jharkhand & Ors. में प्रतिशपथ पत्र दायर करने के लिए आपको प्राधिकृत किया जाता है। अनुमोदित तथ्य विवरणी इस पत्र के साथ संलग्न की जा रही है। वाद की अगली सुनवाई दिनांक 13.02.2024 को निर्धारित है।

अतः आदेश दिया जाता है कि उक्त वाद में ससमय प्रतिशपथ पत्र दायर करना सुनिश्चित करें।

विश्वासभाजन,

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अनु०:-यथोक्त।

उपायुक्त-सह-जिला दण्डाधिकारी,
राँची।

ज्ञापांक 675(4) दिनांक 12.02.2025

प्रतिलिपि:- Aishwarya Rajyashree, Counsel, State of Jharkhand को सूचनार्थ प्रेषित।

प्रतिलिपि:- निदेशक, खान एवं भूतत्व विभाग, झारखण्ड सरकार, डोरण्डा, राँची को सूचनार्थ प्रेषित।

प्रतिलिपि:- Raja Chatterjee, Registrar, NGT, Judicial Section, Kolkata को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

H. H. Chatterjee
उपायुक्त-सह-जिला दण्डाधिकारी,
राँची।

