

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN THE MATTER OF
O.A. NO. 209 OF 2024/EZ

VIKASH KUMAR PATHAK

..... APPLICANT

VS

THE STATE OF BIHAR & ORS.

----RESPONDENTS

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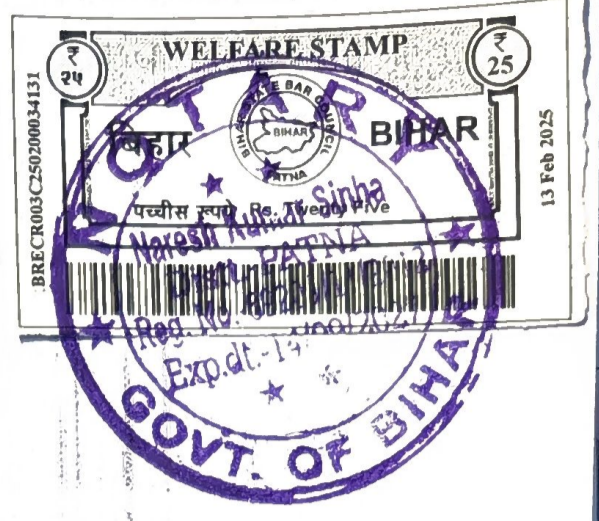
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Filed by

Anusila Pandey

Advocate

Date: 20.2.2025



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VIKASH KUMAR PATHAK APPLICANT

VS

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REPORT OF THE JOINT COMMITTEE ON AFFIDAVIT:

I, Abhimanyu Singh, aged about 32 years, Son of R.K. Singh, resident of Sardar Patel Colony, P.S.- Digha, P.O.- Sadaquat Ashram, Patna- 800010, do hereby solemnly affirm and state as follows:

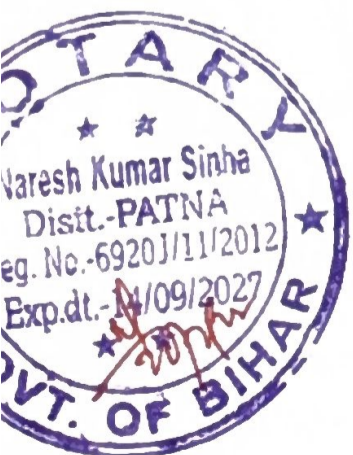
1. That I am presently posted as Law Officer in Bihar State Pollution Control Board, Patna. I am authorized to file the present report of the committee on affidavit. The report has been prepared on basis of the findings recorded by the joint committee after carrying the site inspection on 14.12.2024. The report has been prepared after consulting all the members of the joint committee, however the Additional District Magistrate, Muzaffarpur, has not signed the committee report even after repeated efforts on behalf of the committee members of the State Board.

SI No. 48 Date 20/02/25

Abhimanyu Singh who is identified by Sri. Advocate solemnly affirmed and stated before me. Naresh Kumar Sinha, Notary Public, Patna



2. That the instant Original Application has been taken up suo moto on a letter petition submitted by Mr. Vikash Kumar Pathak dated 19.08.2024, alleging therein that in the District Muzaffarpur, P.S.-Mushari, on the Adher Ghat situated on River Budhi Gandak, illegal sand mining is being carried on uncontrolled and no action is being taken by the Circle Officer, Muzaffarpur.
3. That the Hon'ble Tribunal was pleased to constitute a joint committee vide its order dated 08.11.2024, and directed that the committee shall visit the site and cause an inspection to be carried with respect to the allegation made in the Original application and submit its report on affidavit. The District Magistrate, Muzaffarpur, was made the Nodal Office for all logistic purposes and for filing the Committee Report on affidavit. Further, the Hon'ble Tribunal was pleased to direct that in case illegal mining is found by the Committee to be carried on, the Committee shall identify the person/s engaged in illegal mining so that they may be made party to the present proceedings and be given an opportunity of being heard.
4. That accordingly the committee inspected the site on 14.12.2024, the committee tried to contact the Applicant Sri Vikash Kumar Pathak on his cellular number, but he did not respond. The committee also visited his house but he was not present. The committee then interacted with local residents and through google map identified three sites where illegal sand mining was carried. The committee found the GPS location of the said site. The



committee observed signs of excavation of sand using JCB machine, however it was noticed that excavation of sand was done few days prior to the visit by the committee. Further, it was observed by the committee that steps were taken to remove the tire marks and the road leading to the sites were leveled. The committee observed the following: -

- a) Signs of excavation were observed at all three locations mentioned above showing illegal mining;
- b) The committee attempted to identify the key individuals involved in illegal sand mining at these sites. The names as informed by the locals are as mentioned below:-
 - i. Sri Harendra Chaudhary, Village- Binda;
 - ii. Sri Guddu Rai;
 - iii. Sri Moti Mishra.
- c) The committee could not ascertain detailed address of these individuals was not provide by the local informants. The local informant did not disclose their names and address for safety reasons.
- d) There were clear signs of sand excavation using JCBs;
- e) Evidence of secondary storage location for illegally mined sand as observed. These sites were likely being used for transporting the sand to other vehicles for sale;

A copy of the committee report is annexed and marked as Annexure-1.



5. That the State Board is trying to ascertain the details of the persons involved in the illegal excavation of sand and in that connection visited the site in question again on 08.01.2025, however could not ascertain any details about the persons responsible for carrying illegal sand mining and the locals refused to assist the team of the State Board.

6. That in light of the above, the State Respondents and the Applicant may be directed to ascertain the details of the person responsible for carrying the sand mining and apprise the same to the State Board, so that further action of assessing and realizing Environmental Compensation from the violator can be taken.

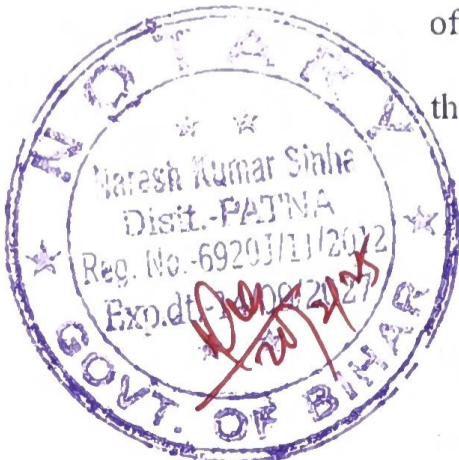
7. That I have read the contents of the affidavit and have understood the same and nothing material has been concealed therefrom.

A.P. Singh

Abhinav Singh
DEPONENT

VERIFICATION

Verified at Patna on 20th day of February, 2024, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.



I identify the Deponent signature
who has signed in my presence

20/2/24
Advocate

Abhinav Singh
DEPONENT

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भारत सरकार
Government of India

आधार

अभिमन्यु सिंह
Abhimanyu Singh
जन्म तिथि/DOB: 12/06/1992
पुरुष/ MALE

Issue Date: 17/02/2015

6676 5880 1871
VID : 9183 1297 2400 6420

मेरा आधार, मेरी पहचान

Asmit

भारत सरकार
Unique Identification Authority of India

आधार

पता:
आत्मज: रंजन कुमार सिंह, कैलाश वाटीका, सरदार पटेल
कालोनी, पी एन एम माल, कुर्जी, फुलवारी, पटना,
बिहार - 800010

Address:
S/O: Ranjan Kumar Singh, Kailash Vatika,
Saradar Patel Colony, P n m Mall, Kurji,
Phulwari, Patna,
Bihar - 800010

Download Date: 07/02/2022

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Annexure - 1

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**INSPECTION REPORT (FACT FINDING REPORT) OF
JOINT COMMITTEE, CONSTITUTED IN THE MATTER OF
THE HON'BLE NGT CASE NO. O.A. NO. 209/2024/EZ, VIKASH KUMAR PATHAK
V/S THE STATE OF BIHAR & OTHERS;
ORDER DATED- 08.11.2024.**

1. The Hon'ble NGT, Eastern Zone Bench, Kolkata, was pleased to take cognizance on the complaint of Sri Vikash Kumar Pathak son of Late Pramod Pathak resident of Athar Ghat, Bochanha, P.S.- Mushari District- Muzaffarpur, Bihar and passed its order dated 08.11.2024 in the matter of No. O.A. 209/2024/EZ, directing the constitution of a Fact Finding Committee to enquire into the allegations comprising of following members:-
 - (i) Senior Scientist, Bihar State Pollution Control Board,
 - (ii) District Magistrate, Dist.- Muzaffarpur, Bihar or his representative not below the rank of Additional District Magistrate (ADM),

And, directed that the committee shall inspect the site in question and submit its Fact Finding Report with regard to the allegations made in the Original Application.

2. Bihar State Pollution Control Board nominated Sri Arun Kumar, the Board Analyst and Sri S.N. Thakur, the Regional Officer, Muzaffarpur vide its Letter No. 2479 dated 15.11.2024 (**Annexure- I**) to the said committee.
3. The District Magistrate, Muzaffarpur nominated Sri Sanjiv Kumar, Additional District Magistrate (Revenue), Dist.-Muzaffarpur. vide his letter no. 1581 dated 06.12.2024 as his representative to the fact finding committee.
4. The Additional District Magistrate, Muzaffarpur has fixed the date of inspection on 14.12.2024 with the consensus of the members of the Committee.
5. The site under consideration was inspected on 14.12.2024 by the members of the fact finding Committee inspected the site under consideration along with the District Mining Officer, Muzaffarpur. The Committee attempted to contact the complainant, Sri Vikash Kumar Pathak, on his mobile number, but he did not respond. The team also visited his residence but was unable to contact him.
6. During the inspection, the team observed the area under reference, through Google Maps, and interacted with local residents. Based on the information gathered, the team could identify three sites where illegal sand mining was evident.

These three locations were situated at the following GPS coordinates:

1. **26.072329, 85.521376** (Approx. Length: 120m, Width: 45m, Depth: 7m)
2. **26.081764, 85.517279** (Approx. Length: 255m, Width: 55m, Depth: 3m)
3. **26.072329, 85.521376** (Approx. Length: 120m, Width: 45m, Depth: 7m)

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7. At each of these locations, the team observed signs of excavation of sand using JCB machines. It appeared that the excavation had been conducted a few days prior to the visit. Additionally, the kaccha (unpaved) path leading to the sites had been leveled, likely to conceal evidence of movement by JCBs, Hyvas, tractors, and other equipments.

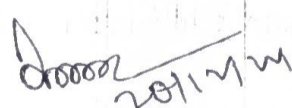
8. **Observations of the Committee:**

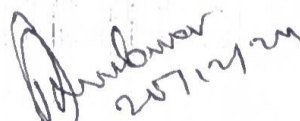
- a. Signs of excavations were observed at all three locations mentioned above showing illegal mining.
- b. The team attempted to identify the key individuals involved in the illegal sand mining at these sites. The names as informed by the locals are as mentioned below:-

- 1. Sri Harendra Chaudhary, Village - Binda
- 2. Sri Guddu Rai
- 3. Sri Moti Mishra

However, the detailed addresses of these individuals was not provided by the local informants. The informant chose not to disclose their name or address for security reasons.

- c. There were clear signs of sand excavation carried out using JCBs (semi-automatic equipment).
- d. Evidence of secondary storage locations for illegally mined sand was observed. These sites were likely used for transferring the sand to other vehicles for sale.
- e. The sand appeared silver/white in color, indicating its possible use in refilling the base of construction sites.


(S.N. Thakur)
Regional Officer,
BSPCB,
Muzaffarpur


(Arun Kumar)
Board Analyst, BSPCB,
Patna

(Sanjiv Kumar)
Additional District
Magistrate, Muzaffarpur.

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Photographs of the said illegal sand mining area taken during the inspection of the fact finding Committee on 14.12.2024.



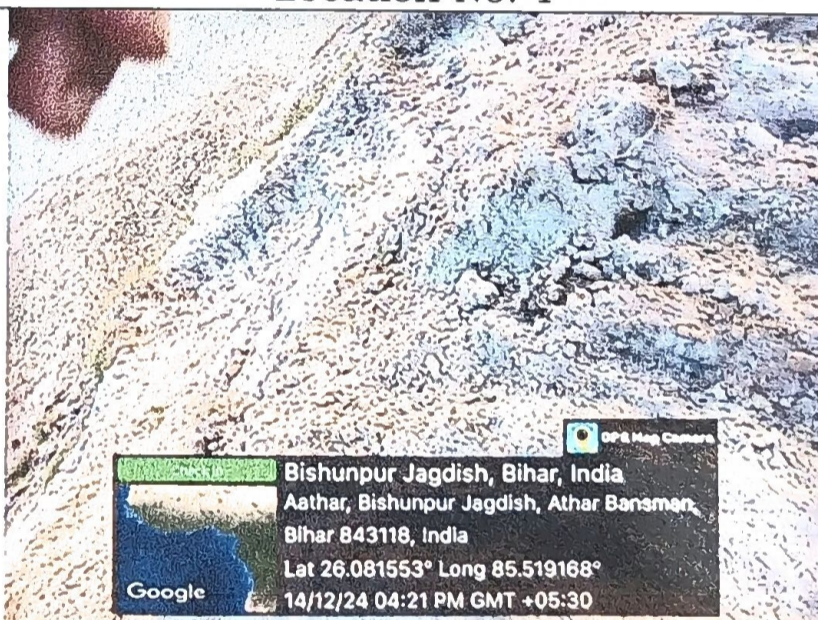
Joint Committee members



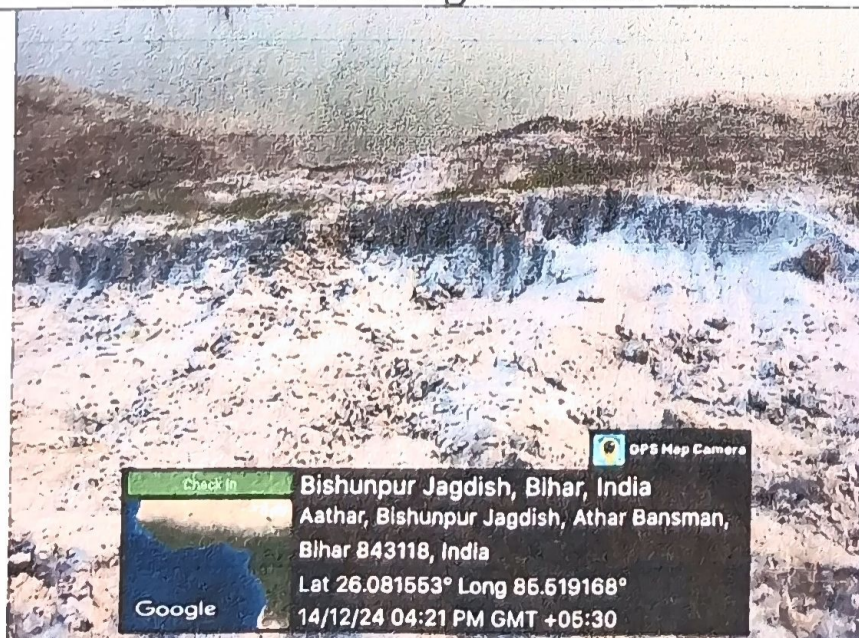
Location No. 1



Location No. 1 Sign of excavation.



Location No. 1 Sign of excavation.



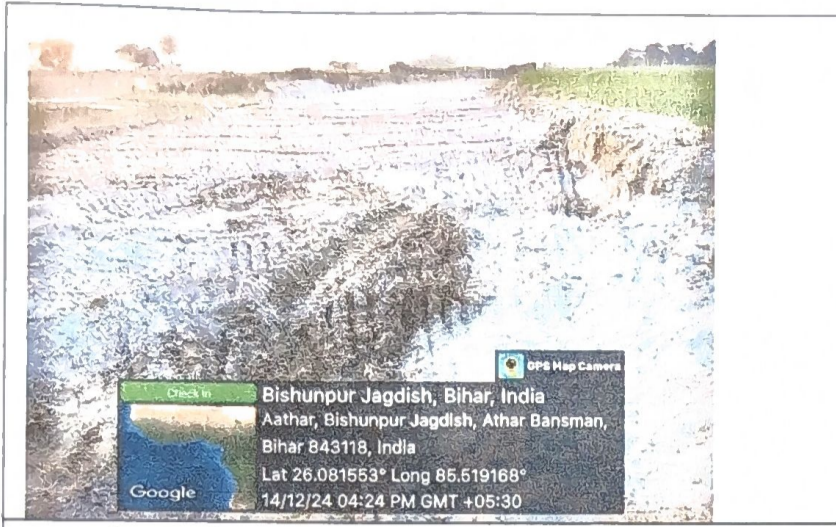
Location No. 1 Sign of excavation.



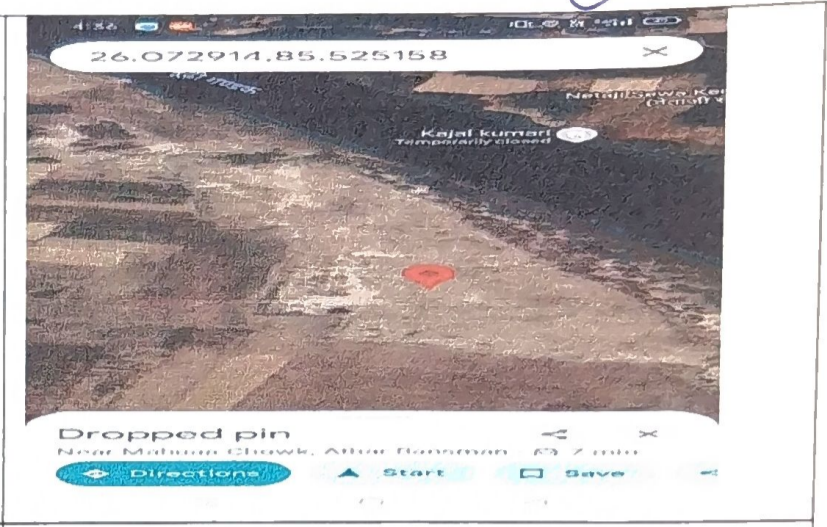
Location No. 2 Sign of excavation.

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Location No. 2 Sign of excavation.



Location No. 3

A 2