

O. A. NO. 475 OF 2019

Listed on 23.09.2020

IN THE MATTER OF:

AJAY PANDEY and Others

.....APPLICANTS

VERSUS

UNION OF INDIA and Others

.....RESPONDENTS

INDEX

<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
1.	Affidavit by way of additional Evidence	119-123
2.	The copy of daily News paper Amar Ujala Dt.18.06.2020.with its English Translation ANNEXURE-A/18 (Colly)	124-125
3.	The copy of daily News paper Amar Ujala Dt.08.07.2020.with its English Translation ANNEXURE-A/19 (Colly)	126-127
4.	The copy of daily News paper Amar Ujala Dt.06.09.2020.with its English Translation ANNEXURE-A/20 (Colly)	128-129
5.	The copy of daily News paper Amar Ujala Dt.08.09.2020.with its English Translation ANNEXURE-A/21 (Colly)	130-131

AURAIYA

DATED:09.09.2020



(AJAY PANDEY)

Applicant No.1 in Person

M. No.+918439146121,

ajaypandey1964p@gmail.com

भारतीय डाक



RU0096500551N IVR:6785009658055
FP AURAIYA H.O (206422)
Counter No:1,09/09/2020,14:24
To:THE REGISTRAR N G T ,NEW DELHI
PIN:110001, New Delhi GPO
From:AJAY PANDEY ,.
Wt:450gms
Amt:36.00(Cash)
(Track on www.indiapost.gov.in)

BEFORE HON'BLE THE NATIONAL GREEN TRIBUNAL,
 PRINCIPAL BENCH, NEW DELHI
 ORIGINAL APPLICATION NO.475 OF 2019
 LISTED ON 23.09.2020



N THE MATTER OF

Ajay Pandey, Advocate and 2 others

.....Applicants

VERSUS

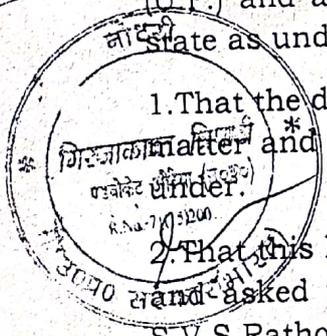
Union of India and Others

.....Respondents

AFFIDAVIT BY WAY OF ADDITIONAL EVIDENCE TO PROVE THE ILLEGAL SAND MINING IN THE PANCHNAD AREA AND RIVER YAMUNA WITH ITS TRIBUTARIES SITUATE IN THE DISTRICTS ETAWAH, AURAIYA, JALAUN AND KANPUR DEHAT OF UTTAR PRADESH & BHIND OF MADHYA PRADESH & ITS TRANSPORTATION IN UTTAR PRADESH WITH OBJECTIONS ALSO AGAINST THE REPORT, IF ANY, SUBMITTED BY ANY AUTHORITY IN PURSUANCE OF THE ORDER DT.17.06.2020,

I, Ajay Pandey, Advocate, S/O Sri Surendra Nath Pandey, Advocate, R/O near Balaji Temple, Mahatma Gandhi Road, Auraiya-206122 (U.P.) and aged about 55 Years, do hereby solemnly affirm and State as under-

N 1955/20



1. That the deponent is the applicant No.1 in the above mentioned matter and hence fully conversant with the facts stated here in under.

2. That this hon'ble Tribunal has passed an Order on 17.06.2020, and asked for a report to be submitted by Mr. Justice (Retire) S.V.S.Rathore, of Allahabad High Court, in respect of the illegal sand mining and its transportation in the Panchnand Area and River Yamuna and its tributaries in Etawah, Auraiya, Jalaun and Kanpur Dehat districts by or before 23.09.2020. Noteworthy this hon'ble tribunal had relied upon the Affidavits, Evidences and Additional Evidences filed by the deponent earlier, while passing the order dt.17.06.2020, with rejecting of all reports submitted by the U.P.Pollution Board and State Level Environment Impact assessment authority of Uttar Pradesh also.

09 SEP 2020

3. That the deponent never received any information or notice from Mr. Justice (Retire) S.V.S. Rathore or any one else after the

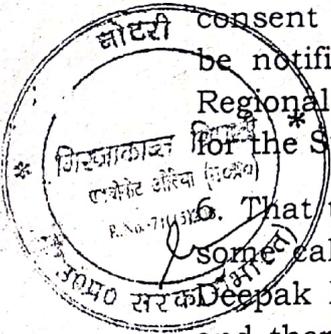
Ajay Pandey

order dated 17.06.2020, to assist or participate in the Survey to be done for finding out illegal sand mining and its transportation in the above mentioned areas.

4. That besides above it is also the most important to mention here that generally no one goes even to near any river in the rainy season between 15 June to 15 October, due the flood like situation and consequently whatever type of mining activities in all the rivers stop between the above mentioned period. Pertinent the Government has also directed for closing of all the mining activities from July to September in every year. Therefore, neither any illegal sand mining activity can be found and verified by any authority in this period by Survey or otherwise also and, if any, one submits any report about no sand mining activity in the above mentioned area or for any area then certainly the said Survey and its consequential report would be the table work and presumptive also and, therefore, can never be relied upon.

5. That the deponent on 24.07.2020, had received a call from the Mobile No.+917839891791 of one Sri Niranjan Sharma, the Regional Officer of Jhanshi Regional Pollution Board office of Uttar Pradesh with asking to join and assist in the Survey to be conducted by the committee formed by the District Magistrate, Jalaun, by accompanying the such committee. The caller also asked about the locations and their routes to access where the illegal sand mining activities are going on. The deponent gave his consent to accompany such committee on the date and time to be notified to him. However, thereafter, no one from Jhanshi Regional Pollution Board Office ever contacted to the deponent for the Survey.

6. That thereafter, the deponent again received, on 29.07.2020, some calls first from the Mobile No.+919452676201, of one Sri Deepak Rajbhar of the District Mining Office of Jalaun District and then from Mobile No.+918887534825, of Sri Rajesh Kumar Singh, the District Mining Officer of Jalaun District, in respect of accompanying the committee formed by the District Magistrate, Jalaun, including the Additional District Magistrate also on the date to be fixed by the committee soon. Noteworthy both the callers also asked for the locations and routes to access the place or places where illegal sand mining activities are going on. The deponent also gave his consent to join the committee as and when requires but again no one further contacted the deponent for whatever type of survey to find out and verify the illegal sand mining in the above mentioned areas.



09 SEP 2020

N/955/16

Ajay Pandey

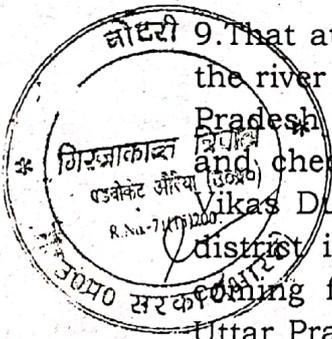
7. That under the above mentioned facts and circumstances no survey much less any survey was possible and, therefore, never any actual survey has been conducted by any authority or the committee in the above mentioned all 4 districts to find out and verify the illegal sand mining activities in the said areas. Indeed, the Sand Mafia before the rainy season, stores the huge stock of sand openly and clandestinely also by illegal mining and then transports and sells the same in various States of the country from July to October. Thereafter on downing of the water level again starts the illegal sand mining openly with the protection from all concerned who are responsible for stopping the illegal sand mining.

8. That it is pertinent to mention here that a truck was seized carrying illegal sand, on 13.06.2020, near Anantram Toll Plaza in Auraiya district on Kanpur-Delhi National Highway but later on disappeared when the Police had gone to the Toll Plaza for taking the same in the custody. Consequently an F.I.R. was registered against the Truck Owner and Driver etc. and the Police also stated that disappearance of the seized truck from Toll Plaza was the result of the connivance of the sand Mafia of the area. The deponent is annexing the copy of Daily News Paper "Amar Ujala" Kanpur Edition Dated 18.06.2020, page-3, as **ANNEXURE- A/18 (Colly)**, to this affidavit for kind perusal & humble consideration of this hon'ble tribunal.

9. That at least 13 trucks had also been seized by the Police on the river Chambal Bridge, connecting Uttar Pradesh and Madhya Pradesh in Etawah district between 5-6 July, 2020, when search and checking operation was continued on to nab the dreaded **Vikas Dubey**, accused of the Bikru Village massacre in Kanpur district in June, 2020. According to the Police, 13 Trucks were coming from Bhind district side of Madhya Pradesh towards Uttar Pradesh loaded with illegal sand and concrete also and all had been seized and taken into custody by depositing them in the Badpura Police Station of Etawah district. An other Truck carrying illegal sand and coming from Auraiya district side towards Etawah, was also seized near Ekdil Bye Pass of Kanpur-Delhi National High Way by the officials Ekdil Police Station of Etawah district in the same area. The deponent is annexing the copy of Daily News Paper "Amar Ujala" Kanpur Edition Dated 08.07.2020, page-5, as **ANNEXURE-A/19 (Colly)**, to this affidavit for kind perusal and humble consideration of this hon'ble tribunal.

10. That again another F.I.R. was registered against Driver etc. for running away with the seized overloaded Truck carrying illegal

Vikas Dubey



09 SEP 2020

N.1955/10

sand in the Police Station Kotwali Ajeetmal of Auraiya district as reported in the same News Paper on 06.09.2020. The F.I.R. disclosed that the seized Truck had disappeared from the out side of the Police Station due to the connivance of Powerful sand mafia operating in the region. The deponent is annexing the copy of the Daily News Paper "Amar Ujala" Kanpur Edition Dated 06.09.2020, page-6, as ANNEXURE-A/20 (Colly), to this affidavit for kind perusal and humble consideration of this hon'ble Tribunal.

11. That an other Truck was also seized by the Officials of Maheva Police station of Etawah district, near Baheda Over Bridge on the Kanpur-Delhi National High Way in the same area when clandestinely transporting illegal sand from Auraiya district side towards Etawah district as reported in the above mentioned News Paper on 08.09.2020. The deponent is annexing the copy of the Daily News Paper "Amar Ujala" Kanpur Edition Dated 08.09.2020, page-3, as ANNEXURE-A/21(Colly), to this affidavit for kind perusal and humble consideration of this hon'ble Tribunal.

12. That when this hon'ble Tribunal had passed the order earlier in July, 2019, for submitting a report by the Joint Committee of Uttar Pradesh Officials then they had also submitted a report perhaps in the October, 2019, without conducting any survey as would appear from the affidavit dated 21.10.2019, filed by the deponent in this hon'ble Tribunal. Note worthy the Authorities of Auraiya district on 10.10.2019, had also lodged an F.I.R. against illegal storage of huge stock of sand at Police Station Ayana of Auraiya district against 6 named accused but no action much less any action has been taken against any one named in the F.I.R. Therefore, the same F.I.R. was an exercise just to eye wash the matter of illegal sand mining at the larger scale by the sand mafia in the Area with the patronage of all concerned. This Hon'ble tribunal may peruse the Annexure-A/15 at page 12-13, annexed to the affidavit dated 21.10.2019. It is pertinent that the deponent had also filed an affidavit on 03.03.2020, with the additional evidences to substantiate the matter of illegal sand mining and its transportation at large scale in Panchnand Area and river Yamuna with its tributaries as would appear from the same affidavit also.

13. That under the above mentioned facts it is expedient in the interest of Environment and Pollution free society that stringent and punitive actions be taken against Uttar Pradesh Government and its Authorities with the passing of the strict Orders and directions for the stopping of the illegal sand mining and its

Ajay Pandey

transportation in Panchnad area and river Yamuna with its tributaries as detailing in the Original Petition also coupled with other orders and directions which deem fit and proper in the circumstances of the case.

14. That on account of high rising of infection due to COVID-19, the deponent perhaps will not be in a position to reach Delhi on the date fixed 23.09.2020, or before that also. Consequently this affidavit is being filed through registered post before two weeks earlier for humble perusal and kind consideration of this hon'ble Tribunal. The deponent is keen to participate and appear before this hon'ble Tribunal on 23.09.2020, through virtual mode and, therefore, the link for Video Conferencing may be sent & provided to deponent on Mobile No.+918439146121 or +918755375703, with informing at ajaypandey1964p@gmail.com.

AURAIYA

DATED:09.09.2020

Ajay Pandey
(DEPONENT)

VERIFICATION

I, the deponent named above do hereby verify that he contents of paras 1 to 14 of this affidavit are true and correct to the best of my knowledge. Nothing has been concealed and no part of the same is false.

Affirmed on this the 9th day of September, 2020, at Auraiya, U.P.



(1955/6)

Ajay Pandey
(DEPONENT)

09 SEP 2020

09 SEP 2020

प्रमाणित किया जाता है कि, शपथ पत्र का
श्री.....*21.09.2020*.....
जिनकी पहचान श्री.....
निकली.....*श्री...*.....की
.....
पत्र को स्वीकार किया गया है।
स्थान-मिर्जापुर, उत्तर प्रदेश, भारत
गिरजा कान्त त्रिपाठी
नोटेरी/एडवोकेट, उरिया

AMAR UJALA, KANPUR EDITION, PAGE-3,DT.18.06.2020

TRUCK SEIZED IN ILLEGAL MINING DISAPPEARED

Ajeetmal (Auraiya)

The truck is disappeared from the Anantam Toll Plaza seized on 13 June due to illegal sand mining. The FIR has been lodged in the matter against Truck Owner & Driver. The Mining Inspector, on 13 June, had seized a truck near Anantram Toll Plaza due to illegal Mining but the Mining Inspector returned from the spot without handing it over to the Police. When the Police personnel from Ajitmal Kotwali were reached to the Anantram Toll Plaza for taking into Custody the same Truck on the basis of seized Papers sent to Kotwali then found it missing from Toll Plaza. Chandrika Prasad Yadav, the Incharge of Anantram Toll Plaza Police Chowki stated that Truck is stolen under the connivance of Truck Owner and Driver. The case is registered against them.



MISSS/Co

Ajay Yadav

09 SEP 2020

मालिकों, ग्राम प्रधानों, नगर पंचायत के अधिकांशों को बुलाकर बैठक कर सभी को पीधरोपण करने और उनकी समस्याओं को सुनने में निर्देश दिए जायेंगे। संवाद

अवैध खनन में सीज टुक गायब रिपोर्ट दर्ज

अजीतमल (औरंगाबाद)। अनंतराम टोल प्लाजा के पास अवैध खनन में सीज किया गया टुक गायब हो गया। इस मामले में टुक मालिक व चालक के खिलाफ रिपोर्ट दर्ज कराई गई। खनन निरोधक ने 13 जुन को अनंतराम टोल प्लाजा के पास अवैध खनन स्थल को सीज किया था। इसके बाद टुक को बिना अनुमति के ही अवैध रूप से खनन निरोधक लौट गए। कोतवाली भेजे गए। खनन निरोधक कागजात के आधार पर कोतवाली पुलिस जब टुक को खनन स्थल टोल प्लाजा पहुंची तो वहां से टुक गायब था। इस संबंध में अनंतराम टोल प्लाजा चौकी प्रभारी चंद्रिका प्रसाद यादव को बताया कि टुक को उसके मालिक व चालक की मिली भगत से खरीद कर लया गया है। उनको खिलाफ मामला दर्ज करा दिया गया है। संवाद

महिला को कलहाड़ी मारकर घायल किया



(N19551C)

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09 SEP 2020

TRUCKS SEIZED CARRYING ILLEGAL SAND WHILE POLICE WAS SEARCHING FOR THE DON VIKAS DUBEY

13 TRUCKS SEIZED DURING CHECKING ON CHAMBAL RIVER BRIDGE

Etawah:

The Police seized 13 trucks loaded with illegal sand and coming from Madhya Pradesh, in Badpura Area, while conducting search operation of vehicles on Monday and Tuesday in order to nab Vikas Dubey, the accused of murders in Bikru village.

The Police is conducting search operation of vehicles for nabbing Vikas Dubey, absconding after committing the massacre in Bikru Village of Kanpur district but Vikas Dubey has yet not been nabbed in such Police search operation, however, several Trucks are trapped carrying sand and concrete after committing illegal mining. Specially the Trucks carrying illegal sand from Madhya Pradesh near Chambal River Border, are caught by the Police. Total 13 such Trucks are so far seized in the checking done in the night of Monday and day time of Tuesday.

Sitaram Yadav, the Station Officer of Badpura Police Station told that continuous search operation is on to nab Vikas Dubey accused of murders. During said search several Trucks loaded with illegal sand concrete and coming from Bhind district side of Madhya Pradesh passing through Chambal River Bridge are seized. 11 Trucks on Monday and 2 Trucks on Tuesday are seized for illegal mining and transportation. It is also learnt that an other truck carrying illegal sand is also seized on Bye Pass road of N.H.2 (Delhi-Agra-Etawah-Auraiya-Kanpur Highway) in Ekdil Police Station Area of Etawah district.



(M1955/20)

Ajay Pandey

09 SEP 2020

जवाड़ा 178वा बटालियन 73...
तैनात थे। वर्तमान में उनकी तैनाती नई
दिल्ली में लाल किले की सुरक्षा में की
गई थी। शुक्रवार को ड्यूटी के बाद शाम

कारियों से
पोस्टमार्टम
पूर्ण कर
जहाँ से

कीय सा...
पदक

विकास दुबे की तलाश में चढ़े चढ़े अवैध खनन करते ट्रक

चंबल नदी पुल पर वाहन चेकिंग में 13 ट्रकों को किया सीज

संवाद न्यूज एजेंसी

इटावा। विकरू गांव के हत्याकांड के बाद फरार विकास दुबे की तलाश में पुलिस ने चेकिंग के दौरान बड़पारा क्षेत्र में सोमवार और मंगलवार को 13 ट्रक सीज किए हैं। यह ट्रक मध्यप्रदेश से अवैध खनन कर मौरंग लेकर आ रहे थे।

कानपुर के विकरू गांव में हत्याकांड के बाद फरार विकास दुबे को पकड़ने के लिए पुलिस वाहनों की चेकिंग कर रही है। पुलिस की इस कार्रवाई बेपक हत्याकांडी विकास दुबे शिकजे में नहीं फंसा है। अलबत्ता मौरंग और गिट्टी का अवैध रूप से खनन करके परिवहन कर रहे ट्रकों पर गाज जख्म गिरी है। खास कर चंबल नदी पुल से सटी मध्यप्रदेश की सीमा से आने वाले मौरंग लदे ओवरलोड ट्रक पुलिस के हथे चढ़े हैं। सोमवार और मंगलवार की रात

दो दिन में कुल 13 वाहनों पर हथे कार्रवाई

मौरंगतन विभाग के वाहनों पर चेकिंग के दौरान पुलिस ने 13 वाहनों को सीज किया है। इनमें से 11 ट्रक मध्यप्रदेश से आ रहे थे। सोमवार को अलावा एकदिल आना क्षेत्र से भंग ओवरलोड ट्रक और बौरंग चिंसा गया है। कुल 13 वाहन सीज किए गए हैं। इनमें 11 वाहनों के चालान 45 हजार रुपये जमाना जमा किया गया है। शेष दो ट्रकों के अलावा बकरी और ट्रक मिश्रित चालान वाले वाहनों के चालान काटे गए हैं।

अधिक रुका मौरंग ने बौरंग विभाग समेटा जाने के अन्य वाहनों को सीज कर लिया गया है। सोमवार और मंगलवार को कुल करीब 45 हजार रुपये जमाना जमा किया गया है। 11 ट्रक सीज होने के बाद मध्यप्रदेश से अवैध खनन में मौरंग चंबल नदी पुल पर वाहन चेकिंग शुरू की गई है। इस दौरान 13 वाहनों को मिलाकर 11 ओवरलोड ट्रक और बौरंग चिंसा गया है। कुल 13 वाहन सीज किए गए हैं। इनमें 11 वाहनों के चालान 45 हजार रुपये जमाना जमा किया गया है। शेष दो ट्रकों के अलावा बकरी और ट्रक मिश्रित चालान वाले वाहनों के चालान काटे गए हैं।

और दिन के बकरा हथे चेकिंग में कुल 13 ट्रकों भीज किए गए हैं। मध्यप्रदेश विभागाध्यक्ष जोधाराम यादव ने बताया कि चंबल नदी पुल पर फरार हत्याकांडी विकास दुबे की परपकड़ के लिए लगातार वाहन चेकिंग हो रही है। इसी दौरान

मध्यप्रदेश के भिंड जिले की ओर से चंबल नदी पुल होकर गुजरने वाले अवैध खनन कर ला रहे मौरंग और गिट्टी लदे ट्रकों को पकड़ा गया है। सोमवार को 11 ट्रक और मंगलवार को दो ट्रक अवैध खनन और ओवरलोडिंग में सीज हुए हैं।



Handwritten signature and stamp: (M/555/10) [Signature]

09 SEP 2020



CASE REGISTERED AGAINST TRUCKER IN RESPECT OF VIOLATING THE COURT'S ORDER

MATTER OF RUNNING AWAY WITH THE SEIZED TRUCK WITHOUT GETTING IT RELEASED

Ajeetmal (Auraiya):

A case has been registered against the Trucker in the Kotwali Police Station in respect of running away with the truck seized with illegal sand and not appearing in the Court despite the Warrant issued for violating the Court's orders.

Last year on 26 June,2019, during the checking Administrative Officers had caught a truck carrying illegal sand. The then Mining Inspector performed the Seizure proceeding of the truck. The said truck was kept standing near Kotwali Police Station by the police after taking into the custody. On 27 June,2019, the Trucker Ramkesh Gurjjar S/O Munnalal, R/O G.T.Road, Gurjjar Colony, Dholpur, Rajashthan, had run away with the said truck without getting it released. The Court had issued warrant after Proclamation Notice pasted by the Police.

Sub inspector Kotwali and Incharge Anatrarm Chowki Chandrika Prasad Yadav revealed that the Court had issued the warrant for appearing in One month after Proclamation Proceedings and pasting of Notice against the Trucker. The Trucker didn't appear despite the completion of time limit and, therefore, the case of violating the Court's orders is registered against him.

MISS/L



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09 SEP 2020

कोर्ट की अवहेलना में ट्रक चालक के खिलाफ मामला

संवाद न्यूज एजेंसी

सीज ट्रक को बिना रिलीज कराए भाग ले जाने का मामला

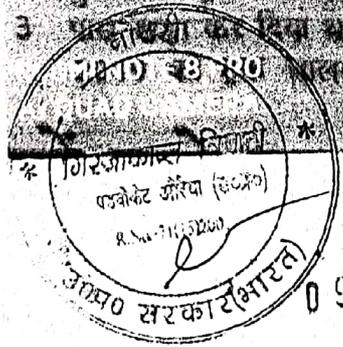
अजीतमल (औरैया)। प्रशासनिक अधिकारियों द्वारा चेकिंग कर अवैध बालू ला रहे एक सीज ट्रक को बिना रिलीज कराए भाग ले जाने और न्यायालय द्वारा जारी वारंट के बावजूद हाजिर न होने पर न्यायालय की अवहेलना के आरोप में कोतवाली पुलिस ने ट्रक चालक के खिलाफ मामला दर्ज किया है।

बीते साल 26 जून 2019 को चेकिंग के दौरान प्रशासनिक अधिकारियों ने अवैध बालू ले जा रहे एक ट्रक को पकड़ लिया था। तत्कालीन खजन निरीक्षक ने सीज की कार्रवाई की थी। अपने कब्जे में ट्रक को लेने के बाद कोतवाली पुलिस ने ट्रक को कोतवाली के प्रजापति को दे दिया था। 27 जून 2019 को 8:30 बजे तक प्रजापति को न्यायालय के सामने पेश किया गया था।

गुर्जर पुत्र मुन्नालाल निवासी चौक रोड, गुर्जर कालोनी धौलपुर, ट्रक को बिना रिलीज कराए ले गया था। कोतवाली द्वारा जारी नोटिस पत्र करने की कार्यवाही के बाद न्यायालय द्वारा वारंट जारी किया गया था।

कोतवाली सपरिintendent/ प्रजापति श्रीमती प्रमोदी चंद्रिका प्रसाद ने बताया कि उक्त ट्रक चालक के खिलाफ नोटिस चलाए जाने की कार्यवाही करते हुए न्यायालय द्वारा एक महीने में हाजिर होने का आदेश दिया था। प्रजापति को न्यायालय के सामने पेश करने के बाद न्यायालय की अवहेलना के आरोप में प्रजापति के खिलाफ मामला दर्ज किया गया है।

(N1955/20)



Signature

AMAR UJALA, KANPUR EDITION, PAGE-3 DT.08.09.2020

3 OVERLOADED TRUCKS CARRYING SAND SEIZED

Maheva (Etawah)

The Police is seized 3 overloaded Trucks transporting sand near Baheda Over Bridge on Kanpur-Delhi Highway during checking drive. Mheva Police Chowki Incharge Nitesh Kumar Vashisht said that some covered trucks were coming from Auraiya side and when their Tarpaulin sheets removed, found overloaded with sand and consequently seized.

(N19SS/L0)



08 SEP 2020

[Handwritten signature]

तीन ओवरलोड ट्रक किए गए सीज

महेवा (इटावा)। कानपुर स्थित बहेड़ा ओवरब्रिज के चेकिंग अभियान में ओवरलोड बालू से भरे हुए तीन ट्रकों को पुलिस ने सीज कर दिया। महेवा चौकी प्रभारी नीलेन्द्र कुमार वशिष्ठ ने औरैया की तरफ से आ रहे ट्रकों को रोककर उनका तिरपाल हटवाया तो वे ओवरलोड थे।

(W/1955/K)



Neelendra Kumar

09 SEP 2020