

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(PRINCIPAL BENCH) NEW DELHI.

Original Application No.1211 /2024

In The Matter of:Raja Muzaffar *Bhat*

.....Petitioner

VS

UT of Jammu & Kashmir & Ors

.....Respondents

I N D E X

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FILED BY:

28.04.2025


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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH),
NEW DELHI**

Original Application No. 1911 of 2024

IN THE MATTER OF: -

Raja Muzaffar Bhat

...Petitioner

VERSUS

UT OF JAMMU & KASHMIR & Others

...Respondent(s)

In the matter of: - REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 2
(DEPUTY COMMISSIONER BUDGAM) IN THE ABOVE TITLED PETITION.

MOST RESPECTFULLY SHOWETH AS UNDER:

PRELIMINARY SUBMISSIONS

- a) That the present reply is being filed in response to the allegations raised in the petition regarding illegal mining of minor minerals in Jammu & Kashmir.
- b) That the answering respondent denies all allegations of illegal mining and submits that all mining activities are regulated under the Mines and Minerals (Development and Regulation) Act, 1957, and the Jammu and Kashmir Minor Mineral Concession, Storage, and Transportation of Minerals Rules, 2016.
- c) That the answering respondent is fully committed to environmental protection and has been taking stringent action against any unauthorized mining activities.

*Deputy Commissioner
Budgam*

Reply on Merits

- 1.) That the Government of Jammu and Kashmir, through its concerned departments, has issued legal mining leases only to the concerned agencies after obtaining the necessary environmental clearances and

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consent to operate from the competent Authorities as per the Environmental Impact Assessment (EIA) Notification, 2006. In this context District Administration has also asked the concerned line departments to allow only operation of only those agencies who are having Environmental Clearances and fulfill other requirements mandate under law and rules governing the field.

- 2.) That with respect to contentions of the petitioner that unscientific River Bed Mining (RBM) is being done in River Sukhnag in District Budgam, it is to submit that permissions have not been granted for **unscientific River Bed mining** by the office of the Deputy Commissioner/District Magistrate, Budgam and as such the answering respondent has not violated any related provision of law.
- 3.) That District Administration has directed for periodic inspections and enforcement drives to be conducted to prevent illegal extraction of minor minerals in the District and has also directed for regular monitoring of mining activities, to ensure compliance with environmental norms.
- 4.) That the Report received from Sub- Divisional Magistrate Beerwah regarding the instant matter reveals that Station House Officer, Beerwah have registered 05 cases viz case FIR No. 09/2024, 53/2024, 91/2024, 125/2024 and 126/2024 against persons involved in illegal mining and 51 vehicles were seized during joint operations with Mining & Geology Department.
- 5.) Further, report submitted by Assistant Director Fisheries reveals that the incident of damaging the fish stock in the fish farm belonging to one of the complainant that happened during the intervening night of 23th and 24th May 2024 and law enforcement agencies had taken cognizance of the matter. The report submitted by the SHO Beerwah to Sub-Divisional Magistrate, Beerwah vide No. BWA/5A/24/2023 Dated 02-01-2025 regarding the instant matter mentions that during the course of enquiry, it has transpired that due to increase of water level of Sukhnag Nallah, the temporary water channel constructed by the complaint got damaged which resulted in damage to the fish farm and also has intimated that during the course of verification, no person was found to be involved in the said incident as such the claim of the petitioner is devoid of merits.


Deputy Commissioner
Budgam

- 6.) That the district administration acts tough and harsh against any illegal mining activities in the whole district which is evident from the report of District Mineral Officer, Budgam wherein it has been reported that during the period of January 2024 to March 2025, 125 seizures have been conducted from the area in question and fine of Rupees Twenty one lacs twenty Six thousand (Rs. 2126000) as admissible under rules was realized from such offenders. Furthermore, 17 F.I.Rs have been lodged against 17 persons (vehicle owners/drivers) involved in the commission of offense (illegal mining in this area).
- 7.) That the answering respondent has taken all possible steps to prevent unauthorized mining and has directed the concerned agencies to enforce mining regulations fully in the district.

In the premises it is, therefore, prayed that taking into consideration the above made submissions, this Hon'ble Court may be pleased to take the instant affidavit on record for perusal of this Hon'ble court.

AP
Deponent,
Deputy Commissioner
Budgam

Verification: -

Verified today the 26-04 2025 that the averments made herein above are true and correct to the best of my knowledge and belief and that nothing has been concealed.

AP
Deponent
Deputy Commissioner
Budgam

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH),
NEW DELHI

Original Application No. 121 of 2024

IN THE MATTER OF: -

Raja Muzaffar Bhat

...Petitioner

VERSUS

UT OF JAMMU & KASHMIR & Others

...Respondent(s)

In the matter of: - Affidavit.

I Akshay Labroo (IAS) presently posted as Deputy
Commissioner Budgam do hereby solemnly affirm and declare as
under: -

That the deponent has gone through the averments made in the
accompanying Reply Affidavit. The same are true and correct to my
knowledge based on the official record made available and that
nothing has been concealed.

That the submissions made in the affidavit are believed to be
true upon legal advice sought from my learned counsel.

Certified that the statement is approved
on oath and solemn affirmations before
me on this the 26
day of April 2025
by Akshay Labroo
presently posted as Deputy
Commissioner Budgam
who is identified by _____

AP
Deponent.
Deputy Commissioner
Budgam

Verification: -
Verified today the 26-04-2025 2025 that the
averments made herein above are true and correct to the best of
my knowledge and belief and that nothing has been concealed.

S.S.H. GEELANI
Notary Public
Budgam.

AP
Deponent
Deputy Commissioner
Budgam



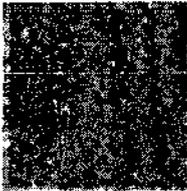
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Government of Jammu and Kashmir

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Proof of Service.

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Yahoo Mail - OA No. 1911/2024 Raja Muzaffar Vs UT of J&K & Ors

OA No. 1911/2024 Raja Muzaffar Vs UT of J&K & Ors

To: gmkawoosa@yahoo.com (gmkawoosa@yahoo.com)

To: rahulchoudhary@gmail.com

Date: Sunday 27 April, 2025 at 07:45 pm IST

Sir

Kindly find attached herewith reply on behalf of Respondent No.2 in the captioned matter for your service.

Regards
G.M.Kawoosa
Advocate

Raja Muzaffar Reply Ngt.pdf