

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

Original Application No. 706/2022
(I.A. No. 260/2022)

Asgar Ahmad Najar

....Applicant

Versus

Ministry of Environment, Forest and
Climate Change & Ors.

....Respondents

IN THE MATTER OF: Action Taken Report on behalf of District Magistrate, Ramban, in terms of Hon'ble NGT, order passed on 17.05.2023.

MAY IT PLEASE YOUR LORDSHIPS,

The undersigned, being District Magistrate, Ramban, submits that the above-titled case was listed for hearing on 17.05.2023 before the Hon'ble Court and the personal appearance of the undersigned was called by the Hon'ble NGT. During the course of adjudication, the Hon'ble Court passed directions at Para 8, the operative part of which is reproduced as under:

"District Magistrate, Ramban and Member Secretary, JKPC, are directed to take appropriate remedial measures in accordance with the recommendations made in the report of the Joint Committee and submit an action taken report on or before 14.08.2023, by email at judicial-ng@gov.in preferably in the form of searchable PDF/OCR support PDF and not in the form Image PDF".

In compliance to the above Hon'ble Court directions, the undersigned visited the spot on 11.08.2023, in presence of all stakeholders, including the applicant and the report thereof is submitted as under:

S. No.	Recommendation of Committee	Action Taken
1	The report of the Mineral Officer was examined by the Joint Committee and it was observed that no feedback with regard to the adequacy of the	On the directions of the Hon'ble Court, District Mineral Officer, Ramban, revisited the site and submitted a report vide his office letter No. DMO-R/NGT/2023-24/04, dated 04.04.2023, which reveals that the retaining /crate wall constructed at the base of Muck Dump above old aligned Railway Tunnel is sufficient to hold the dumped muck at the


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	<p>protection provided to the muck dumped by the proponent and the additional measures required, to avoid any untoward incident leading to loss of property and life, have been provided. Therefore, a revisit to the report is required by the Mining Officer in the interest of public property and precious life of inhabitants.</p>	<p>site for kind perusal.</p> <p>The undersigned, along with concerned stakeholder officers, visited the site and found that the protection wall is strong enough to hold back the muck at the site.</p> <p>In order to further protection, a concrete wall outside the abandoned Tunnel T-77S has also been constructed.</p> <p>The undersigned, during his spot visit, also witnessed the newly constructed drain which shall safeguard the residential houses from torrential rains/ downpours.</p> <p>The undersigned also met the complainant, who expressed his satisfaction over the measures taken by the District Administration Ramban on the directions of the Hon'ble NGT.</p> <p>The undersigned also issued directions to IRCON International Ltd & the Project Proponent to clear the debris outside the portal of the abandoned Tunnel T-77, to safeguard the interests of the residents living down below.</p> <p>The Project Proponent has already carried out the instructions issued in the matter.</p>
2	<p>It was observed by the Joint Committee that report of the Chief Horticulture Officer does not speak anything about the land under reference, which was found to be occupied/filled with silt/mud and therefore nothing could be concluded from the report of the Chief Horticulture Officer. A revisit to the report with relevant data of the yield of horticulture crops before and after installation of hatching</p>	<p>The Chief Horticulture Officer, Ramban, has submitted a clarification report vide his office letter No. CHO/Rbn/Dev/36, dated 11.04.2023, which reveals that no damage, has been caused to the horticulture plantations to the land in question.</p>


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	plant is required, to conclude the matter.	
3	During spot visit, some cracks were found in the walls of applicant's house and other inhabitants residing in locality. Cause of these cracks needs to be ascertained that whether these cracks are result of blasting or due to some construction fault.	The matter was taken up with the Chief General Manager, IRCON International Ltd, Banihal. In response, he has reported that the geo-tagging of the structures falling along the alignment of T-77D was carried out in the year 2020 and none of the structures in Channar area fall within the ambit of 125mts and do not qualify for damage compensation as agreed upon by Northern Railway on the demands projected by the locals of the area which has also been shared with this office vide No. DCE/C/BAHL/IRCON/T-77D, dated 07.09.2017.
4	A team of Agriculture Officers of Zone Banihal visited the spot on 08.12.2022 and reported vide letter No. AEO/B/2022-23/78, dated 08-12-2022, that an area of 1-1.5 acre of Paddy land has been damaged due to the effluents coming from the construction site of Railway Tunnel by ABCI.	<p>Chief Agriculture Officer, Ramban, has assessed the compensation to the tune of Rs. 69084/- on account of damage to the crops.</p> <p>Accordingly, this office vide communication No. DCR/ARA/2023-24/10, dated 12.04.2023, issued directions to Project Manager, ABCI Infrastructure Pvt. Ltd. to deposit the aforesaid amount in the office of Sub Divisional Magistrate, Banihal, for further course of action.</p> <p>Pursuant upon above, ABCI Infrastructure Pvt Ltd deposited an amount of Rs.69,084 with SDM Banihal as crop compensation.</p> <p>However, SDM Banihal vide communication No.SDMB/2023-24/390, dated 24.07.2023, has communicated that the land for which Rs.69,0874 has been deposited with him by the Project Proponent is State land and cannot be disbursed in favour of the complainant. He has sought further instructions from the office of the undersigned.</p> <p>Consequent upon above, the matter has been taken up with the office of worthy Divisional Commissioner, Jammu, for instructions/ advice on the issue.</p> <p>As and when the instructions are issued, further action shall be taken in the matter and Hon'ble Court informed accordingly.</p> <p>Further, following the site visit on 11.08.2023, Chief Agriculture Officer, Ramban, made spot visit of the aforementioned land pocket. He</p>


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		<p>has vide his communication No.CC/CAO/Rbn/2023-24/2111-12, dated 12.08.2023, submitted an estimate to the tune of Rs.2.93,394/- for taking up works for restoration of aforesaid land to its original form.</p> <p>Following the receipt of the estimate, ABCI Infrastructure Pvt Limited was vide No.DCR/ARA/2023-24/243-45, dated 12.08.2023, to deposit the said amount for restoration of land to its original form.</p> <p>In deference to the directions received, ABCI Infrastructure Pvt Ltd, vide No.ABCI/IRCON/J&K/NGT/2023-24/389, dated 12.08.2023, has deposited an amount of Rs.2,93,394/- with the office of Sub Divisional Magistrate, Banihal.</p>
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IN THE PREMISES:-

It is, therefore, respectfully prayed, that the Action Taken Report on behalf of District Magistrate, Ramban, may kindly be taken on record.

Place: Ramban

Dated: 12.08.2023



Mussarat Islam, JKAS,
District Magistrate,
Ramban