

**BEFORE THE 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 February, 10 2023.

MAY IT PLEASE YOUR LORDSHIPS,

The action taken report on behalf of District Magistrate, Ramban, in terms of order passed by the Hon'ble NGT, New Delhi, on February, 10 2023, in O.A No. 706/2022 in I.A. No. 260/2022, respectfully submits 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 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. | The District Mineral Officer, Ramban, has revisited the site and reported vide his office letter No. DMO-R/NGT/2023-24/04, dated 04.04.2023, which reveals that the retaining wall/Crate wall provided at the base of Muck Dump above old aligned Railway tunnel is sufficient to hold the dump muck at site (copy is enclosed as Annexure-"I") for kind perusal. |
| 2 | It was observed by the Joint Committee that report of the Chief Horticulture Officer does not speak anything about the land under | The Chief Horticulture Officer, Ramban, has submitted a clarification |

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Deputy Commissioner
Ramban

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| | 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 plant is required, to conclude the matter. | 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 (copy is enclosed as Annexure-"II") for kind perusal. |
| 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 the 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 (copies are enclosed as Annexure-"III") for kind perusal. |
| 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 | The Chief Agriculture Officer, Ramban, has assessed the compensation to the tune of Rs. 69084/- on |

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Deputy Commissioner
Ramban

| | | |
|--|---|--|
| | <p>effluents coming from the construction site of Railway Tunnel by ABCI.</p> | <p>account of damage to the crops (copy enclosed as Annexure-"IV"). Accordingly, this office vide communication No. DCR/ARA/2023-24/10, dated 12.04.2023, issued directions to the Project Manager, ABCI Infrastructure Pvt. Ltd. to deposit the aforesaid amount in the office of Sub-Divisional Magistrate, Banihal, for further course of action (copy is enclosed as Annexure-"V") for kind perusal.</p> |
|--|---|--|

IN THE PREMISES:-

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

Place: Ramban

Dated: 13 .04.2023



 Mussarat Islam,
District Magistrate
Ramban
Deputy Commissioner
 Ramban

Office of the District Mineral officer
Geology and Mining Department
Ramban

The Deputy commissioner
Ramban,

No:- DMO-R/NGT/2023-24/04

Date:- 04/04/2023

Sub:- Hon'ble NGT order Dated 10-02-2023 in O A no 706/2022 Titled Asgar Ahmed
Najar/s Ministry of Environment, Forest & Climate change & ors.

R/Sir

Kindly refer to the above cited subject matter, it is submitted that the report in this regards already stand submitted. Further vide Hon'ble NGT order no. mentioned above wherein the Joint committee referred a revisit by the mining officer of the concerned site. The undersigned revisited the spot at Banderkoot, Tatnihal, Banihal and further submitted that the retaining wall/ Crate wall provided at the base of muck dump above old aligned Railway Tunnel is sufficient to hold the Dumped muck at site. Hence the report is submitted for favour of information please.

Yours faithfully


District Mineral officer
Ramban

04/04/2023

Department of Horticulture
OFFICE OF THE CHIEF HORTICULTURE OFFICER RAMBAN
e-mail:- chorambanoffice@gmail.com

The District Development Commissioner
Ramban

No:- CHO/Rbn/Dev/ 36

Date: 11.04.2023

Subject:- Constitution of joint committee in case of Hon'ble NGT
OA No. 706/2022 titled as Asgar Ahmed Najar Vs Ministry
of Environment, Forest and Climate Change & Ors.--
Reporting thereof.

Ref.:- Letter No. DC/Rbn/Ps/2022/1782-88 dated 24.11.2022

Sir,

In continuation to this office letter No.CHO/Rbn/Dev/1643-44
dated 08.12.2022 it is to submit and make the report more clear that there
is no damage / effect on the Horticultural Crops in the catchment area of
Batching Plant at Chanar Bankoot, Banihal .

Hence the report is submitted for necessary action.

Your's faithfully,


Chief Horticulture Officer
Ramban



इरकॉन इन्टरनेशनल लिमिटेड
(भारत सरकार का उपक्रम)

इरकॉन 329

IRCON INTERNATIONAL LIMITED

(A GOVT. OF INDIA UNDERTAKING)

An Integrated Engineering and Construction Company

Banihal Office :
USBRL Project,
Vill-Krawah, Post-Banihal,
Distt-Ramban, J&K-182146
Tele Fax : 01998-255708

Jammu Office :
USBRL Project Office
Satyam Complex, Marble Market,
Jammu-180011.
Tel : 0191-2484842, Fax : 0191-2484812

No.: IRCON/CGM/CIVIL/BNL/ 441

Date: 12.04.2023

The Deputy Commissioner/Ramban,
Office of the DC/Ramban
District Administrative Complex,
Maitra, Ramban (J&K).

Sub.: Damage compensation cases in connection with Tunnel T-77D
Ref.: Northern Railway Letter No.: DCE/C/BAHL/T-77D Dt.: 07.09.2017

Dear Sir,

Geo-tegging of the structure falling along the alignment of Tunnel T-77D was carried out in the year 2020 and report is enclosed. The geo-tegging of structures falling along the alignment from Chainage 147.872 to Chainage 147.410 through village Channar, Bankoot is enclosed. As can be seen from the survey sheets enclosed none of the structure is within the ambit of 125 metre distance from centre line of alignment.

In view of above the structures in the Channar area do not qualify for damage compensation in reference to N.Rly. Letter No. DCE/C/BAHL/T-77D Dt.: 07.09.2017

Submitted for kind action at your end.

For and on behalf of
Ircan International Limited

(SANGRAH MAURYA)

Chief General Manager/Banihal

Copy to:

- 1) Chief Engineer/C, N. Railway- for information please.
- 2) SDM/Banihal – for information.



NORTHERN RAILWAY

Office of the
Chief Admn. Officer,
USBRL Satyam Complex,
Trikuta Nagar Ext, Jammu

Dated: 07.09.17

No. DCE/C/BAHL/IRCON/T-77D

✓ District Commissioner
Ramban

ADC
[Signature]
07.09.2017

Sub-Deliberation with the residents of Bankoot regarding work on T-77.
Ref Tehsildar/Banihal Letter no BNL/OQ/2017-18 dated 16.09.17

The issue of Tunnel T-77 D in Bankoot village and above referred letter, was discussed in 3rd appex committie held on 07.09.17 at Srinagar. Following are the remarks from the Railway.

1. The houses falling over tunnel alignment, with in 15 meter on either side (Total within 30 m) from the center line of alignment will be acquired in due course of time, villagers has to vacate these houses and these will be handed over to Railway, but the work of tunneling be started immediately.
2. House owner of the Houses falling beyond 15 m but upto 125 on either side from the center line of alignment will be paid rent. Rate and Amount of rent be determined by R&B Department. Rent will be fixed taking into account the locality.
3. If there is any damage caused to the Structures falling beyond 15 m but upto 125 on either side from the center line of alignment, due to mining of Tunnel T-77D, compensation will be paid for those structures. Assesment of damage and rate and amount of compensation will be worked out by R&B department, following rule as applicable.
4. Northern Railway is in process of denotifying the land acquired for the old abandoned alignment, graveyard can be relocated in Land denotified by the Railway.

Following points are agreeable to Northern Railway.

The assessment for valuation of structures for compensation or rent be worked out afresh. Besides the tape measurement / survey measurement for measuring the distance be also carried out afresh.

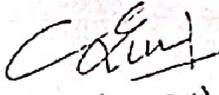
2. Agreed if the structures are partly within zone of 15m on either side of centre line will also be acquired (around 4 structure)
3. Rent will be fixed by R&B department for Bankoot village locality following rule as applicable.
4. Tunnelling under Grave Yard will be carried out with utmost care.

GQ Nisar
[Signature]

[Signature]

5. Joint survey for the damage caused by the first blast of T-77 D will be carried out and compensation will be paid to genuinely affected structure owners, falling within 125 m on either side from centre line of tunnel.
6. A recreational park can be developed under policy of IRCON, after denotification of said land.
7. BCC had given maximum employment to locals

Since most of the demands of locals are agreed upon by Northern railway. It is therefore requested that necessary arrangement may be made at work site so that work can be started immediately.


(Mohit Kumar) 7/9/17
Dy CE/C-I/Banihal

Copy to

1. CE/C/North for kind information please.
2. General manager/IRCON for Information and necessary action pl.
3. XEN/C/III/Banihal for Information and necessary action pl.

OFFICE OF THE CHIEF AGRICULTURE OFFICER RAMBAN

EMAIL ID: ceoramban@gmail.com CONTACT NO: 7099941418THE DEPUTY COMMISSIONER
RAMBAN

NO. D-1/CAO/R/2022-23/3686-9)

DATE. 31-03-2023

Subject - Damage to Agriculture Land due to polluted water coming from the construction site of Railway tunnel by ABCL Ltd.

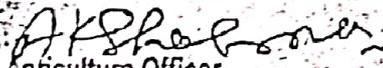
Sir,

In reference to your letter no:-DC/Rbn/2022/1982-88, Dated:- 25-11-2022 & Chief Agriculture Officer, Ramban's No:- E-1/CAO/Rbn/2022-23/2438-43, Dated:-08-12-2022 (Copy enclosed) regarding subject captioned above, it is inform to your goodself that detail of damage is as under:-

| S.NO | CROP | SEASON | AREA | INCOME/YEAR |
|---------------|---------------------|--------|------|-------------|
| 1 | PADDY | KHARIF | 12 K | Rs 41400 |
| 2 | OATS (GREEN FODDER) | RABI | 12 K | Rs 27684 |
| Grand Total:- | | | | Rs 69084 |

Thanking you,

Warm regards,


 Chief Agriculture Officer
 Ramban

Copy to the:-

1. Chief Planning Officer, Ramban for kind information please.
2. Assistant Commissioner Revenue, Ramban for kind information please.
3. Divisional Officer Pollution Control Board, Ramban for information.
4. District Agriculture Officer Ramban for information.
5. Sub-Divisional Agriculture Officer, Ramban for information.
6. Agriculture Extension Officer, Banihal for information.



GOVERNMENT OF JAMMU & KASHMIR U.T

OFFICE OF THE DISTRICT MAGISTRATE RAMBAN

E-mail: dcramban.jk@nic.in

Fax/Ph. 01998-266906/266789

Project Manager,
ABCI Infrastructure Pvt. Ltd.
Banihal

No: DCR/ARA/2023-24/10

Dated: /2.04.2023

Subject: Original Application No. 706/2022 in I.A. No. 260/2022, titled Asgar Ahmad Najar v/s Ministry of Environment, Forest and Climate Change & Ors.

Ref: Order passed by the Hon'ble NGT on February, 10 2023.

Refer to the above-captioned subject and reference. In this connection, you are hereby informed that in light of the Hon'ble NGT directions passed on February, 10 2023, where under undersigned has been directed to file action taken report in the matter as per the recommendations made by the joint committee constituted by the Hon'ble NGT, New Delhi, to verify the factual position in the aforementioned case.

You may note that the Chief Agriculture Officer, Ramban, has assessed the annual damages to the tune of Rs. 69084/- for the crops Rabi and Kharif.

As such, you are directed to deposit the assessed compensation in the office of Sub-Divisional Magistrate, Banihal, for further course of action.


12.04.2023
Mussarat Islam,
District Magistrate
Ramban