

To,  
The Registrar,  
National Green Tribunal,  
Principal Bench, New Delhi.

Date- 09 September 2022

Subject:- Action taken report in relation to the order dated 12.08.2022 passed in O.A.  
No. 268/2021 Jahangir Vs. Haryana State Government.

Respected Sir,

In the above noted case, Hon'ble Tribunal has given direction as below:-

“We find it surprising that once the complaint of illegal mining is found correct which resulted in diversion of river flow, still, the Authorities have tried to belittle this aspect on shallow pretexts without taking any effective appropriate action including, criminal proceedings against the guilty persons. Since the mining was allowed in the present case to a particular person, in the absence of anybody else's involvement, apparently such person's involvement in illegal mining ought to have been proceeded unless proved otherwise. But in the present case, an attempt has been made to save the proponent in one or the other way despite the fact that there was illegal mining which resulted in diversion of river flow. Prima facie we are satisfied that the officers of Revenue and Mining Department of States as also Pollution Control Board of both the States are guilty of suppressing information and also for not taking appropriate action against the persons who have attempted illegal mining. In such circumstances, the Chief Secretaries of State of Haryana and Uttar Pradesh ought to have taken stringent action against the erring officers but nothing has been placed on record to show that such action has been taken.

Sh. Pradeep Misra, learned counsel appearing for UPPCB and Sh. Rahul Khurana appearing for Haryana PCB stated that the Authorities may be given one more opportunity but the reason for giving this opportunity or for what purpose this opportunity may be given could not be explained.

We therefore, direct the Chief Secretaries of both the States to take appropriate criminal, civil as well as other action for illegal mining conducted in this case and submit action taken reports before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. They may also take appropriate action against the concerned erring officials who have tried to cover up the act of illegal mining resulting in diversion of river flow by not taking appropriate action against the erring and guilty persons.”

2- Earlier, an inspection of the site mentioned in the order of Hon'ble Tribunal, was carried out by a joint inspection team comprising of the officials from State of Uttar Pradesh and Haryana on dated 10-01-2022, 02-04-2022 and 12-05-2022. The

joint inspection team prepared its report and submitted before Hon'ble NGT. The observations made by the aforesaid Joint Team are as under:-

"During inspection, no illegal mining observed at the border of UP and Haryana and in the adjacent area of Haryana i.e. Village Bailgarh (Haryana) revenue in the river Yamuna. As per the site observations the machinery of M/s Star Mines was operating substantially away from the border area and within the jurisdiction of State of UP and even no foot prints of mining vehicles observed approaching the border area for mining in the area of Bailgarh. Further, the question raised by the complainant Sh. Jahangir regarding diversion of flow of river Yamuna, no such footprints observed at site that flow of the river Yamuna diverted in the area of dispute."

3- The following observation in the order, are of the Team of Haryana exclusively:-

"As per the report submitted by the team from Haryana, the area of dispute i.e. Khasra No. 19//20 and 20//13 of village Bailgarh falls on the boundary of both the States and further submitted that the River Yamuna at the disputed area mostly flowing in the area of Uttar Pradesh and at Khasra No. 20//13 River Yamuna enters in the State of Haryana. The team has given observations that the flow of River changed due to illegal mining but due to flow of River, the quantum of mining could not be ascertained."

4- Pursuant to directions of Hon'ble Tribunal, District Magistrate Saharanpur conducted enquiry and submitted a fresh report to the Government in this matter and as per this report, the facts of the matter are following:-

1- The lease deed of five year mining was approved for mining of sand, gravel, boulder (in mixed condition) in Gata No.-1 area-36.00 hectare of M/s Star Mines Village-Bartha Korsi on 01.04.2021.

2- In compliance with the order dated 28.10.2021 of Hon'ble National Green Authority, the mining on the said plot remained unoperational till 10.01.2022.

3- The mining lease was unoperational till 09.01.2022 in compliance with the order dated 28.10.2021 of Hon'ble National Green Tribunal due to non-receipt of water/air consent from the UP Pollution Control Board.

4- After the above date, Mining is being done by the lessee M/s Star Mines, Saharanpur within the limits of approved area of lease in U.P.

5- Executive Engineer, Irrigation Construction Division, Saharanpur has been directed by letter dated 31.08.2022 to make available the inquiry report regarding the change in the flow of Yamuna river within a week.

6- As per the report of the Tehsildar Chhachhrauli, Yamuna Nagar, Haryana. It seems that the Illegal mining seems to be taking place in the village Belgarh which is located in the state of Haryana. Village Belgarh and Village Koliwala, which are adjacent to the border of Haryana and Uttar Pradesh,

currently have mining leases in operation and many stone crushers have been established in the said area. But no mining work has been done by M/s Star Mines outside its sanctioned area towards Belgarh. Belgarh falls in west direction and village Bartha Korsi falls in east direction.

7- As far as the change in the flow of the river is concerned, no change in the flow of the river has been found during the on-site inspection, as per the individual report submitted by the team members consisting of officers of Uttar Pradesh. It was also informed by the local people that the river has been flowing at this place since many years.

Therefore, in view of the above, illegal mining in the area adjoining the border in the Uttar Pradesh has not been found nor has any fact been found that the district officials of the district Saharanpur are guilty for the same. This Action taken report is submitting after approval of Chief Secretary, Government of Uttar Pradesh.

Your Faithfully,

(Dr Roshan Jacob)

Secretary,

Geology and Mining Department,  
Government of Uttar Pradesh.

C.C:-

1. Director, Geology and Mining, U.P, Lucknow.
2. District Magistrate, Saharanpur.