

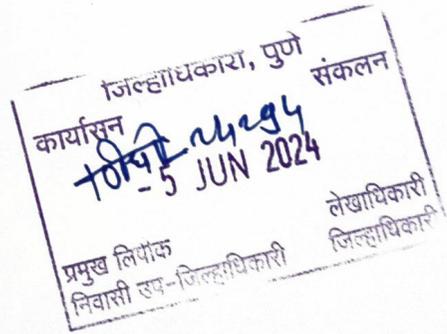
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE.

ORIGINAL APPLICATION NO. 50/2024 WZ
(EARLIER O.A. NO. 89/2024 PB.)

News item titled "Sand mafia builds, roads, to riverbed officials,
unearth, it" appearing in the Times of India dated 03.01.2024.

INDEX

SR. NO.	DESCRIPTION	PAGE NO.
1.	Affidavit in Reply	9 to 12
2.	Exhibit R-1. copy of spot inspection report	13
3.	Exhibit R-2. The copies of F.I.R. No. 14/2024 and communication dated 20.05.2024	14 to 17
4.	Exhibit R-3. copy of letter dated 24.05.2024	18 to 19



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News item titled "Sand mafia builds, roads, to riverbed officials, unearh, it" appearing in the Times of India dated 03.01.2024

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4.

I, Sanjay Daine, Aged about 54 years, Occupation- Service as District Collector and District Magistrate, Gadchiroli, Dist. Gadchiroli, Respondent No.4, do hereby state on solemn affirmation as under:-

1. I say that, this Original Application is registered Suo-moto on the basis of News item titled "Sand mafia builds, roads, to riverbed officials, unearh, it" appearing in the Times of India, dated 03.01.2024. The Hon'ble National Green Tribunal, Principal Bench, New Delhi, by order dated 01.02.2024 taken the suo-moto cognizance of the news item. I further submit that the Hon'ble National Green Tribunal, Principal Bench, New Delhi had found that the news item raises substantial issue relating to compliance of environmental norms and pleased to implead me as Respondent No. 4 and by issuing notice sought the response before the appropriate bench of the Tribunal.

2. I say that, by order dated 01.02.2024, the said matter transferred to this Hon'ble Tribunal. On the scheduled date i.e. on 09.05.2024 as none has appeared from the side of Respondent No.4, this Hon'ble Tribunal by order dated 09.05.2024, directed the learned Registrar of





10
this Tribunal to send a letter to the respondent no. 4 directing therein to ensure their presence before this Hon'ble Tribunal either in-person or through their counsel on the next date along with the reply affidavit in the present application to be submitted within two weeks positively, failing which an order for personal appearance before the Hon'ble Tribunal would be passed.

3. The Answering Respondent No. 4 most respectfully submitting its response as under.
4. I say that, in compliance with the order passed by the Hon'ble Tribunal, the Additional Collector, Aheri, instructed to the Tahsildar, Bhamragad, Circle Officer, Bhamragad and Talathi, Bhamragad to conduct spot inspection and file report. Accordingly, they have jointly conducted a spot inspection of the site in question on 29.12.2023 and observed that, at Paralkota River unknown sand mafia has illegally done red soil excavation by cutting trees from dense forest area and made a temporary road in Parlkota river bed and transported the excavated sand in tractors. It was further found that near about 65 brass of sand excavation done by unknown persons illegally from two spots. Further near about 60 brass of soil has been excavated from the riverbank by the unknown persons and the road was constructed. Hereto annexed and marked as **Exhibit R-1** is the copy of spot inspection report.
5. I say that, the Surveyor from the office of Dy. Superintendent of Land Records, Bhamragarh has conducted measurement of the disputed site on 05.01.2024 wherein it has been found that the disputed site measured by the Surveyor does not lies within the jurisdiction of mouza Hemalkasa village but it is found to be situated on the boundary of the Bastar District of Chhattisgarh State. The measurement map of Village Hemalakasa shows that, the said area falls under the Forest Department (Jungle Sarkar) of Chattisgarh State and the same is not included in any village boundary of the Gadchiroli district. It is most respectfully submitted that the temporary road constructed by the unknown persons and the illegal



excavation of sand ~~11~~ is not situated in Bhamragarh Taluka of Gadchiroli District.

6. I say that, after the spot inspection, the Circle Officer, Bhamragarh and Talathi, Bhamragarh by letter dated 11/03/2024 have been directed to lodge FIR against the unknown sand smugglers at Police Station, Bhamragarh and submit the compliance report thereof. Accordingly, Talathi, Bhamragarh on March 13, 2024 lodged the F.I.R. No. 14/2024 in the Police Station, Bhamragarh and as per the report submitted by the Police Station, Bhamragarh by letter dated 20.05.2024, the said offence is under investigation. The copies of F.I.R. No. 14/2024 and communication dated 20.05.2024 are annexed herewith and marked as **Exhibit R-2** colly.

7. I say that, as the disputed site is falls under the jurisdiction of the Bastar District, Chhattisgarh State, this office by letter dated 24.05.2024 communicated to the forest department Bastar District, Chhattisgarh State to take cognizance of the said illegal sand excavation and take further necessary action. Hereto annexed and marked as **Exhibit R-3** is the copy of letter dated 24.05.2024.

8. I say that, on the scheduled date i.e. 09.05.2024 as nobody has been appeared from the side of Respondent No.4, the Hon'ble Tribunal directed to the learned Registrar to send a letter to the respondent no. 4 directing therein to ensure their presence before this Hon'ble Tribunal either in person or through their counsel on the next date along- with the reply affidavit to be submitted within two weeks positively. As stated in the above mentioned paras, the site inspection has been made and FIR also lodged against the unknown persons, however due to the work load of Lok Sabha General Election-2024 and all staff engaged in election work and hence, the reply remained to be filed on behalf of Respondent No.4 within stipulated period. I apologize for the delay in filing

Affidavit in reply. Hence it is requested that the Affidavit may take on record.



Hence, this affidavit in reply.

Deponent

Sanneer's

(Sanjay Daine)

Date:-

Place:-

Collector, Gadchiroli.

-VERIFICATION-

I, Sanjay Daine, (I.A.S.) Aged about 54 years, Occupation- Service as District Collector and District Magistrate, Gadchiroli, Dist. Gadchiroli do hereby state on solemn affirmation that whatever stated here in above is true to the best of my knowledge and based upon the information derived from the official records available to me and the contents therein are as per my information are true and correct.

Sanneer's

(Sanjay Daine)

Collector & District Magistrate, Gadchiroli.

10 JUN 2024

I know the deponent

S. B. Vaidya

(Adv. S. B. Vaidya- Pandit)

BEFORE ME

S. Pradeepkumar

**Savita Pradeepkumar Rokade
ADVOCATE & NOTARY
GOVT. OF INDIA**



Panchnama

Today on 29.12.2023 along with the Hon. Additional Collector, Aheri, it is found that, in the southern direction of the Palkota river from Koyananguda village, the Nala meets the confluence where excavates the soil on the river bank to create a road in the riverbed and excavated the sand.

On the spot – it is found that, by excavating approximately 60 brass of soil on the river bed, unknown persons made a road through the machine in the river bank and approximately 65 Brass (Sixty Five Brass) of sand were found to have been mined. It is found from the village map of Hemalakasa that, the said area is included in the reserved forest area and not included in any village.

The above Panchnama has been read and printed correctly before the attendee.

Signature with the name of the attendee

- 1) Shri. Naresh J.Vate Circle Officer Bhamragad - signed
- 2) Shri. Rayal Talade, Talathi - signed
- 3) Suraj Vijay Alam - signed



14

FIRST INFORMATION REPORT

Form : 1 - A

पहिली खबर

(Under Section 154 Cr. P.C.)

(फौजदारी प्रक्रिया महितेच्या कलम १५४ अन्वये)

No. 0040126

2. * Dist- Gadchiroli * P.S. Bhamragad * Year - 2024 * FIR No. 14/0024 * Date : 13/03/2024
जिल्हा पोलीस ठाणे वर्ष पहिली खबर क्र. तारीख
2. (a) * Act. Indian Penal Code * Sections- 379.
अधिनियम कलमे
(b) * Act ---- * Sections
अधिनियम कलमे
(c) * Act - * Sections -
अधिनियम कलमे
(d) * Other Acts & Sections
3. (a) * Occurrence of Offence : * Day * Date from * Date To
अपराधाची घटना वार तारीख पासून तारीख पर्यंत
* Time Period * Time prior to 29/12/2023 * Time To 16.00 hours
वेळेचा अवधी पासून पर्यंत
(b) Information received at P.S. Date : 13/03/2024 * Time : 12.45 hours
पोलीस ठाण्यावर माहिती मिळाल्याची तारीख वेळ
(a) General Diary Reference Entry NO. (S) 18 / 2024 * Time 12.45 hours
वेळ
4. Type of Information : Oral Report * Written / Oral
माहितीचा प्रकार लेखी / तोंडी
5. Place of Occurrence : (a) * Direction and Distance from P.S. away from P.S. Bhamragad to western side at about 2.5 k.m. Beat No.
घटनेचे ठिकाण पोलीस ठाण्यापासून दिशा व अंतर गस्त क्षेत्र क्र.
(b) * Address: at Bhamragad towards Hemalkasa to Khandekasa road
- (c) * In case Outside limit of this Police Station, then the
या पोलीस ठाण्याच्या हद्दीच्या बाहेर असल्यास, त्या पोलीस ठाण्याचे नाव
Name of P.S. Dist.
पोलीस ठाणे जिल्हा
6. Complainant / Information :
नक्रारदार / खबरी
(b) Name: Raval Maroti Talande
नाव
(c) Father's / Husband's Name Maroti Talande
पित्याचे / पतीचे नाव
(d) Date / Year of Birth : 29 Years (d) Nationality: Indian
जन्म तारीख / वर्ष राष्ट्रियत्व
(e) Passport No. : --- Date of Issue : ---
पासपोर्ट क्र. दिल्याची तारीख
Place of Issue : ---
दिल्याचे ठिकाण
(f) Occupation : Service. (Talathi Bhamragad)
व्यवसाय
(g) Address : Tahasil Colony, Bhamragad, Tah. Bhamragad, Dist. Gadchiroli.
पत्ता

7. Details of Known / Suspected / Unknown accused with full particulars : Unknown absconding persons.
 माहित असलेल्या / संशयित / माहित नसलेल्या आरोपीचा संपूर्ण तपशील :
 (Attach Separate Sheet, if necessary)
 (आवश्यक असल्यास, स्वतंत्र कागद जोडावा)

Physical features, deformities and other details of the suspect :

संशयितांची शारीरिक ठेवण, व्यंग आणि इतर तपशील :

*Sex लिंग	*Date / Year of Birth जन्मतारीख / वर्ष	*Build बांधा	*Height in C.m.s. उंची (से.मी. मध्ये)	*Complexion वर्ण	*Identification Mark (s) ओळख
(1)	(2)	(3)	(4)	(5)	(6)
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*Deformities / Peculiarities व्यंग / वैशिष्ट्ये	*Teeth दात	*Hair केस	*Eye डोळे	*Habit (s) सवयी	*Dress Habits पोशाखाच्या सवयी
(7)	(8)	(9)	(10)	(11)	(12)
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*Language / Dialect भाषा / बोली भाषा	PLACE OF				
	*Burn Mark भाजल्याची खूण	*Leucoderma कोड	*Mole तीळ	*Scar व्रण	*Tattoo गोंदण
(13)	(14)	(15)	(16)	(17)	(18)
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These fields will be entered only if complainant / information gives any one or more particulars about the suspect.
 This will be used only for the purpose of preliminary retrieval to assist I.O.

जर तक्रारदार / खबरीने संशयित बद्दल वरील किंवा अधिक रकान्यातील माहिती दिली तरच भगवी, तपास अधिकार्याने प्राथमिक पातळीवर तपास करण्यासाठी वरील माहिती उपयोगात आणावी.

A database created will subsequently link one suspect in several cases, if any.

या अनुषंगाने तयार झालेल्या माहितीचा उपयोग संशयिताचा इतर गुन्ह्यातील महभाग स्पष्ट करेल.

A Comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

वरील रकान्यातील संपूर्ण माहिती ज्यावेळी संशयितास अटक करण्यात येईल त्यावेळी पुनःच तयार करावी.

8. Reasons for delay in reporting by the Complainant / Information : Immediately after report.

तक्रारदाराने / खबर्याने तक्रार करण्यातील विलंबाची कारणे :

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

1) 60 Gross Soil, worth of Rs. 36,000/- approximately.

2) 65 Gross Sand, worth of Rs. 39,000/- approximately

चोरीस गेलेल्या अंतर्भूत मालमत्तेचा तपशील (आवश्यक असल्यास, स्वतंत्र कागद जोडावा) :

10. *Total value of properties stolen / involved : Rs. 75,000/-

चोरीस गेलेल्या / अंतर्भूत मालमत्तेचे एकूण मूल्य :

11. *Inquest Report / U.D. Case No., If any : --

मरणोन्वेषण अहवाल / यू.डी. प्रकरण क्र. जर असल्यास :

12. F.I.R. Contents (Attach separate sheets, if required) :

Said incident occurred at Bhamragad jurisdiction to the Hemalkasa bridge to the road of Khandeksa towards Sangam of flight of stairs leading down to river. There is government soil and sand theft worth of Rs. 75,000/- by some unknown persons to their vehicles.

पहिल्या खबरीतील हकिगत (आवश्यक असल्यास, स्वतंत्र कागद जोडावेत) :

13. Action taken : Since the above report reveals commission of offence (s) u/s as mentioned at Item No.2, registered the case and took up the investigation / directed Rahul Lokhande, Rank P.S.I. to take up the investigation to P.S. Bhamragad, on point of jurisdiction

केलेली कार्यवाही : बाब क्र. २ मध्ये नमूद केलेल्या कलमान्वये अपराध घडल्याचे वरील अहवालावरून दिसून आल्यामुळे प्रकरण नोंदवले आणि तपासाचे काम हाती घेतले.

पदनाम यांना तपासाचे काम हाती घेण्याचा निर्देश दिला / तपास करण्याचे नाकरले / अधिकारितेच्या मुद्दावर पोलिस ठाण्याकडे हस्तांतरीत केले.

F.I.R. Read over to the complainant / Informant / admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

पहिली खबर तक्रारदाराला / खबरीला वाचून दाखविली, बरोबर नोंदवली असल्याचे त्याने मान्य केले आणि तक्रारदाराला / खबरीला प्रत मोफत दिली.

Sd/-

Sd/-

14. Signature / Thumb impression
Of the Complainant / Informant

तक्रारदाराची/खबरीची सही/अंगठ्याचा ठसा

Signature of the Office Office – Of – Charge Police Station
पोलिस ठाण्याचा प्रभारी अधिकाऱ्याची सही

*Name : Deoraj Talande

नाव

*Rank : NPC. No/1648

पदनाम

क्रमांक

15. Date & Time of dispatch to the court : 14/03/2024 at about 11.00 hours

कोर्टात पाठविल्याची तारीख व वेळ

 <p>महाराष्ट्र पोलीस सदरक्षणार्थ खलनिग्रहणार्थ</p>	<h1>17</h1> <p>Office of the Police Station Bhamragad (M.S.) Email-psbbhamragad04@gmail.com Contact No. 07134422053</p>	 <p>स्वातंत्र्याचा अमृत महोत्सव</p>
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No. 653/2024

Date: 20/05/2024

To,
Tahsildar,
Tahsil Office, Bhamragad.

Subject: Progress report in Crime No. 14/2024, u/s. 379 I.P.C. registered at P.S. Bhamragad.

Ref'nce: Our Letter /Bail/ No.281/2024, dated 17/05/2024.

Respected Sir,

In respect of above subject and our reference letter, it is submitted that, on dated 13/03/2024 on the oral report lodged by namely Royal Maroti Talandi, (Talathi Bhamragad), in Bhamragad Police Station. On the basis of the report the offence registered in P.S. Bhamragad vide Crime No.14/2024, under Section 379 of I.P.C. During investigation the Investigating Officer recorded the statement of witnesses, he also searching absconding unknown accused, he also try to secret information in vicinity about accused.

The investigation is in progress and continually investigation going on. Hence, submitted.

Sd/-

(Sanjay Mogle)
Police Inspector,
P.S. Bhamragad

OFFICE OF THE COLLECTOR, GADCHIROLI.
(Mining Branch)
Complex Area, Gadchiroli, Pin - 442605
Email id- mininggad@gmail.com



No./Karya-2/AK/Mining/WS/2572024

Date 24/05/2024

To,

Divisional Forest Officer,
Bastar, Dist. Bastar,
Chhattisgarh State.

Sub:- Original Application No.50/2024 wz Earlier OA No.89/2024 PB
News item titled "Sand mafia builds, roads, to riverbed officials,
unearth, it" appearing in the Times Of India dated 03.01.2024

- Ref:-**
1. The Hon'ble National Green Tribunal, Principal Bench, New Delhi, order dated 01.02.2024.
 2. The Hon'ble National Green Tribunal, Bench at Pune, order dated 09.05.2024

In reference to above said matter, it is inform you that the Hon'ble National Green Tribunal, Principal Bench, New Delhi by order dated 01.02.2024 had taken the suo-moto cognizance of the news item titled "Sand mafia builds, roads, to riverbed officials, unearth, it" appearing in Times of India dated 03.01.2024. The Hon'ble National Green Tribunal, Principal Bench, New Delhi had found that the news item raises substantial issue relating to compliance of environmental norms. During the course of enquiry, it has been revealed that the disputed site measured by the Surveyor does not lies within the jurisdiction of mouza Hemalkasa village of Gadchiroli district but it is found to be situated on the boundary of the Bastar District of Chhattisgarh State. As the disputed site falls under your jurisdiction, you are

