

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

Original Application No. 924/2024

IN THE CASE OF:

News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024.

AFFIDAVIT IN COMPLIANCE OF ORDER DATED 12.08.2025

I, Dr. Basharat Qayoom, District Magistrate Pulwama, Union Territory of Jammu and Kashmir do hereby solemnly affirm and state as under:

1. That I am presently serving as District Magistrate, Pulwama, UT of Jammu and Kashmir and, as such, I am well aware of the facts of the present matter.
2. That I most humbly and respectfully submit that the Deponent herein, holds the highest regard and utmost respect for this Hon'ble Tribunal and directions issued by this Hon'ble Tribunal. It is submitted with humility that the deponent has always prioritized the prompt and sincere implementation of the orders passed by this Hon'ble Tribunal.




DEPONENT

3. That the Hon'ble National Green Tribunal, Principal Bench, New Delhi, has been pleased to pass an order Dated:12/08/2025, the operative part of which is reproduced hereinunder;

"...7. District Magistrate, Pulwama is directed to place on record the full details of the persons responsible for illegal mining of sand and action taken against them. He is also directed to disclose if on the release of the vehicle, illegally extracted sand has also been released to the violators. In the next affidavit, he will also place on record remedial and punitive action which has been taken. Let same be filed within four weeks."

In compliance to the order supra, the details as desired by this Hon'ble Tribunal have been received from the District Mineral Officer, Pulwama vide Communication bearing No.DMO/Pul/DGM/NGT/2144 Dated:26/08/2025 and the Divisional Officer, Pollution Control Committee, Pulwama vide communication bearing No.PCC/Pul/DO/180-182/2025. The copy of the communications are placed on record and marked as **ANNEXURES-1 and 2** respectively.

4. That the Geology and Mining Department has always remained proactive and prompt in quelling of any reported illegal mining efforts. As per the presented report, an amount to the tune of Rs 46.85 Lacs has been realized from the seizure of 224 vehicles/machinery from January 2024 till ending July 2025 in District Pulwama.


DEPONENT



5. That so far as the spot of KhankahBagh, Pampore is concerned, the Department of Geology and Mining had received a complaint about the machinery(L&T) having been planted with an attempt to indulge in illegal/unauthorized extraction of clay/sand at KhankahBagh, a borderline spot of District Srinagar, District Budgam and District Pulwama. Acting upon the said complaint, a team of the Geology and Mining department had rushed to the spot in dawn hours of the morning as on 01/07/2024. There was already found a complete resentment on part of the local populace resulting in successful thwarting of the illegal mining attempt. As such, no minor mineral (Clay/sand) could be transported from the spot by the offender, however, an approximate quantity of 03mts of clay during the initial attempt of extraction was left behind at the spot. The offender somehow managed to flee from the spot without taking any kind of mineral, however, the team after rigorous efforts had seized the machinery at Galander Pampore (under seizure memo 16129 dated 01/07/2024) in terms of Section 21(4) of the Mines and Minerals (Development and Regulation) Act 1957. Subsequently, an **FIR bearing No.79/2024** was also lodged against the offender **Mohammad Maqbool Bhat S/o Ghulam Qadir Bhat R/o Patalbagh** at Police Station Pampore. It is in place to mention here that the accused had




DEPONENT

stood challaned before the court of Judicial Magistrate 1st Class Pampore on 18/12/2024 and the case is pending adjudication as on date.

6. That the machinery was later on released after the heavy compounding of **Rs. 56792=** Rupees Fifty Six Thousand Seven Hundred And Ninety Two vide G.R No. 1076905 dated 22/07/2024 which also included the price of mineral for 3mts of extracted clay. The compounding was carried out in terms of Section 23A of the Mines and Minerals (Development and Regulation) Act, 1957.
7. That in order to ensure that no mining takes place, the damaged portion of the embankment was strengthened by way of laying of earth filled bags as the ramp constructed by the offenders in order to carry out their illegal activities was also closed, restoring the embankment to its original shape/position.
8. That this affidavit is submitted to place the facts on record as desired by this Hon'ble Tribunal vide order Dated:12/08/2025.



A handwritten signature in black ink, appearing to be "Dr. Basharat Qayoom".

Dr. Basharat Qayoom,
District Magistrate Pulwama

DEPONENT

Pulwama
Dated: 08-09-2025

VERIFICATION

I, Dr. Basharat Qayoom, District Magistrate Pulwama, Union Territory of Jammu and Kashmir, having my office address at Ground Floor, Mini Secretariat, Pulwama-192301 do hereby and declare that the statements made in the aforesaid paras are true and correct to the best of my knowledge and information and I believe the same to be true and that no material is has been concealed therefrom.



Solemnly affirmed on this 08th day of September, 2025 at Pulwama.

Dr. Basharat Qayoom,
District Magistrate Pulwama

IDENTIFIED BY

*Identified by
Adv. Subeel Ahmad Suseel,
Distt. Court Pulwama*

Certified that the contents of the affidavit are declared on oath this 08-9-25 before me by the deponent. The deponent is identified by Advocate
R/o Subeel Ahmad Suseel
Distt. Court Pulwama

08/09/2025
**ADVOCATE
MIR SHAKEEL AHMAD
NOTARY DIST. COURT
PULWAMA**

Annexure-1

Government of Jammu & Kashmir
Department of Geology and Mining.
OFFICE OF THE DISTRICT MINERAL OFFICER, PULWAMA

The Deputy Commissioner
Pulwama

No: DMO/Pul/DGM/NGT/2144

Dated: 26/08/2025

**Subject:-Regarding Execution of Bailable Warrant in OANo.924 of 2024,
News Item titled "sand mafia destroys jehlum embankment puts
thousands at risk" in daily excelsior dated 09.07.2024**

**Ref: OA No. 924 of 2024 Order of Date of last hearing : 12/08/2025 &
listed on 10/11/2025.**

Sir,

Kindly refer to the above captioned subject and reference. In this connection, it is submitted that in the vulnerable peripheries/spots of the Tehsil Pampore, our team has been proactive and prompt in quelling of any reported illegal mining efforts wherein an amount to the tune of the Rs 46.85 lacs have been realized from the seizure of the 224 vehicles/machinery from January 2024 till ending July 2025. However, the spot of occurrence at KhankahBagh Pampore had never been vulnerable to any kind of illegal extraction as per the records available within this office.

In response to a complaint about the machinery(L&T)being planned to attempt in indulging in illegal/unauthorized extraction of clay/sand at Khankahbagh Pampore a border line spot of District Srinagar, Budgam and Pulwama during the dead hours of night ,a team of the Geology and Mining rushed to the spot in dawn hours of the morning (01/07/2024). There had been a complete resentment from the local populace which resulted in successful thwarting of the illegal mining attempt thereby no minor mineral (Clay/sand) was transported from the spot by the offender, however, an approximate quantity of 03mts 'of clay during the initial attempt of extraction was left behind at the spot. On reaching the spot of the occurrence (Khankahbagh), the offender had fled and taking advantage of the darkness and had managed to reach Galander Pampore. The team after rigorous efforts finally seized the machinery at Galander Pampore (under seizure memo 16129 dated 01/07/2024) under Mines and Minerals (Development and Regulation) Act 1957 under Section 21(4).

In the instant case, an FIR also stands lodged against the offender Mohammad MaqboolBhat S/o GhulamQadirBhat R/o Patalbagh (FIR copy enclosed). The challan against which has been filed in the court of Judicial Magistrate 1st Class Pampore on 18/12/2024 and the case is under trial as on date.

The machinery was later on released after the heavy compounding of Rs. 56792= Rupees fifty six thousand seven hundred and ninety two vide G.R No. 1076905 dated 22/07/2024 (Copy enclosed) which also included the price of mineral for 3mts of attempted extracted clay under Section 23A of the Mines and Minerals (Development and Regulation) Act, 1957.

Hence submitted.

Yours faithfully,


District Mineral Officer
Pulwama

House Officer,

Station/Post Sub office khrew

Chain Type (LNT)
Machine

DGM/JDK/Seizure/ 16129

Dated 01.07.2024

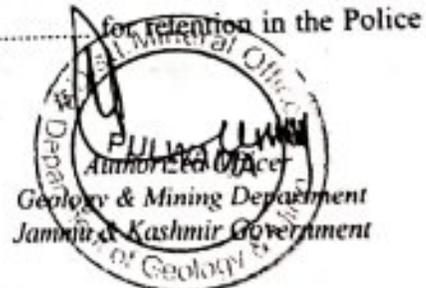
Subject : Seizure of Vehicle/Machine/ Mineral/Tool

In exercise of powers conferred on me vide the Mines & Minerals (Development & Regulation) Act, 1957 under section 21 (4) delegated under the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 issued vide SRO 105 of 2016, I have seized the following Vehicle/s, Machine/s, Mineral/s, and/or Tool/s who was/were found involved in illegal extraction/ transportation/storage of Major/Minor Minerals without any lawful authority in contravention to the MM (D&R) Act, 1957 and their details are as under:-

S.No.	Name & Address of Owner/Driver	Name & Reg. No. of Vehicle/ Machine/ Mineral/ Tool	Location of Seizure	Mineral		Reason of Seizure (illegal extraction/ transportation/ storage)
				Name	Quantity (MT)	
01	Mohd Magbool Bhat	EX 2006C 50988	Khankhal Bagh Pampore	Clay	03. mix	illegal extraction of mineral
02	S/o Ek. Qadir Bhat	EX 2020-5-7725A	Khankhal Bagh Pampore	Clay	03. mix	illegal extraction of mineral
03	R/o Patalbagh Pampore	EX 2020-5-7725A	Khankhal Bagh Pampore	Clay	03. mix	illegal extraction of mineral

Therefore, the Vehicle/s, Machine/s, Mineral/s, and/or Tool/s, etc. is/are sent to you through

Sh. Sub office khrew
 Station/Post.



Copy to :

- Sh. Mohd Magbool Bhat
- Sh. S/o Ek. Qadir Bhat
- Sh. R/o Patalbagh Pampore

for information so as to present himself before the Competent Authority, Geology & Mining Department, Sanat Ghar, Bemina, Srinagar on during office hours for compounding of offence failing which further action shall be initiated in the court of law under the powers vested.

Authorized Officer

House Officer,

Station/Post Sub office Khrew

Chain Type (LNT)
 Machine

DGM/JDK Seizure/ 16129

Dated 01.07.2024

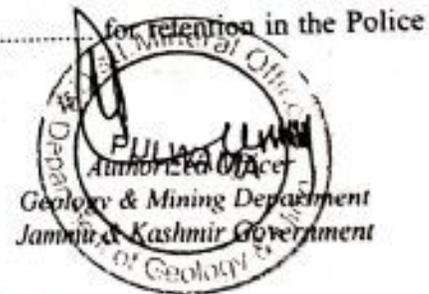
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02	S/o Ek. Qadir Bhat	EX 2020-57725A	Khankhal Bagh Pampore	Clay	03. mix	Illegal extraction of mineral
03	R/o Patalbagh Pampore	EX 2020-57725A	Khankhal Bagh Pampore	Clay	03. mix	Illegal extraction of mineral

Therefore, the Vehicle/s, Machinery, Mineral/s, and/or Tool/s, etc. is/are sent to you through

Sh. Sub office Khrew



Copy to :

- Sh. Mohd Magbool Bhat
- Sh. Ek. Qadir Bhat
- Sh. Patalbagh Pampore

for information so as to present himself before the Competent Authority, Geology & Mining Department, Sanat Ghar, Bemina, Srinagar on during office hours for compounding of offence failing which further action shall be initiated in the court of law under the powers vested.

Authorized Officer

U/R
56793
FORM—F. C. 1



RECEIPT FORM
Model No. SP20-57723

RECEIPT FOR PAYMENTS TO GOVERNMENT

1076905

Receipt No. Place Pulwama =

Dated 22-07-2024

Office/Division DMO Pulwama

Received from Mohd Maqbool Bhat

With Letter No. Dated : 22-07-2024

Rs. 56,792/- (Rupees Fifty Six Thousand)

Seven hundred & Ninety Two only

in cash/by cheque on account of Comp + other charges

= 55,000 =
= 600 =
= 60 =
= 18 =
= 1114

Cashier's Signature (Signature)

Accountant Designation

1. This receipt is non-transferable.
2. No application for refund will be entertained without the production of the receipt and its delivery on return of the money of execution of satisfactory bond of indemnity.

Printed on Security Paper

ANJPB
64390

168 Annexure-2

OFFICE OF THE DIVISIONAL OFFICER
POLLUTION CONTROL COMMITTEE, PULWAMA

To,
The Deputy Commissioner
Pulwama Kashmir.

NO: PCC/Pul/DO/180-182/2025

Dated: 03-09-2025

Subject: Factual Report wrt the compliance of order Dated 12-08-2024 Passed by Hon'ble NGT in OA No. 924/2025 titled Sand Mafia Destroys Jehlum Embankments Puts Thousands at Risk in Daily Excelsior dated 09-072024.

Respected Sir,

Please refer to the cited subject and Ref regarding news item appearing in daily Excelsior dated 09-07-2024, in this connection a fresh Inspection conducted reveals that,

Khankahbagh is a border line of Distt. Srinager, Budgam and Pulwama and as reported earlier that in response to a complaint Geology and mining Department along with I &FC reached the spot on 1-07-2024. There had been a complete resentment from the locals which resulted in successful thwarting of illegal mining attempt. No minor mineral Clay/sand, was transported from the Spot by the offender. However the Offender had tried to make a ramp which has been reinforced by I&FC Department by providing earth filling bags for protection and strengthen the embankment of the River as reported earlier, further The machinery of the offender was seized by G and M Department under seizure Memo No 16129 Dt; 1-07-2024 under Section 21(4).of Mining Act 1957. Also an FIR in the instant case was lodged against offender namely Mohammad Maqbool S/o Ghulam Qadir Bhat R/o Patlibagh, Pampore. The Challan against which has been filed in the Hon'ble Court of Judicial Magistrate 1st class Pampore on 18-07-2024. A fine of Rs 56792 vide GR No 1076905 dated 22-07-2024 was also imposed and recovered by the Geology and Mining Department.

Presently No Mining in KhankahBagh area was witnessed. and no such breach was spotted.

Yours Faithfully



Divisional Officer
PCC Pulwama

Copy To,

1. P. A to Member Secretary JKPC for information please.
2. Regional Director JKPC Kmr. for Information please.