

Instrument SI NO. 33  
Dated: 10/9/2024



**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA**

**IN THE MATTER OF:**

**ORIGINAL APPLICATION No. 172/2016/ EZ**

SAJAY LALOO

.....Applicant

- Versus -

STATE OF MEGHALAYA AND ORS.

.....Respondents

**An Affidavit filed on behalf of Respondent No.5 (Divisional Forest  
Officer, West Jaintia Hills District)**

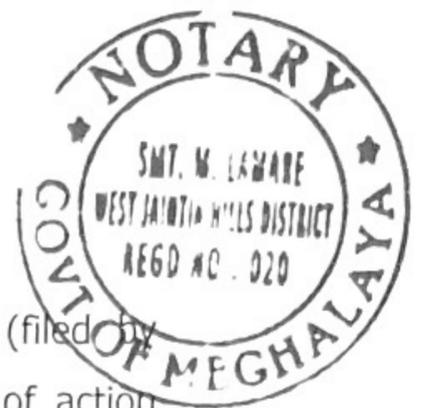
I, Shri R. Nainamalai, S/o Shri P. Ramasamy, aged about 46 years, resident of Forest Colony, Jowai, West Jaintia Hills District, Meghalaya do hereby solemnly affirm and state on oath as under:-

1. That I am the Divisional Forest Officer, West Jaintia Hills District, State of Meghalaya, Respondent No. 5, and I am aware of the facts and circumstances of the above case hence I am authorized and competent to swear to the contents of this affidavit.
2. That a copy of the affidavit dated 13.08.2021 filed by the Applicant has been served upon me. I have gone through the same and understood the contents thereof.
3. That the Applicant in its Affidavit dated 13.08.2021 has stated that there has been no disclosure of the action taken against the erring illegal miners and the status of operation of such miners in and around the river bank of Myntdu River. It may be stated that such allegation by the Applicant are not true and totally unconnected to the ground reality as all mining activities have been completely stopped.
4. That the deponent begs to submit that the actions were taken against all the erring illegal miners operating in around the Myntdu river and a Report in that regard was placed before the Hon'ble Tribunal, from time to time by way of an affidavit.

*[Signature]*  
Divisional Forest Officer,  
Jaintia Hills Territorial Division  
Jowai

*[Signature]*  
SMT. M. LAMARE  
NOTARY  
West Jaintia Hills, District,  
Meghalaya





It may be stated that vide affidavit dated 18.5.2017, (filed by Principal Chief Conservator of Forest, Respondent No.3) status of action taken by Respondent Nos. 3 and 5 with regard to stopping and controlling the functioning of various stone and sand quarry/ mines were produced. It was stated that, (i) Order under Section 144 Cr.P.C. was imposed by the District Magistrate, West Jaintia Hills District, Jowai prohibiting inter-alia stone quarry in the upstream of Myntdu River; (ii) Directions were issued to take necessary action and filing of offence cases against the defaulting quarry/mine owners; (iii) All quarries along the banks and catchment area of Myntdu River have stopped functioning from the date of issuance of closure notice by the Divisional Forest Officer (Territorial), Jaintia Hills District.

It may further be stated that vide affidavit dated 27.10.2017 (filed by Principal Chief Conservator of Forest, Respondent No.3) further status of action taken and monitoring was produced. It was stated that subsequent to the issue of prohibitory order, issue of closure notices and directions for legal actions against the defaulting quarry/mine owners, all operations of the stone and sand quarry/mine in and around the bank and catchment area of Myntdu River and anywhere in the District of West Jaintia Hills have completely stopped. It was also stated that regular inspection and patrolling is being conducted by Range Forest Officer (Territorial) and Divisional Forest Officer (Territorial) along the bank and catchment area of Myntdu River and have found that no mining activities are in progress and all sand and stone quarry have stopped functioning completely from the date of issuing closure notices. A copy of the Status Report dated 04.09.2017 and Inspection and patrolling report dated 11.10.2017 along with site photographs were also annexed along with the affidavit. Deponent craves leave to refer the said affidavits at the time of hearing.

*[Signature]*  
 Divisional Forest Officer,  
 Jaintia Hills Territorial Division  
 Jowai

5. That the deponent begs to submit that regular inspection and patrolling is being conducted by Range Forest Officer (Territorial) along the bank and catchment area of Myntdu River and no quarries/mines are being operated in the proximity of the river Myntdu as is evident from the Inspection Report dated 02.08.2021 prepared by Range Forest Officer (Territorial), Jowai Division and placed along with site photographs.

*[Signature]*  
 27/9/24  
 SMT. M. LAMARE  
 NOTARY  
 West Jaintia Hills, District  
 Meghalaya



A copy of the Inspection Report dated 02.08.2021 along with site photographs were also annexed herewith and marked as **ANNEXURE – 1.**

6. That the deponent begs to state that in order to prevent illegal mining of sand and boulders measures have been taken time and again, which are as follows,

- i. Warning notices have been served to all miners who were operating illegal mining at the close proximity of river Myntdu;
- ii. Display of Boards mentioning with the Acts and Rules related to illegal mining and penalty provision on violation of Meghalaya Minor Minerals Concession Rules, 2016 has been placed at different locations;
- iii. Range Forest Officers concerned have been strictly directed to cause regular inspection/patrolling all along the river and to curb illegalities with a direction to submit inspection reports accordingly.

7. That the deponent begs to submit that the answering respondent has vide its letters suggested the Deputy Commissioner, West Jaintia Hills District, Jowai, for promulgation of Section 144 Cr.P.C. all along the Myntdu river to check illegal activities on mining of sand, boulder and illegal felling of trees. Consequently, the Deputy Commissioner has promulgated and Order under Section 144 Cr.P.C., vide Orders dated 28.05.2018 as well as Order dated 15.03.2021 (still in operation).

Copies of the Orders dated 28.05.2018 and 15.03.2021 promulgating Section 144 Cr.P.C. are annexed herewith and marked as **ANNEXURE – 2.**

8. That this affidavit is made bonafide for the ends of justice.

  
SMT. M. LAMARE  
NOTARY  
West Jaintia Hills, District.  
Meghalaya

  
Divisional Forest Officer,  
Jaintia Hills Territorial Division  
Jowai

9. That the statements made in this affidavit are true to my knowledge and belief supported by relevant records which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

10. That the deponent seeks liberty to file an additional affidavit in addition to the present, if so required by this Hon'ble Tribunal.



*dy*  
**DEPONENT**  
Divisional Forest Officer,  
Jaintia Hills Territorial Division  
Jowai

*[Signature]*  
10/9/21  
**NOTARY PUBLIC, JOWAI**  
SMT. M. LAMARE  
NOTARY  
West Jaintia Hills, District.  
Meghalaya

### VERIFICATION

I, Shri R.Nainamalai, S/o P.Ramasamy, aged about 46 years, R/o Forest colony Jowai, West Jaintia Hills District, Meghalaya, do hereby verified at Jowai on this 10<sup>th</sup> day of September, 2021 that the contents of my reply affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and nothing material has been concealed there from.

*dy*  
**DEPONENT**  
Divisional Forest Officer,  
Jaintia Hills Territorial Division  
Jowai

GOVERNMENT OF MEGHALAYA  
OFFICE OF THE RANGE FOREST OFFICER (TERRITORIAL)  
JOWAI RANGE, JOWAI.

\*\*\*\*\*

No: JR/NGT/126/2021-22/ 100

Dated: Jowai, The 2nd Aug/21.

From: The Range Forest Officer (T)  
Jowai Range.

To: The Divisional Forest Officer,  
Jaintia Hills Territorial Division, Jowai.

Subject: Order of the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkatta in the O.A. No. 172/2016/EZ with M.A. No. 01/2017/EZ/Sajay Laloo Vs State of Meghalaya & Others.

Ref: Memo No. JH/Case No.140/2014/TK/2015-16/830/B/152(B) Dated: 30<sup>th</sup> April, 2017.

Sir,

With reference to the subject cited above, the undersigned had conduct the spot inspection and re-verification of the site of those people who are illegally extracted the stone boulders along the river Myntdu on the 02/08/2021. It is found that there is no fresh mining is done in these areas.

This is your favour of your kind information and necessary action.

Enclosed: Photographs & GPS Co-ordinates.

Yours faithfully

Range Forest Officer  
Jowai Range (T)  
Range Forest Officer  
Jowai Range (T)  
Jowai

Office of the D.F.O. (T)  
Jaintia Hills Division Jowai  
Regd. No. 680/B  
Date 3/8/21

1. Shri Statemon Suting Quarry Photographs:



GPS Coordinates: N-25<sup>0</sup>25'42.97"  
E-92<sup>0</sup>10'51.20"

2. Shri Wolking Dkhar Quarry Photograph:



GPS Coordinates: N-25<sup>0</sup>25'27.06"  
E-92<sup>0</sup>10'47.97"

  
Range Forest Officer  
Jowai Range (T)  
Jowai

3. Shri Hamly Suting & Smti Waila Laloo Quarry Photographs:



GPS Coordinates:

N-25<sup>0</sup>25'47.04"  
E-92<sup>0</sup>10'52.37"

4. Shri Kisbyphill Passah Quarry Photograph:



GPS Coordinates:

N-25<sup>0</sup>26'59.81"  
E-92<sup>0</sup>11'28.82"

  
Range Forest Officer  
Jowai Range (T)  
Jowai

5. Smti Bian Pakyntein Quarry Photographs:



GPS Coordinates : N-25<sup>0</sup>27'00.96"  
E-92<sup>0</sup>11'20.18"

Submitted

  
Range Forest Officer  
Jowai Range (T)  
Jowai

GOVERNMENT OF MEGHALAYA  
OFFICE OF THE DEPUTY COMMISSIONER WEST JAINTIA HILLS DISTRICT  
JOWAI

**ANNEXURE - 2****- 330 -**

ORDER U/S 144 Cr.PC

Dt. 28.05.2018

Whereas, intimation received from the Divisional Forest Officer (T) West Jaintia Hills District vide letter No. JH/III/Gen/2012-13/661/B/445, Dtd. 15.05.2018 on heavy felling of trees in the vicinity of Myntdu river, and,

Whereas, it is necessary to ensure effective implementation of National Green Tribunal (NGT) order against illegal felling of trees, sand mining and illegal collection of boulders from the river bed of Myntdu and its vicinity

Now, therefore I, Shri. R. Rapthap, IAS, District Magistrate, West Jaintia Hills District, Jowai in exercise of the powers conferred on me U/S 144 Cr.PC do hereby prohibit as under:-

1. Felling of trees in the vicinity of river Myntdu.
2. Sand mining and stone quarries all along the river Myntdu.

In view of the emergency nature of the case, this order is hereby passed ex-parte and shall remain in force until further orders.

Given under my hand and seal this day the 28<sup>th</sup> May, 2018

  
(Shri. R. Rapthap, IAS)  
Deputy Commissioner,  
West Jaintia Hills District,  
Jowai.

Memo No: Gen.179/Pt-II/CA/MU/NGT/2018/70-A, Dated Jowai the 28<sup>th</sup> May, 2018.  
Copy forwarded to:-

1. The Chief Secretary to the Govt. of Meghalaya, Shillong for favour of kind information.
2. The Commissioner & Secretary to the Govt. of Meghalaya, Forest & Environment Department Shillong for favour of kind information.
3. The Commissioner of Division for East & West Khasi Hills, East & West Jaintia Hills and Ribhoi District for kind information.
4. The Member Secretary, Meghalaya State Pollution Control Board, Lumpyngngad Shillong for favour of kind information.
5. The Superintendent of Police, West Jaintia Hills District for information and necessary action.
6. The Chief Executive Officer, Jowai Municipal Board, for information and necessary action.
7. The Sub-Divisional Officer, Amlarem Sub Division for information.
8. The Divisional Forest Officer (T) West Jaintia Hills District for information and necessary action.
9. The Secretary Jaintia Hills Autonomous District Council Jowai for information.
10. The Divisional Mining Officer, West Jaintia Hills District Jowai for information.
11. The Assistant Director Information & Public Relations West Jaintia Hills District Jowai for information with a request for wide publicity of the above order.

Office of the D.F.O. (T)  
Jaintia Hills Divis-  
Ref No. 489/18  
Dt. 30/5/18

  
Deputy Commissioner,  
West Jaintia Hills District,  
Jowai.

ORDER UNDER SECTION 144 Cr.P.C.  
(Dated Jowai, the 15<sup>th</sup> March 2021)

No.Gen.179/Pt-II/CA/MU/NGT/2018/439: Whereas, it is necessary to ensure effective implementation of the Hon'ble National Green Tribunal (NGT) Order against illegal felling of trees, sand mining and illegal collection of boulders from the river bed of Myntdu and its vicinity;

Whereas, the quality of water in the Myntdu river is severely affected day by day due to washing of clothes and vehicles in the catchment areas, dumping of spoils and dirt, illegal collection of sand/stone from the river bed of Myntdu river;

Now, therefore I, Shri. Garod L.S.N. Dykes, IAS, District Magistrate, West Jaintia Hills District, Jowai in exercise of the powers conferred on me U/S 144 Cr.PC do hereby prohibit as under:-

1. Felling of trees in the vicinity of river Myntdu.
2. Sand mining and stone quarries all along the river Myntdu and on the river bed.
3. Washing of clothes and vehicles, dumping of waste material (Solid/Liquid) along the course of Myntdu river.

In view of the urgency of the case, this order is hereby passed ex-parte and shall remain in force until further orders.

Given under my hand and seal this day the 15<sup>th</sup> March, 2021.



(Shri. Garod L.S.N. Dykes, IAS)  
Deputy Commissioner,  
District Magistrate,  
West Jaintia Hills District,  
Jowai

Dated Jowai the 15<sup>th</sup> March, 2021

Memo No: Gen.179/Pt-II/CA/MU/NGT/2018/439-A.  
Copy forwarded to:-

1. The Private Secretary to the Chief Secretary Govt. of Meghalaya, Shillong for favour of kind information of the Chief Secretary.
2. The Principal Secretary to the Govt. of Meghalaya Urban Affairs for favour of your kind information.
3. The Commissioner of Division East, West, Ri Bhoi & Jaintia Hills District for favour of your kind information.
4. The Superintendent of Police, West Jaintia Hills District Jowai for kind information and necessary action.
5. The Member Secretary, Meghalaya State Pollution Control Board, Shillong for information.
6. The Chief Executive Officer, Jowai Municipal Board, for kind information and necessary action.
7. The Sub-Divisional Officer, Amlarem Sub Division for information and necessary action.
8. The Divisional Forest Officer (T) West Jaintia Hills District for information and necessary action.
9. The Executive Engineer, PHE Electrical Division, Jowai for information.
10. The Divisional Mining Officer, West Jaintia Hills District Jowai for information.
11. The Assistant Director Information & Public Relations West Jaintia Hills District Jowai for information with a request for wide publicity of the above order.
12. The President/ Secretary, Synjuk Ki Wahoh Shnong, Jowai Urban for information.

Deputy Commissioner  
Office, Jowai  
House No 85-96  
17/3/2021

District Magistrate,  
West Jaintia Hills District,  
Jowai