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भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, लखनऊ
Regional Office, Lucknow



केन्द्रीय भवन, ग्यास्वां तल, सेक्टर एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 11th Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696
Email : roc.lko-mef@nic.in, goimoeofrolko@gmail.com

File No. XXI/ENV/NGT/CC/154/2024/

Dated: 31.05.2024

BY-EMAIL

To,

The Registrar General,
Principal Bench,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi-110001
Email: judicial-ngt@gov.in

**Subject: Submission of Report in O.A. 307 of 2024, NEWS ITEM TITLED
"BAGHPAT NEWS KATHA MEI MITTI KHANAN KO LEKAR HUNGAMA"
APPEARING IN AMAR UJALA DATED 15.02.2024 - reg:**

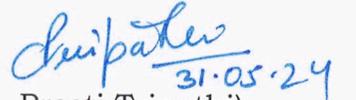
Sir,

In compliance of the direction dated 02.04.2024 passed by this Hon'ble National Green Tribunal in O.A. 307 of 2024, NEWS ITEM TITLED "BAGHPAT NEWS KATHA MEI MITTI KHANAN KO LEKAR HUNGAMA" APPEARING IN AMAR UJALA DATED 15.02.2024 .

I am directed to enclose hereby the report with a request to put up before Hon'ble Tribunal for kind perusal and consideration.

Encl: As above

Yours Sincerely


(Dr. Preeti Tripathi)
Scientist 'D'

**Joint Inspection Report of Mining Activities at Ambedkar Nagar
in the matter of**

**In re: News item titled "Baghpat News: काठा में मिट्टी खनन को लेकर हंगामा "
appearing in Amar Ujala dated 15.02.2024"**

In

Original Application No. 307/2024

1. Background

Hon'ble National Green Tribunal, Principal Bench, New Delhi vide its order dated 02.04.2024 in the matter of In re: : News item titled "Baghpat News: काठा में मिट्टी खनन को लेकर हंगामा " appearing in Amar Ujala dated 15.02.2024" (Original Application No. 307/2024) disposed of the case and also directed the Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow to ascertain the truthfulness of the facts which are disclosed in the news item and also find out, if any, illegal mining of soil is in progress or has been done at Village Katha and Mavikala. Relevant para of Hon'ble NGT order is as under-

"....6. Having regard to nature of the allegations which are made in the news item and the facts which are disclosed therein, we are of the opinion that it is necessary to ascertain the correct position from an independent agency.

7. Hence, we dispose of the OA directing the Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow to ascertain the truthfulness of the facts which are disclosed in the news item (as noted above) and also find out, if any, illegal mining of soil is in progress or has been done at Village Katha and Mavikala and submit the report before the Registrar General of the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed for consideration before the Bench. .

8. A copy of this order be forwarded to Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow by e-mail for compliance."

Copy of the reference NGT order is annexed as **Annexure 1**.

2. In compliance of reference NGT order, a site visit was conducted on 13.05.2024 of soil mining sites in village Katha and Mavikala of Baghpat district by Ministry of Environment, Forest and Climate Change, Regional office, Lucknow and various officers were present from the concern departments for providing required documents and coordination and support as mentioned below:
- i. Dr. Preeti Tripathi, Scientist 'D' Ministry of Environment, Forest and Climate Change, Regional office, Lucknow
 - ii. Shri Yogesh Kumar, Assistant Engineer (Environment) Uttar Pradesh Pollution Control Board, Meerut
 - iii. Shri Anuj Kumar, Mines Inspector, Mining Department, Baghpat
 - iv. Shri Gopinath Singh, Regional Lekhpal of Katha village &
 - v. Shri Rahul Choudhary, Regional Lekhpal of Mavikala village
3. The site inspection of the soil mining areas in question was carried out on 13.05.2024 in the above village Katha and Mavikala (**Annexure 2: Site Photographs**) as per the reference NGT order and the available records were summarizes as below:
4. **The soil mining area was observed in village Katha, Tehsil-Khekada, District-Bhagpat.**
- 4.1. As per document shown during site visit by Mining Inspector, Baghpat: it was found that the mining lease permission has been granted to Proprietor Raj Shyama Construction Pvt. Ltd. by Mining Department, Baghpat vide letter no. NOC/OE/2023/12/14/294447 dated 20.02.2024 at Gata no-2274, 2272, 2277, 2276Aa, 2276, 2273me, 2273wa for total land area 3.306 hectare with the validity from 20.02.2024 to 19.05.2024 in village Katha, Tehsil-Khekra, District-Bhagpat (**Annexure 3**).
 - 4.2. All Gata numbers lands were found in one patch as identified with the help of the Regional Lekhpal of Katha village.
 - 4.3. The allotted quantity for soil mining was 17990 m³ was for purpose to develop the Six Lane highway Delhi-Saharanpur-Dehradun economic corridor under Bharatmala Pariyojna. It was informed by Mining Department during site inspection that mining was done in two pits and approximately 17000 m³ ordinary soil was mined out from this site.
 - 4.4. During inspection, mining operation was not observed at the site. It was informed by the DGM, Proprietor that permitted quantity of soil excavation has already been done.

- 4.5. The depth of soil mining in the excavated area was found well within the limit (within 1 meter) granted by Mining Department.
- 4.6. It was observed that the site was surrounded by agricultural land and soil excavation work has been done at a distance of about 2 meters from the adjacent field.
- 4.7. The storage of excavated top soil was not found within the soil mining areas during site visit.
5. **The soil mining area was observed in village Mavikala, Tehsil-Khekada, District-Bhagpat.**
- 5.1. As per document shown during site visit by Mining Inspector, Baghpat, it was found that the mining lease permission has been granted to Proprietor Raj Shyama Construction Pvt. Ltd. by Mining Department, Baghpat vide letter no. NOC/OE/2024/1/19/314339 dated 16.03.2024 at Gata nos.1692 and 1693 for lease area 3.602 hectare with the validity from 16.03.2024 to 13.06.2024 in village Mavikala, Tehsil- Khekada, District-Bhagpat (**Annexure 4**).
- 5.2. All Gata numbers lands were found in one patch as identified with the help of Regional Lekhpal of Mavikala village.
- 5.3. The allotted quantity for soil mining was 30797m³ was for purpose to to develop the Six Lane highway Delhi-Saharanpur-Dehradun economic corridor under Bharatmala Pariyojna.
- 5.4. During inspection, mining operation was not observed at the site. It was informed by the Proprietor that permitted quantity of soil excavation has already been done. Now field is ready for agricultural production and irrigation has been done during site inspection.
- 5.5. The depth of soil mining in the excavated area was found well within the limit (within 1 meter) granted by Mining Department.
- 5.6. It was observed that the site was surrounded by agricultural land and about 2 meter distance has been given from the adjacent field for excavation work.
- 5.7. The storage of excavated top soil was not found within the soil mining areas.

6. Conclusion:

Based on above observation, it is evident that the soil mining activity as per the reference NGT order in village Katha (Gata no-2274, 2272, 2277, 2276Aa, 2276, 2273me, 2273wa) and village Mavikala (Gata nos.1692 and 1693) is not been carried out presently. As per submitted document by Mining Department, it was evident that mining lease were granted by the Mining Department, Baghpat. No illegal soil mining activity was found during the day of

inspection. As informed, soil excavation has been done as per the allotted soil quantity and as per direction given by mining department from time to time. However, no information has been provided for the storage of excavated top soil, which was also not found within the soil mining areas, which is required to be used for agriculture purposes.

P. Tripathi
31.05.2024

(Dr. Preeti Tripathi)

Scientist 'D'

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 307/2024

News item titled "Baghpat News Katha mei mitti khaman ko lekar hungama" appearing in Amar Ujala dated 15.02.2024

Date of hearing: 02.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Mukesh Verma, Adv. for Mining Department & DM, Baghpat
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Vikrant Pachnanda, Adv. for CPCB (Through VC)

ORDER

1. This OA is registered *suo motu* on the basis of the news item titled "Baghpat News: Katha mei mitti khaman ko lekar hungama" appearing in 'Amar Ujala' dated 15.02.2024.
2. The news item relates to alleged illegal soil mining in Katha Village in Baghpat District of Uttar Pradesh. As per the news item, soil mining by using JCB and trucks at Village Katha and Mavikala is in progress and the villagers are agitating against the same. It also discloses that in the Badaut area, officers had conducted raid on receipt of information about illegal soil mining and it was revealed that illegal mining was done by Shamshad, Rahul and Bahadur and action is being taken against them.
3. The news item raises substantial issue relating to compliance of the environmental norms.
4. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal*

Corporation of Greater Mumbai vs. Ankita Sinha & Ors.” reported in 2021 SCC Online SC 897.

5. On advance notice, report by District Magistrate, Baghpat has been filed stating that the conditional lease has been sanctioned for mining/transportation of soil for the period from 20.02.2024 to 19.05.2024 in favour of Rajshyama Construction Private Limited for Gata Nos. 2274, 2272, 2276A, 2276, 2273, 2273B, area 2.9710 hectare for 17990 cubic meters of the soil. Hence, the mining is being done as per the mining permission condition.

6. Having regard to nature of the allegations which are made in the news item and the facts which are disclosed therein, we are of the opinion that it is necessary to ascertain the correct position from an independent agency.

7. Hence, we dispose of the OA directing the Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow to ascertain the truthfulness of the facts which are disclosed in the news item (as noted above) and also find out, if any, illegal mining of soil is in progress or has been done at Village Katha and Mavikala and submit the report before the Registrar General of the Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed for consideration before the Bench.

8. A copy of this order be forwarded to Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow by e-mail for compliance.

Prakash Shrivastava, CP

April 02, 2024
Original Application No. 307/2024
DV

Dr. A. Senthil Vel, EM



Village Katha: Soil Mining site



Village Mavikala: Soil Mining site

खण्ड-2

ANNEXURE-3

कार्यालय जिलाधिकारी, Baghpat

(खनन-अनुभाग)

साधारण मिट्टी की निकासी हेतु अनुज्ञा पत्र



संख्या: NOC/OE/2023/12/14/294447

दिनांक: 20-02-2024

आवेदक एवं अवधि

आवेदक का नाम	Raj Shyama Constructions Pvt Ltd	आवेदक का पता	D 33 RDC RAJ NAGAR GHAZIABAD 201002
अनुज्ञा की अवधि	अवधि 20-02-2024 से 19-05-2024 तक	खनन का प्रयोजन	

खनन के लिए अनुज्ञा प्राप्त उपखनिज का विवरण

नाम	मात्रा
Ordinary Soil	17990.00 घन मी०
कुल	17990.00 घन मी०

साधारण मिट्टी के खनन हेतु उपयोग होने वाली भूमि की अवस्थिति

जनपद	तहसील	ग्राम / नगर	गाटा संख्या/खण्ड संख्या/प्लॉट संख्या	रकबा(हे०)	भूस्वामी/भूस्वामियों का नाम
Baghpat	Khekada	गाटा - 119502	2274	0.1370	रणधीर, महाराज सिंह, मतपाल,
Baghpat	Khekada	गाटा - 119502	2272	1.8860	रणधीर, महाराज सिंह, मतपाल,
Baghpat	Khekada	गाटा - 119502	2277	0.0580	रणधीर, महाराज सिंह, मतपाल,
Baghpat	Khekada	गाटा - 119502	2276अ	0.4750	इकबाल दत्तक पुत्र,
Baghpat	Khekada	गाटा - 119502	2276	0.4750	इकबाल दत्तक पुत्र, इकबाल दत्तक पुत्र,
Baghpat	Khekada	गाटा - 119502	2273मि	0.0780	इकबाल दत्तक पुत्र,
Baghpat	Khekada	गाटा - 119502	2273अ	0.1970	इकबाल दत्तक पुत्र,

आवेदक द्वारा अनुसूचक-1 की शर्तों का अनुपालन किया जाना अनिवार्य होगा।

Digitally signed by JITENDRA PRATAP SINGH
Date: 2024.02.20 19:59:20
Baghpat
District Magistrate



Scanned with OKEN Scanner

अनुसूचक-1

सहमति पत्र की शर्तें निम्नवत हैं।

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1. (1) अनुसूचित जाति निवासी मार्ग का रख रखाव स्वयं करेगा।
2. (2) मिट्टी निकाली अवधि कम 100 मी0 की गहराई तक ही किया जायेगा। माधारण मिट्टी का खनन कार्य अनुसूचित खनन योजना के अनुसार ही किया जायेगा तथा माधारण मिट्टी का परिवहन ई0एम0एम0-11 के माध्यम से ही किया जायेगा।
3. (3) आवेदनकर्ता एसी रीति से खनिज निकालेगा जिससे कोई नुक़ा, मार्बजतिक मार्ग, भू-गृहादि, मार्बजतिक भू-स्थल या मार्बजतिक सम्पत्ति व पड़ोसी क्षेत्र के रूपक को कोई बाधा न पड़े और पेड़-पौधा को उसे कोई क्षति न पहुँचे।
4. (4) खनिज निकाली इस प्रकार से किया जायेगा कि सर्मापवर्ती भू-भाग अथवा व कांयंत्रत गजपुसो को हानि न पहुँचे और यदि क्षति होगी तै तो उसका समस्त मुआवज़ा आवेदक द्वारा देय होग।
5. (5) यदि निवासी अपने समस्त अन्य उपरगतिक निवासगा तै तो उसकी मूयमा जिगाधिकारी को क्षति होगी एषम् तत्काल निवासी कोक दिया जायेगा।
6. (6) यदि आवेदनकर्ता द्वारा की गई शर्तों के अनुरूप कार्य न कर शर्तों का उल्लंघन करता तै, तो खनिज निवासी आवेध पत्र निरस्त कर दिया जायेगा।
7. (7) खनन स्थल व उसके आस-पास के कक्षे रास्तो पर पानी के छिड़काव एवं अन्य प्रकारक की समुचित व्यवस्था की जायेगी एवं मिट्टी का परिवहन दक कर किया जायेगा, जिससे वायु प्रदूषण नियंत्रित किया जा सकें।
8. (8) माई टैशन माईन/डॉक्टर/सम्पों से 50मी0 छोड़कर ही मिट्टी उगाई जायेगी।
9. (9) भूमि की गहराई में 09 एंव गहराई की टाप रखावल को एकत्रित कर रखा जायेगा। क्षेत्र से मिट्टी निकाले जाने के उपरान्त एकत्रित गवही मिट्टी को क्षति क्षेत्र में फैला दिया जायेगा।
10. (10) कोई भी वाद-विवाद स्वयं व खनन यांत्रिक आपस में सुलझायेगी।
11. (11) खनन की गवही मिट्टी का उपयोग किसी भी दशा में प्रथमत गवकारी कार्य के अतिरिक्त विक्रय अन्य कार्य में नहीं किया जायेगा।
12. (12) मा0 उन्नतम न्यायालय, मा0 उन्न न्यायालय, मा0 राष्ट्रीय नृरित न्यायाधिकरण एवं शासन द्वारा जारी आदेशों का पालन करना होगा।
13. (13) खनन कार्य बाल डंठिया विमिड्ड द्वारा धारण गवही उन्न रवाव सेम पाईण माईन में दोनो तरफ 20 मीटर से अधिक की दूरी छोड़कर ही किया जायेगा।
14. (14) समय समय पर पर्यावरण को पॉन्थिनियो को ध्यान में रखने हुए ग्रेप कमेटी द्वारा निर्धारित गाइडलाईन के अन्दर ही खनन कार्य किया जायेगा।
- 15.
- 16.
- 17.
- 18.





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कार्यालय जिलाधिकारी, Baghpat

(खनन-अनुभाग)

साधारण मिट्टी की निकासी हेतु अनुज्ञा पत्र



संख्या: NOC/OE/2024/1/19/314339

दिनांक: 16-03-2024

आवेदक एवं अवधि

आवेदक का नाम	Raj Shyama Constructions Pvt Ltd	आवेदक का पता	D 33 RDC RAJ NAGAR GHAZIABAD 201002
अनुज्ञा की अवधि	अवधि 16-03-2024 से 13-06-2024 तक	खनन का प्रयोजन	

खनन के लिए अनुज्ञा प्राप्त उपखनिज का विवरण

नाम	मात्रा
Ordinary Soil	30797.00 घन मी०
कुल	30797.00 घन मी०

साधारण मिट्टी के खनन हेतु उपयोग होने वाली भूमि की अवस्थिति

जनपद	तहसील	ग्राम / नगर	गाटा संख्या/खण्ड संख्या/प्लॉट संख्या	रकबा(हे०)	भूस्वामी/भूस्वामियों का नाम
Baghpat	Khekada	मवीकंला बांगर - 119506	1692	2.0820	रामकुमार, ब्रह्मपाल, राजसिंह, भोपालसिंह, राजेश कुमार,
Baghpat	Khekada	मवीकंला बांगर - 119506	1693	1.5200	सुखवीरसिंह,

आवेदक द्वारा अनुलग्नक-1 की शर्तों का अनुपालन किया जाना अनिवार्य होगा।

रत्नगर्भा वसुन्धरा



Digitally signed by JITENDRA PRATAP SINGH
Date: 2024.03.16 13:54:10
Baghpat
District Magistrate

अनुलग्नक-1

सहमति पत्र की 28^{वीं} निम्नवत हैं।

1. (1) अनुज्ञाधारक निकासी मार्ग का रख रखाव स्वयं करेगा।
2. (2) मिट्टी निकासी अधिकतम 1.00 मी0 की गहराई तक ही किया जायेगा। साधारण मिट्टी का खनन कार्य अनुमोदित खनन योजना के अनुसार ही किया जायेगा तथा साधारण मिट्टी का परिवहन ई0एम0एम0-11 के माध्यम से ही किया जायेगा।
3. (3) आवेदनकर्ता ऐसी रीति से खनिज निकालेगा जिससे कोई सड़क, सार्वजनिक मार्ग, भू-गृहादि, सार्वजनिक भू-स्थल या सार्वजनिक सम्पत्ति व पडौसी खेत के कृषक को कोई बाधा न पड़े और पेड़-पौधा को उसे कोई क्षति न पहुँचे।
4. (4) खनिज निकासी इस प्रकार से किया जायेगा कि समीपवर्ती भू-भाग अथवा व कार्यरत मजदूरों को हानि न पहुँचे और यदि क्षति होती है, तो उसका समस्त मुआवजा आवेदक द्वारा देय होगा।
5. (5) यदि निकासी करते समय अन्य उपखनिज निकलता है तो उसकी सूचना जिलाधिकारी को देनी होगी एवम् तत्काल निकासी रोक दिया जायेगा।
6. (6) यदि आवेदनकर्ता द्वारा दी गई शर्तों के अनुरूप कार्य न कर शर्तों का उल्लंघन करता है, तो खनिज निकासी आदेश पत्र निरस्त कर दिया जायेगा।
7. (7) खनन स्थल व उसके आस-पास के कच्चे रास्तों पर पानी के छिड़काव एवं डस्ट प्रबन्धन की समुचित व्यवस्था की जायेगी एवं मिट्टी का परिवहन ढक कर किया जायेगा, जिससे वायु प्रदूषण नियन्त्रित किया जा सके।
8. (8) हाई टेंशन लाईन/टॉवर/खम्बों से 50मी0 छोड़कर ही मिट्टी उठाई जायेगी।
9. (9) भूमि की सतह से छः से 09 इंच तक गहराई की टाप स्वायल को एकत्रित कर रखा जायेगा। क्षेत्र से मिट्टी निकाले जाने के उपरान्त एकत्रित सतही मिट्टी को उसी क्षेत्र में फैला दिया जायेगा।
10. (10) कोई भी वाद-विवाद स्वयं व खेत मालिक आपस में सुलझायेगें।
11. (11) खनन की गयी मिट्टी का उपयोग किसी भी दशा में प्रश्रुत सरकारी कार्य के अतिरिक्त विक्रय अन्य कार्य में नहीं किया जायेगा।
12. (12) मा0 उच्चतम न्यायालय, मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित न्यायाधिकरण एवं शासन द्वारा जारी आदेशों का पालन करना होगा।
13. (13) खनन कार्य गेल इण्डिया लिमिटेड द्वारा डाली गयी उच्च दबाव गैस पाईप लाईन से दोनों तरफ 20 मीटर से अधिक की दूरी छोड़कर ही किया जायेगा।
14. (14) समय समय पर पर्यावरण की परिस्थितियों को ध्यान में रखते हुए ग्रेप कमेटी द्वारा निर्धारित गाइडलाईन के अन्तर्गत ही खनन कार्य किया जायेगा।
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