BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH :: NEW DELHI

ORIGINAL APPLICATION No. 142 of 2022
(Under Section 18 of the National Green Tribunal, Act, 2010)

Jayant Kumar ..... Applicant

Vs.

Ministry of Environment,
Forest & Climate Change & Ors. ..... Respondents

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APPLICANT

THROUGH:

(VIKAS K. SINGH)
Counsel for the Applicant
134, New Lawyer's Chamber,
Supreme Court, New Delhi
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Place : New Delhi
Dated : 04th August, 2022

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH :: NEW DELHI

ORIGINAL APPLICATION NO. 142 OF 2022

IN THE MATTER OF :

JAYANT KUMAR ..... APPLICANT

Versus.

MoEF & CC & Ors. ..... RESPONDENTS

OBJECTIONS ON BEHALF OF THE APPLICANT TO THE JOINT COMMITTEE REPORT DATED 30.06.2022

MOST RESPECTFULLY SHOWETH:

I. That the Joint Committee Report dated 30.06.2022 is false and vague as according to order dated 28.02.2022 of this Hon'ble Tribunal report has been called for dealing with grievances raised by the applicant unfortunately which have not been dealt with in the present Report, hence, these objections to the Joint Committee Report dated 30.06.2022 are being filed on behalf of the applicant.

1. That it is stated in Para 1 of the report dated 30.06.2022, with regard to violation of judgment of Hon'ble Supreme Court of India in (2012) 4 SCC 629 (Deepak Kumar v State of Haryana) which says *"a cluster approach to mines should be taken"* whereas in the present case a cluster

block of Gata No. 7536 of around 16-17 hectares has been broken into homogeneous blocks Khand-1 (4.970 ha.); Khand-2 (4.000 ha.); Khand-3 (4.000 ha.) and Khand-4 (4.000 ha.).

A. No explanation in the Report as to why a cluster block of 16-17 hectare divided into 4 homogenous parts (4-Khands) of 4 hectare and more than 4 hectare?

2. That it is stated in the report, leases in question were granted in light of Uttar Pradesh Minor Minerals (Concession) Rules, 2021, it is submitted here proceedings of leases in question started on 01.06.2018 and completed on 05.10.2020 & 06.11.2020 during this 2021, Rules were not in existence and 2021, Rules came into force on 29.10.2021 only.

3. That as per Uttar Pradesh Minor Minerals (Concession) Rules mining lease deeds should be executed within a period of one month from the dated of grant of Environmental Clearance, in the present case mining lease deeds have been executed around after two years from the dated of grant of Environmental Clearances.

B. No Explanation in the Report as to why mining lease deeds were executed around after two years on

05.10.2020 and 06.11.2020 from the date of grant of Environment Clearance on 23.10.2018 ?

4. That as contented in report dated 30.06.2022, Khand-1 (4.970 ha.); Khand-2 (4.000 ha.); Khand-3 (4.000 ha.) and Khand-4 (4.000 ha.) are parts of Gata No. 7536 Ga Mi (Area 42.1520 hectare) is absolutely wrong, hence denied in reality all these abovementioned 4 Khands are part of 7536 Gha land of Reserved Forest (60.1220 hectare).

5. That it is pertinent to mention here Gata No. 7536 is a vast area of 106.396 hectare consist of Gata No. 7536 Gha RESERVE FOREST (60.1220 hectare) and Gata No. 7536 Ga Mi PAHAD (42.1520 hectare) as per revenue records which were not demarcated on map on the date of publication of advertisement (01.06.2018), so, taking advantage of it State Authorities modified Gata No. 7536 Gha as Gata No. 7536 Ga Mi of their own for the convenience of leasing out the said Gata No. 7536 Gha (reserved forest) as Gata No. 7536 Ga Mi (pahad) for illegal mining of minor minerals, meaning thereby all leased out 4 Khands were *RESERVED FOREST*, further as on today out of entire area of 106.369 hectare of 7536 only around 16-17 hectare land (subject matter of present case) is remaining where minor minerals are available otherwise the rest of area of Gata No. 7536 are trench of 60-80 meters from surface and no surviving forest

(60.1220 hectare) present on spot due to continuous illegal mining in past permitted by State Authorities as per their convenience. A true photocopy of certified map of Gata No. 7536 obtained on 29.01.2020 is annexed herewith as **ANNEXURE-R-1**.

6. That in view of contentions made above, it is apposite to refer a letter dated 08.09.2014 of The Chief Forest Conservator, Mirzapur Region, Mirzapur addressing to The District Magistrate, Sonbhadra where a great concern raised with regard to demarcation of forest area in Gata No. 7536, in absences of which lease holders carrying out illegal mining on forest land (60.122 hectare) by declaring it their own lease area for mining. A true copy of the letter dated 08.09.2014 of the Chief Forest Conservator is annexed herewith as **ANNEXURE-R-2**.

C. In view of the contentions made above a demarcated map of Gata No. 7536 showing Gata No. 7536 Ga Mi & Gata No. 7536 Gha should be called upon.

D. In view of the contentions made above whether on granted mining lease area GENERAL CLAUSE of EIA Notification, 2006 will apply or not ?

7. That it is alleged in the original application the mining proponents respondent nos. 5 & 6 are carrying out illegal mining outside the granted mining area with regard to which nothing has been stated / discussed in the Report dated 30.06.2022.

E. Report with regard to illegal mining on outside the granted mining area should be called upon.

II. Therefore, it is humbly prayed to this Hon'ble Tribunal to reject the report dated 30.06.2022 and call upon report on points A to E in view of objections made above.

APPLICANT

Through

Place : New Delhi
Dated : 04.08.2022

(Vikas Kumar Singh)
Counsel for the Applicant
134, M.C. Setalvad Block,
Supreme Court of India, New Delhi
M. No. 9911111246
Email : vksofficesc@gmail.com

उत्तर प्रदेश UTTAR PRADESH 58AE 027458

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 142 OF 2022

IN THE MATTER OF
Jayant Kumar ..... Applicant

Versus

Ministry of Environment,
Forest & Climate Change & Ors. ..... Respondents

AFFIDAVIT

I, Jayant Kumar aged about 33 years S/o Ram Subhag R/o Village & Post – Arangpani, P.S. - Myourpur, Arangpani, Dudhi, Distt. – Sonbhadra (U.P.) 231208 at present Secretary – Aadarsh Sewa Samiti and at present in Dudhi do hereby solemnly affirm and state as under :-

1. That I am sole applicant in the present Original Application and I have been dealing with the subject matter of this application and therefore I am well conversant with the facts and circumstances of the case and competent to file this affidavit.
2. The accompanying objections to the report dated 30.06.2022 has been drafted under my instructions and the facts mentioned therein are true to my knowledge and the records obtained and the legal submissions are on the advice of the counsel believed to be true.

04/8/22 जयन्त कुमार
DEPONENT

VERIFICATION :

I, the above named deponent do hereby verify that the contents of para 1 and 2 of the above affidavit are true to my knowledge.

Verified at Dudhi, Sonebhadra this the 04 day of August, 2022

जयन्त कुमार
DEPONENT

04/8/22

[redacted]

04/08/22

जयन्त कुमार

[redacted]

4/8/22

जयन्त कुमार

4060 4.8.2022 11:55 AM

[redacted]

[redacted]

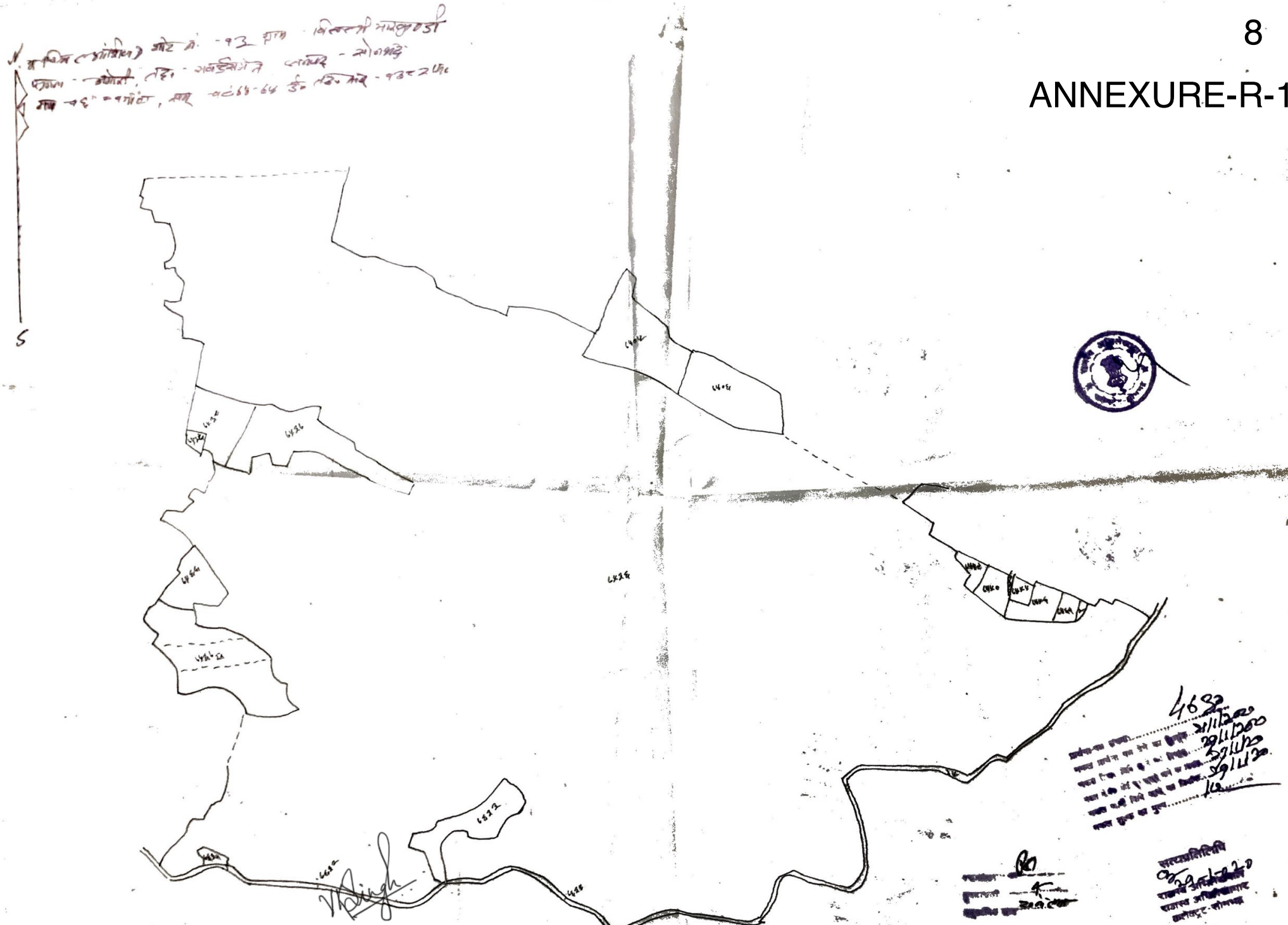
[redacted]

[redacted]

[redacted]

NOTARY
GOVT. OF UP (INDIA)

ANNEXURE-R-1



// TRUE COPY //

ANNEXURE-R-2

कार्यालय मुख्य वन संरक्षक मीरजापुर क्षेत्र मीरजापुर

पत्रांक सा0– /मी0क्षे0/ 33/दिनांक मीरजापुर सितम्बर 8 ,2014.

सेवा में,

जिलाधिकारी
सोनभद्र ।

विषयः– ग्राम –बिल्ली मारकुण्डी के मिलजुमला नम्बरों का तरमीमी मानचित्र उपलब्ध कराने के संबंध में ।

संदर्भः– इस कार्यालय का पत्रांक–6736/मी0/33 दिनांक 25.06.2014, पत्रांक–6815/मी0/33 दिनांक 26.06.2014, पत्रांक–6816/मी0/33 दिनांक 26.06.2014, पत्रांक–6817/मी0/33 दिनांक 27.06.2014 एवं प्रभागीय वनाधिकारी, ओबरा का अर्द्धशासकीय पत्र संख्या– 333/ओबरा/15खनन, दिनांक 30.07.2014 ।

महोदय,

कृपया इस कार्यालय के उपरोक्त संदर्भित पत्र जो आपको सम्बोधित तथा आयुक्त विन्ध्याचल मण्डल मीरजापुर एवं प्रभागीय वनाधिकारी, ओबरा वन प्रभाग को पृष्ठांकित है का अवलोकन करने का कष्ट करें । उपरोक्त पत्र के माध्यम से ओबरा वन प्रभाग अर्न्तगत ग्राम बिल्ली मारकुण्डी में आराज़ी संख्या–7536, 4471, 4407, 4478, 6229, 5593, 4949 आदि मिलजुमला गाटा नम्बरों का मानचित्र तरमीमी कराने तथा मौके पर सीमांकन कराने की अपेक्षा की गयी है। अद्यतन समय तक उक्त गाटा संख्याओं में वन भूमि तरमीमी न होने के कारण वन भूमि का सीमा निर्धारण नहीं हो पा रहा है जिसका अपरोक्ष लाभ लीज धारक को हो रहा है जो अपनी भूमि बताकर लगातार अपनी लीज भूमि से ज्यादा खनन करते जा रहे हैं। स्थिति इतनी भयकर होती जा रही है कि तरमीम कार्य में बिलम्बित होते रहने की दशा में कुछ आराजी में वन भूमि का क्षेत्रफल ही समाप्त होने की स्थिति में आ गयी है। उदाहरणार्थ गाटा संख्या 7536 का क्षेत्रफल 103.033 हे0 है, जिसके 57 लीज धारकों को कुल 49.6 हे0 (122.49 एकड़) भूमि पर खनन पटटे स्वीकृति किये जा चुके हैं, उक्त आराजी गाटा में 60.122 हे0 वन भूमि है। तरमीम न होने के कारण वर्तमान में 60.122 हे0 से कम वन भूमि मौके पर बची हे और उसमें भी लीज धारकों द्वारा मनमानी तरीके से अपना लीज क्षेत्र बताकर खुलेआम अवैध खनन किया जा रहा है। ग्राम–बिल्ली मारकुण्डी के मिलजुमला नम्बरों का मानचित्र में तरमीम न होने तथा मौके पर सीमांकन न होने से अवैध खनन की समस्या लगातार तीव्र गति से बढ़ती जा रही है। अवैध खनन पर प्रभावी नियंत्रण करने एवं वन भूमि बचाने हेतु इसका तरमीम कर मौके पर सीमांकन कराना अपरिहार्य हो गया है।

इस संबंध में पुनः प्रभागीय वनाधिकारी ओबरा ने अपने उपरोक्त संदर्भित अर्द्धशासकीय पत्र जो आपको सम्बोधित एवं इस कार्यालय एवं अन्य को पृष्ठांकित है, के द्वारा ग्राम–बिल्ली मारकुण्डी के मिलजुमला गाटा संख्याओं जिसमें वन भूमि, राजस्व भूमि, काश्त भूमि व अन्य भूमि सम्मिलित है का मानचित्र में तरमीम तथा मौके पर सीमांकन कराने हेतु आपसे अनुरोध किया गया है।

अतः आपसे पुनः अपेक्षा की जाती है कि ग्राम–बिल्ली मारकुण्डी के मिलजुमला गाटा संख्या 7536, 4471, 7407, 4478, 6229, 5593, 4949 जिसमें वन भूमि, राजस्व भूमि, काश्त भूमि व अन्य भूमि सम्मिलित है का मानचित्र तरमीम तथा मौके पर सीमांकन हेतु अपने स्तर से

सबधित राजस्व अधिकारियों को आवश्यक निर्देश देने की कृपा करें ताकि वन भूमि को बचाते हुए अवैध खनन पर प्रभावी नियत्रण किया जा सके साथ ही साथ अपूरणीय पर्यावरण क्षति को भी बचाया जा सके ।

भवदीय

(के0एम0ठाकुर)
मुख्य वन संरक्षक
मीरजापुर क्षेत्र मीरजापुर

संख्या /अ/समदिनांक ।

1. प्रतिलिपि मुख्य वन संरक्षक, भू-अभिलेख एवं बन्दोबस्त उ0प्र0 लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।
2. प्रतिलिपि आयुक्त विन्ध्याचल मण्डल मीरजापुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।

(के0एम0ठाकुर)
मुख्य वन संरक्षक
मीरजापुर क्षेत्र मीरजापुर

संख्या 904 /ब/समदिनांक ।

प्रतिलिपि प्रभागीय वनाधिकारी ओबरा को उनके संदर्भित अर्द्धशासकीय पत्र के कम में इस आशय से प्रेषित कि प्रश्नगत मामले में जिलाधिकारी सोनभद्र से सम्पर्क कर मामले में वस्तुस्थिति से अवगत कराते हुए उन पर विधिक कार्यवाही कराना सुनिश्चित करें। ध्यान रहे कि वन क्षेत्र में किसी भी दशा में अवैध खनन न होने पावे ।

(के0एम0ठाकुर)
मुख्य वन संरक्षक
मीरजापुर क्षेत्र मीरजापुर

1656
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