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

ORIGINAL APPLICATION NO. 135/2024 & 267/2024

KHUSBU SINGH

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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THROUGH

Priyanka Swami

Date:11.03.2025
Place: New Delhi

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 135/2024 & 267/2024**

KHUSBU SINGH

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...RESPONDENTS

**COMPLIANCE REPORT ON BEHALF OF DIVISIONAL FOREST
OFFICER MIRZAPUR, IN COMPLIANCE WITH THE ORDER
DATED 10.01.2025 ALONGWITH THE SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. That the Hon'ble National Green Tribunal, New Delhi, vide its order dated 10.01.2025 in the instant matter, directed Respondent Nos. 1 to 4 and 6 to 8, 18, and 19 to file their respective responses at least three days prior to the next date of hearing. The Hon'ble Tribunal further directed the production of the original records concerning the grant of No Objection Certificates (NOCs) by the Divisional Forest Officers (DFOs) of Bhadohi (Sant Ravidas Nagar), Mirzapur, and Prayagraj, and also mandated the personal appearance of the said DFOs with relevant records to assist in the just and proper adjudication of the matter. The next date of hearing is scheduled for 18.02.2025.
2. In compliance with the said order, the undersigned has meticulously reviewed all available records maintained at the Office of the Divisional Forest Officer, Mirzapur, and submits the following detailed report:

Record of NOCs Issued

Year	Number of NOCs Issued	Purpose
2017	48	Sand Mining
2018	12	Sand Mining

3. All these NOCs were issued subject to stringent conditions, including but not limited to:

S.NO	CONDITIONS
1.	Mandatory demarcation and fencing of the leased area in the presence of competent officers from the Forest, Revenue, and Mining Departments.
2.	Erection of boundary pillars measuring 0.50 × 0.50 × 0.50 meters at each corner of the lease site using brickwork.
3.	Installation of a display board specifying the lease holder's name, address, lease area, and lease duration.
4.	Strict adherence to the designated lease area, with a prohibition on mining activities beyond the approved site.
5.	Prohibition against illegal mining in adjoining forest areas, along with an obligation to report unauthorized activities to the competent authority.
6.	Prohibition on the use of forest roads for the transportation of minerals.
7.	The lessee shall use his permit only for possession of the leased property and shall not give the permit to any other person.
8.	Ban on the removal of minerals after sunset or before sunrise.
9.	Absolute compliance with the Forest Conservation Act, 1980, and all applicable judicial pronouncements, including the Hon'ble Supreme Court order dated 12.12.1996.

10.	Requirement for physical verification prior to the issuance of transport permits for extracted minerals.
11.	Mandatory suspension of mining operations during the monsoon period (July, August, and September).
12.	No objection certificate is for the area and plots given as per the relevant details. Mining done other than this will be considered illegal mining.
13.	Preservation of existing trees within the lease area and an express prohibition on tree felling.
14.	Ensuring no harm to wildlife and maintaining ecological balance in and around the mining area.
15.	Requirement to obtain a fresh NOC in case of any alteration in river flow affecting the designated mining site.
16.	Restriction on granting mining leases to individuals with prior records of forest offences or a criminal background.
17.	Mandatory afforestation obligation requiring the lease holder to plant a minimum of 200 indigenous tree species per acre, with proper irrigation and fencing arrangements.
18.	Stringent adherence to all applicable government orders and policies regulating mining activities.

4. That by exercising powers under Section 26-A of the Wildlife Protection Act, 1972 (Act No. 53/1972), the Governor of Uttar Pradesh rescinded Notification No. 1485/14-4-2008-823/2008 dated 21.05.2009, with effect from the date of its publication in the Gazette. The Government of Uttar Pradesh, Environment Forest and Climate Change Section-4, issued Notification No. 336/81-4-2020-823/2008 T.C. dated 17.03.2020 in this regard. Copy of Government of Uttar Pradesh Notification No. 336/81-4-2020-823/2008 T.C. dated 17.03.2020 is annexed herein as **ANNEXURE-1**.

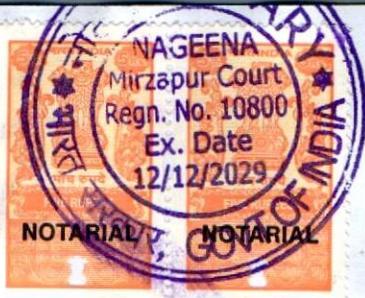
5. That as per the records available in the office, subsequent to the issuance of the aforementioned notification, no fresh mining NOCs have been issued by the Mirzapur Forest Division in the sanctuary and eco-sensitive zones.
6. That as per the Government Order No. 502/81-4-2020, issued by the Uttar Pradesh Government, Environment Forest and Climate Change Section-4, dated 23.06.2020 the site in question has now been placed under the administrative control of the Divisional Forest Officer, Prayagraj Forest Division, Prayagraj. In light of this government order, as the advertised site no longer falls within the jurisdiction of the Mirzapur Forest Division, it is not legally competent for this office to undertake any enforcement actions or proceedings pertaining to mining activities at the site in question. Copy of Government Order No. 502/81-4-2020 dated 23.06.2020 is annexed herein as **ANNEXURE-2.**
7. In view of the foregoing, this report is respectfully submitted before this Hon'ble Tribunal with the humble request that, considering the jurisdictional limitations, the Divisional Forest Officer, Mirzapur Forest Division, Mirzapur, may be relieved from further proceedings in this matter.

THROUGH



Date:11.03.2025
Place: New Delhi

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
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STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

AFFIDAVIT

I, **Arvind Raj Mishra**, aged about **59** years s/o **Sh. Pratap Narayan Mishra** is presently posted as **DIVISIONAL FOREST OFFICER MIRZAPUR, UP.**

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Report has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Report are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.




प्रभागीय वन्यधिकारी
मीरजापुर - वन प्रभाग

12 MAR 2025

DEPONENT

प्रभागीय वनाधिकार
मीरजापुर - वन प्रभाग
मीरजापुर

VERIFICATION

Verified on solemn affirmation at Mirzapur on this _____ day of _____ 2025,
that the contents of the foregoing affidavit are true and correct to the best of my
knowledge and no part of it is false and nothing material has been concealed
therefrom.

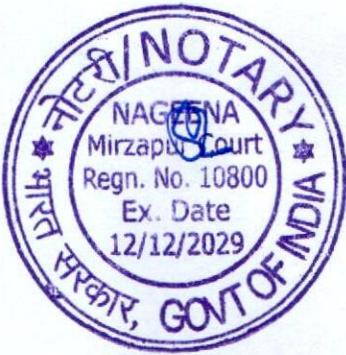
SL.N. 05

DEPONENT

प्रभागीय वनाधिकार
मीरजापुर - वन प्रभाग
मीरजापुर

Oathed by Deponent before me
Counselled by Advocate Shri...
NAGEENA Advocate (Notary)
(Govt. of INDIA) Mirzapur (U.P.)

SP Dubey
Adv.



12 MAR 2025

क्रम संख्या-74



रजिस्ट्रेशन नम्बर-एस०एस०पी०/एल०-

डब्लू०/एन०पी०-91/2014-16

लाइसेन्स टू पोस्ट ऐट कन्सेशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग 4, खण्ड (ख)

(परिनियत आदेश)

लखनऊ, मंगलवार, 17 मार्च, 2020

फाल्गुन 27, 1941 शक सम्वत्

उत्तर प्रदेश शासन

पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-4

संख्या 346/81-4-2020-823-2008 टी०सी

लखनऊ, 17 मार्च, 2020

अधिसूचना

प०आ०-85

चूंकि राज्य सरकार की राय है कि नीचे अनुसूची में विस्तृत रूप में उल्लिखित क्षेत्र वन्यजीव एवं उसके पर्यावरण के संरक्षण, संवर्धन एवं विकास के प्रयोजन के लिए पर्याप्त पारिस्थितिक, प्राणिजात, वनस्पतिजात, भू-आकृतिजात, प्राकृतिक तथा प्राणिवैज्ञानिक महत्व का है।

अतएव, वन्यजीव (संरक्षण) अधिनियम, 1972 (अधिनियम संख्या 53 सन् 1972) की धारा 18 की उपधारा(1) के अधीन प्रदत्त शक्तियों का प्रयोग करके राज्यपाल जिला भदोही, प्रयागराज एवं मिर्जापुर के अन्तर्गत गंगा नदी के दोनों तटों से आबद्ध 30 किमी० लम्बाई में फैले क्षेत्र को नीचे अनुसूची के अनुसार कछुआ वन्यजीव विहार के रूप में स्थापित करने के अपने आराय की घोषणा करती है-

अनुसूची

जिला	नदी का नाम	कछुआ वन्य जीव विहार का क्षेत्र
प्रयागराज, भदोही और मिर्जापुर	गंगा	गंगा नदी के दोनों तटों से सीमाबद्ध गंगा नदी के मुख्य धारा का 30 किमी० लम्बाई में फैला क्षेत्र
	पूरब (नदी का अधोः प्रवाह)	ग्राम- बारीपुर उपरवार, ज्ञानपुर, जिला-भदोही की राजस्व सीमा में- अक्षांश- 25.273769 देशान्तर-82.287486

2

उत्तर प्रदेश असाधारण गजट, 17 मार्च, 2020

सीमाएं	पश्चिम(नदी का उर्ध्व प्रवाह)	ग्राम कोठरी, मेजा, जिला-प्रयागराज की राजरव सीमा में- अक्षांश- 25.215000 देशान्तर-82.194814
	उत्तर	गंगा नदी का उत्तरी तट
	दक्षिण	गंगा नदी का दक्षिणी तट

आज्ञा से,
सुधीर गर्ग,
प्रमुख सचिव।

IN pursuance of the provisions of clause (3) of Article 348 of the constitution, the Governor is pleased to order the publication of the following English translation of notification no. 346/LXXXI-4-2020-823/2008 T.C., Dated March 17, 2020:

No. 346/LXXXI-4-2020-823/2008 T.C.
Dated Lucknow, March 17, 2020

WHEREAS the State Government considers that the area, detailed in the Schedule below is of adequate ecological, faunal, floral, geomorphological, natural and zoological significance for the purpose of protecting, propagating and developing Wildlife therein and its environment;

NOW, THEREFORE, in exercise of powers conferred under sub-section(1) of section 18 of the Wildlife (Protection) Act, 1972 (Act no. 53 of 1972), the Governor is pleased to declare its intention to constitute the area in the stretch of 30 km. along both sides of Ganga River falling in the districts of Bhadohi, Prayagraj and Mirzapur as Kachhua Wildlife Sanctuary as per schedule below:-

Schedule

Districts	Name of river	Area of Kachhua Wildlife Sanctuary
Prayagraj, Bhadohi and Mirzapur	Ganga	Area bounded by both banks of river Ganga in the stretch of 30 km. along main stream of River Ganga.
Boundaries	East (Down Stream of the River)	Latitude- 25.273769 Longitude-82.287486 Falling in Revenue Boundary of Village Baripur uparwar, Gyanpur of District Bhadohi.
	West (Up Stream of the River)	Latitude- 25.215000 Longitude-82.194814 Falling in Revenue Boundary of Village Kothari, Meja of District Prayagraj.
	North	Left Bank of River Ganga
	South	Right Bank of River Ganga

By order,
SUDHIR GARG,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 30 राजपत्र-2020-(53)-599 प्रतियां (क०/टी०/ऑफसेट)।
पी०एस०यू०पी०-ए०पी० 2 सा० पर्यावरण -2020-(54)-200 प्रतियां (क०/टी०/ऑफसेट)।

30 Rph Paryavaran, van anu-4-2020 -data-7

उत्तर प्रदेश शासन
पर्यावरण वन एवं जलवायु परिवर्तन अनुभाग-4
संख्या- 502/81-4-2020
लखनऊ दिनांक 23 जून 2020

कार्यालय ज्ञाप

जनपद-प्रयागराज, नेवादा के निकट कछुआ वन्य जीव बिहार अधिसूचित किये जाने विषयक अधिसूचना संख्या-346/81-4-2020-823/2008, दिनांक 17.03.2020 के क्रम में प्रश्नगत क्षेत्र में अधिकारो की विनिश्चयन की कार्यवाही हेतु वन्य जीव संरक्षण अधिनियम 1972 की धारा-18बी के तहत जिलाधिकारी, प्रयागराज, मिर्जापुर तथा भदोही को सम्बन्धित जनपद के अन्तर्गत पड़ने वाले क्षेत्र हेतु कलेक्टर एवं उक्त वन्य जीव बिहार को प्रभागीय वनाधिकारी, प्रयागराज वन प्रभाग, प्रयागराज के नियंत्रणाधीन रखने पर श्री राज्यपाल एतद् द्वारा सहर्ष स्वीकृति प्रदान करते हैं।

ह0 अस्पष्ट
आशीष तिवारी
विशेष सचिव

संख्या 502 (1)/81-4-2020 एवं तददिनांक

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, उ0प्र0 लखनऊ ।
- 2- प्रधान मुख्य वन संरक्षक, वन्य जीव उ0प्र0 को उनके पत्रांक-3547/20-11 (कछुआ वन्य जीव बिहार) दिनांक 03.06.2020 के क्रम में इस निर्देश के साथ प्रेषित है कि कृपया पत्र की प्रतिलिपि सम्बन्धित अधिकारियों को उपलब्ध कराते हुये प्रकरण में नियमानुसार यथावश्यक कार्यवाही करने का कष्ट करे।
- 3- जिलाधिकारी, प्रयागराज/मिर्जापुर /भदोही ।
- 4- प्रभागीय वनाधिकारी, प्रयागराज वन प्रभाग, प्रयागराज ।
- 5- गार्ड फाइल

आज्ञा से
ह0 अस्पष्ट
(डॉ दीपक कोहली)
उप सचिव

(23)

उत्तर प्रदेश शासन
पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-4
संख्या-802/81-4-2020
लखनऊ, दिनांक 27 जून, 2020

कार्यालय ह्रास

जनपद प्रयागराज, नवाधा के निकट कछुआ वन्य जीव विहार अधिसूचित किए जाने विषयक अधिसूचना संख्या-346/81-4-2020-823/2000, दिनांक 17.03.2020 के क्रम में प्रत्यक्ष क्षेत्र में अधिकारों की विनिश्चयन की कार्यवाही हेतु वन्य जीव संरक्षण अधिनियम 1972 की धारा-18(1) के तहत जिलाधिकारी, प्रयागराज, मिर्जापुर, तथा गदोही को सम्बन्धित जिलों के अन्तर्गत पड़ने वाले क्षेत्र हेतु कलेक्टर एवं ज्वलत पन्थजोव विहार को प्रमाणित जनाधिकारी, प्रयागराज वन प्रभाग, प्रयागराज के नियमनाधीन रहने पर श्री राज्यपाल-राज्यपाल सहित स्वीकृति प्रदान करते हैं।

आशोक तिवारी
विशेष सचिव

संख्या-802/81-4-2020 एम तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनाएँ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. ज्वलत पन्थ वन संरक्षण और विभागाध्यक्ष, 8090 लखनऊ।
2. ज्वलत पन्थ वन संरक्षण, पन्थजोव, 8090 को उनके पत्र संख्या-3587/20-11(वि.प.)/20-11(वि.प.)/20 दिनांक 03.06.2020 के क्रम में इस निर्देश के साथ प्रेषित है कि उपरोक्त प्रतिलिपि कृष्णवर्त और 22/6/20 को उपलब्ध कराते हुए प्रयागराज में नियमानुसार कक्षावशवा कार्यवाही करना पत्र संख्या-802/81-4-2020।
3. जिलाधिकारी, प्रयागराज/मिर्जापुर/गदोही।
4. ज्वलत पन्थ जनाधिकारी, प्रयागराज वन प्रभाग, प्रयागराज।
5. ज्वलत पन्थ।

आशोक तिवारी
(विशेष सचिव)
8090 लखनऊ।