

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

O.A. NO. 709 OF 2022

IN THE MATTER OF

Tirthraj Kushwaha & ors.

.....APPLICANT

VERSUS

The State of Bihar

.... RESPONDENTS

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REPORT ON BEHALF OF BIHAR STATE POLLUTION CONTROL BOARD.

I, S. Chandrasekar, aged about 44 years, Son of Mr. S. Subramani, residing at B-202, Amarkunj Apartment, Vivekanand Marg-Patna-800013, do hereby solemnly affirm and state as follows: -

1. That I am posted as Member Secretary, Bihar State Pollution Control Board, Patna and as such I am well aware of the facts and circumstances of the present matter. I am competent and duly authorized to swear the present affidavit.
2. That the instant matter has been registered as an original Application on a letter petition filed before the Hon'ble National Green Tribunal, New Delhi, alleging therein that illegal sand mining is being carried out in the

area of Semara Labdeda Panchayat under Piprasi anchal in West Champaran District, Bihar, which is in eco-sensitive zone in Valmiki Tiger Reserve.

3. That the instant matter was heard on 09.11.2022 when the Hon'ble Tribunal was pleased to direct State PCB, and District Magistrate, West Champaran nagar, to look into the matter and furnish a factual and action taken report.
4. That it is humbly submitted that another bench of this Hon'ble Tribunal is seized of the matter and is adjudicating the same issue in O.A. No. 587 of 2022; Krishna Kumar Ram & Ors, i.e. illegal sand mining in Semara Labdeda Panchayat, West Champaran, and the Hon'ble Tribunal vide its order dated 21.09.2022 constituted a joint committee and directed the joint committee to file factual and action taken report. The joint committee based on the findings of field visit has prepared & filed a report before the Hon'ble Tribunal on 13.12.2022. The Hon'ble Tribunal in view of observations made in the report has been pleased to implead Chief Secretary, Government of Bihar; (2) Director Mines and Geology Department, Government of Bihar; (3) the BSPCB; (4) the Divisional Forest Officer, Bagah Forest Range, West Champaran and (5) the District Magistrate, Balmiki Nagar, Bihar, as respondents No. 1 to 5 requiring them to file their reply/response. Further, the Hon'ble Tribunal has directed the presence of the Divisional Forest Officer and the District Magistrate,

Balmiki Nagar, Bihar physically or through VC on the next date of hearing.

The matter is coming up for hearing next on 17.03.2022.

A copy of the order dated 21.09.2022 &
06.01.2023 passed in O.A. no. 587 of 2022
is annexed and marked as Annexure-1.

5. That, in view of above, it is humbly prayed that the instant matter may be tagged along with O.A. No. 587 of 2022; Krishna Kumar Ram & Ors to avoid multiplicity of proceeding.

6. That I have read the contents of the report and have understood the same.

DEPONENT

(3.1)

Balmiki Nagar, Bihar physically or through VC on the next date of hearing.

The matter is coming up for hearing next on 17.03.2022.

A copy of the order dated 21.09.2022 &

06.01.22 passed in O.A. no. 587 of 2022

is annexed and marked as Annexure-1.

5. That, in view of above, it is humbly prayed that the instant matter may be tagged along with O.A. No. 587 of 2022; Krishna Kumar Ram & Ors to avoid multiplicity of proceeding.

6. That I have read the contents of the report and have understood the same.


DEPONENT
(S. CHANDRASEKAR)

Item No.12

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 587/2022

Krishna Kumar Ram & Ors.

Applicant

Versus

State of Bihar

Respondent

Date of hearing: 21.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a Letter Petition received by Email.

ORDER

1. Krishna Kumar Ram and others have sent the present letter petition, which has been treated and registered as original application, complaining that illegal sand mining is being carried out in the area of Samra Labheda Panchayat which is eco-sensitive zone of Balmiki Tiger Reserve every day and the concerned officers/officials are not taking any action despite making of complaints to them repeatedly.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representatives of Director Mines and Geology Department, State of Bihar, DFO, State PCB and District Magistrate, Balmiki Nagar, Bihar to direct the same to meet within three weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and concerned persons/representatives of the concerned project proponents, verify the factual position and submit its report within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned persons/project proponents to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations /recommendations contained in the same and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) The concerned Statutory Authorities including Director Mines and Geology Department, State of Bihar, DFO, State PCB and District Magistrate, Balmiki Nagar, Bihar to enable them to take appropriate

remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment, by giving notice to/hearing the concerned persons/project proponent and following due process of law and they shall submit their action taken reports separately within one month from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 06.01.2023.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Director Mines and Geology Department, State of Bihar, DFO, State PCB and District Magistrate, Balmiki Nagar, Bihar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 21, 2022
AG

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 587/2022

Krishna Kumar Ram & Ors.

...Applicants

Versus

State of Bihar & Ors.

...Respondents

Date of hearing: 06.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicants: None.

Respondents: None.

Application is registered based on a letter petition received by email.

ORDER

1. The grievance of the applicants in the present letter petition is that illegal sand mining is being carried out in the area of Samra Labheda Panchayat every day which is eco-sensitive zone of Balmiki Tiger Reserve and the concerned officers/officials are not taking any action despite making of complaints to them repeatedly.

2. Vide order dated 21.09.2022, this Tribunal constituted a Joint Committee comprising of representatives of the Director Mines and Geology Department, the State of Bihar, the DFO, Bihar State Pollution Control Board (BSPCB) and the District Magistrate, Balmiki Nagar, Bihar and directed the same to verify the factual position and submit its report within six weeks.

3. In compliance of order dated 21.09.2022, Factual and Action Taken Report has been submitted by the BSPCB vide email dated 13.12.2022.

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response of (1) the State of Bihar, through Chief Secretary, Government of Bihar; (2) Director Mines and Geology Department, Government of Bihar; (3) the BSPCB; (4) the Divisional Forest Officer, Bagah Forest Range, West Champaran and (5) the District Magistrate, Balmiki Nagar, Bihar, who stand impleaded as respondents No. 1 to 5. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 5 requiring them to file their reply/response **within two months** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. List for further consideration on 17.03.2023.

6. In the facts and circumstances of the case, we also consider presence of the Divisional Forest Officer and the District Magistrate, Balmiki Nagar, Bihar before this Tribunal physically or through VC on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they are directed to remain present before this Tribunal physically or through VC on the date fixed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 06, 2023
AVT