





BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Misc. Application in Disposed of cases No. 135/2024

In

Original Application No. 587 of 2022

Krishna Kumar Ram & Ors. Petitioners

Versus

The State of Bihar & Ors. Respondents

Report on behalf of the Superintendent of Police, Bagaha, respondent no. 3 in compliance of the order dated- 17/03/2023, passed by Hon'ble NGT in O.A. No. 587 of 2022, filed by Krishna Kumar Ram & Ors. against the State of Bihar & another.

I, Sushant Kumar Saroj, aged about 53 years, male son of MR. ASHOK KUMAR NARAYAN SARKAR resident of

VILL - SADDAPUR, P.O. - SONERI BAKHTIYARPUR DIST. - SAMASTHUR do hereby solemnly affirm and state as follows:

*1669 Date 21/4/25*

*Reshant - Sonoj  
who is identified by Advocate...  
determines affirmed as J declared...  
this affidavit apart from this...  
Stamp, CC for...  
Date of... 2023/03/17*

*A. K. Lal*



02/03/2023  
DIPLOMA  
NOTARY

1. That at present I am posted as Superintendent of Police, Bagaha, and as such am well acquainted with the facts and circumstances of the present case.

2. That I have gone through the contents of the petition and have fully understood the same.

3. That the instant matter has been registered as an original application on a letter petition filed by Sri Krishna Kumar Ram & Ors., before the Hon'ble National Green Tribunal, New Delhi, alleging therein that illegal sand mining is being carried out in the area of Semra Labedaha Panchayat under Piparasi Block of West Champaran District every day, which is eco-sensitive zone of Balmikinagar Tiger Reserve and the concerned officers are not taking any action despite making of complaints to them repeatedly.

4. That upon hearing the parties the Hon'ble Principal Bench, National Green Tribunal, New Delhi has been pleased to disposed of the Original Application No. 5877/2022 vide order dated- 17/03/2023 with a direction to the District Magistrate, West Champaran



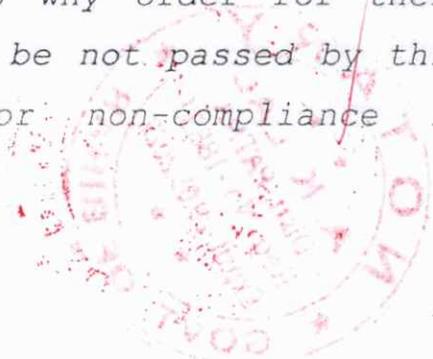
at Bettiah to take all requisite steps including setting up of check posts, installation of CCTV cameras and use of drones for ensuring that no illegal mining takes place in the eco sensitive zone in question.

5. That at the very outset, the answering opposite party tender their unqualified and unconditional apology for the inconvenience caused to this Hon'ble Tribunal due to any action or inaction on their part.
6. That the answering opposite party, being public servants, cannot ever think to circumvent or bypass the order/s passed by this Hon'ble Tribunal, nor any other Court of law, nor in the instant matter.
7. That on the earlier occasion the Hon'ble Tribunal has heard the matter and vide order dated- 10/12/2024, has been pleased to pass the following order: -



"3. Due to non-receipt of any report in compliance of above said order, the matter has been listed before this Bench for further orders.

4. It may be observed that non-compliance with order passed by this Tribunal constitutes an offence under Section 26 of the National Green Tribunal Act, 2010 and the order is also executable under Section 25 of the National Green Tribunal Act, 2010 by modes permissible under the Code of Civil Procedure, 1908 which include the mode of arrest and detention of the Officer/person responsible for non-compliance in civil prison.
5. Show cause notices be issued to the Member Secretary, BSPCB, the District Magistrate and the Superintendent of Police, West Champaran, Bihar requiring them to file report showing action taken by them in compliance of order dated 17.03.2023 and also to show cause as to why order for their prosecution be not passed by this Tribunal for non-compliance in



submission of the report as directed by this Tribunal.

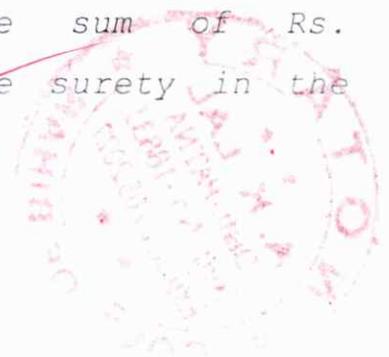
6. Reports/replies to the show cause notices may be filed at least one week before the date of hearing fixed.

7. List on 20.02.2025 for further consideration."

8. That again the said matter has been heard by the Hon'ble Tribunal on 20/02/2025 and pleased to pass the following order: -

5. We consider examination of the District Magistrate, West Champaran and the Superintendent of Police, West Champaran as witnesses regarding compliance of the order.

6. In view of their non-appearance before this Tribunal today, we have reasonable grounds to believe that they will not appear in pursuance to summons. In these circumstances, it is ordered that bailable warrant of arrest, bailable in the sum of Rs. 10,000/- with one surety in the



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like amount be issued against the District Magistrate, West Champaran and the Superintendent of Police, West Champaran.

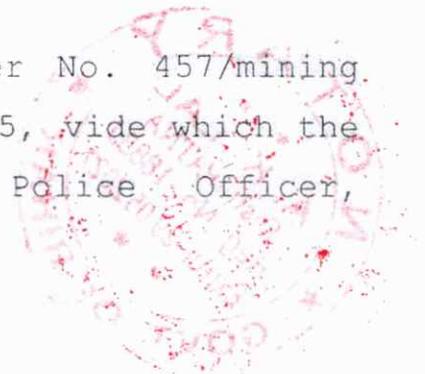
7. List on 08.04.2025 for further orders.

9. That as soon as the order dated- 17/03/2023 has come to the knowledge of the answering opposite party, the authority concerned has taken all the necessary step to comply with the order in later and spirit and vide Letter No. 03, dated- 05/01/2025 has sought report from the Sub-Divisional Police Officer, Bagaha.

A copy of Letter No. 03, dated- 05/01/2025 is being annexed herewith and marked as Annexure-1 with this report.

10. That in compliance of the same vide Letter No. 457/mining dated- 07/03/2025, the Sub-Divisional Police Officer, Bagaha has submitted the action taken report along with photographs.

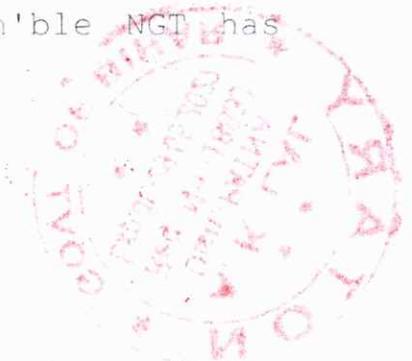
A copy of Letter No. 457/mining dated- 07/03/2025, vide which the Sub-Divisional Police Officer,



Bagaha has submitted the Action Taken Report is being annexed herewith and marked as Annexure-2 with this report.

11. That the answering respondent has perused the Action Taken Report submitted by the Sub-Divisional Police Officer, Bagaha and found that all the necessary steps have been taken by the authority concerned in compliance of the order of the Hon'ble NGT.

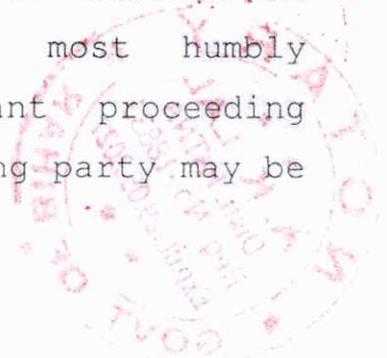
12. It is most humbly submitted that, to verify the information in the received report and to inspect the sand ghat in question, the District Magistrate, West Champaran at Bettiah, the Superintendent of Police, Bagaha, and other designated officials have visited the site on March 14, 2025, in accordance with the order dated March 17, 2023, issued by the Hon'ble NGT in O.A. No. 587 of 2022 and has found that all the directions given by the Hon'ble NGT has duly been complied with in true manner and as such an Inspection Report of Joint Inspection for the kind perusal of the Hon'ble NGT has



been prepared.

A copy of Inspection Report of Joint Inspection held on 14<sup>th</sup> March, 2025 is being annexed herewith and marked as Annexure-3 with this report.

13. That it is also most humbly submitted that No illegal mining has taken place in the past at the site in question and during the current inspection, no illegal mining was found nor any kind of material was found.
14. That from above mentioned facts and circumstances it is clear that order dated- 17/03/2023, passed by the Hon'ble Tribunal has duly been complied with by the authority concerned. Hence the matter at hand may be disposed of accordingly.
15. That the answering opposite party once again tender their unqualified and unconditional apology for any inconvenience caused to this Hon'ble Tribunal due to any action or inaction on their part. That it is most humbly submitted that the instant proceeding against the present answering party may be



dropped and notices, if any, may be discharged.

It is therefore most humbly prayed that your Lordship may graciously be pleased enough to accept this Report and exonerate the answering opposing party from the initiation of any contempt proceeding.

And/or

pass such other order or orders as your Lordship may deem fit and proper. And for this, the answering opposite party shall ever pray.

6. That the Annexures are true photo copies of their respective originals.

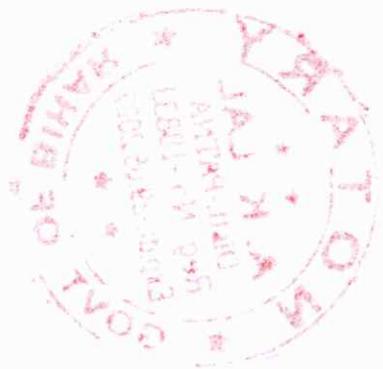
*Sushant Kumar Saha*

Superintendent of Police, Bagaha  
at West Champaran (Bihar)



*Report for Annexure 1/2  
and has signed in my presence  
Aking. Ak*

ॐ नमो भगवते वासुदेवाय  
 श्री कृष्णाय नमः  
 श्री गणेशाय नमः  
 श्री गुरुभ्यो नमः  
 श्री गुरुभ्यो नमः



CATH PURPOSE



भारतीय विशिष्ट पहचान प्राधिकरण  
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



भारत सरकार  
GOVERNMENT OF INDIA

पता:

Address:

संबोधित: विरेन्द्र नारायण सिंह,  
रामजयपाल कॉलेज रोड, शिव मंदिर के पास,  
अर्पणा बैंक कॉलोनी फेज 1  
दीनापुर कम खमोज, पटना,  
बिहार - 801503

S/O. Birendra Narayan Singh,  
Ramajaypal college road, Near Shiv  
Mandir, Arpana Bank Colony Phase  
1, Dinapur-Kum-Khujaul, Patna,  
Bihar - 801503

सुशान्त कुमार सरोज  
Sushant Kumar Saroj  
जन्म तिथि/ DOB: 01/01/1970  
पुरुष / MALE



19/03/25

ज्ञापांक 03 / विधि शाखा

पुलिस अधीक्षक का कार्यालय, प० चम्पारण,  
बगहा, दिनांक- 05.01.2025

सेवा में,

अनुमण्डल पुलिस पदाधिकारी,  
बगहा / रामनगर।

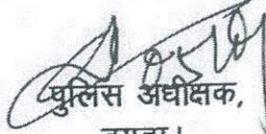
प्रसंग :- Arvind kumar Deputy Registrar N.G.T., NEW DELHI MA NO. No. 135/2024  
In O A No. 587/2022

विषय :- कृष्णा कुमार राम एवं अन्य बनाम बिहार राज्य एवं अन्य के संबंध में।

उपर्युक्त प्रसंग एवं विषय के संदर्भ में कहना है, कि Arvind kumar Deputy Registrar N.G.T., NEW DELHI MA NO. No. 135/2024 In O A No. 587/2022, कृष्णा कुमार राम एवं अन्य बनाम बिहार राज्य एवं अन्य के संबंध में अवैध बालू/मिट्टी खनन रोकने के लिए बालू/मिट्टी माफियाओं के विरुद्ध किये गये कार्रवाई से संबंधित प्रतिवेदन की माँग की गई है।

अतः आपको निर्देश दिया जाता है कि उक्त प्रासंगिक पत्र के आलोक में कृत कार्रवाई से संबंधित प्रतिवेदन तीन(03) दिनों के अंदर इस कार्यालय में समर्पित करना सुनिश्चित करेंगे। ताकि ससमय संबंधित को कृत कार्रवाई से अवगत कराया जा सके।

अनुलग्नक :- यथोपरि।

  
पुलिस अधीक्षक,  
बगहा।

ज्ञापांक-457/2025

अनुमंडल पुलिस पदाधिकारी का कार्यालय  
बगहा, प० चम्पारण, दिनांक- 07.03.25

सेवा में,

पुलिस अधीक्षक महोदय  
बगहा प० चम्पारण।

प्रसंग:- भवदीय कार्यालय ज्ञापांक-03/वि०शा०, दिनांक-05.01.25

विषय:- MA NO.135/2024 IN OA NO-587/2022 KRISHNA KUMAR & Ors. vs State of bihar & Ors में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन उपलब्ध कराने के संबंध में।

महाशय,

उपर्युक्त विषयक के संदर्भ में सादर सूचित करना है कि MA NO.135/2024 IN OA NO-587/2022 KRISHNA KUMAR & ORS. VS.State of bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन में अवैध बालू/मिट्टी खनन रोकने के लिए पुलिस के स्तर से कृत कार्रवाई से संबंधित प्रतिवेदन की मांग की गयी है, जो निम्नवत् है:-

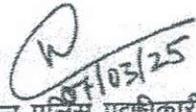
1. MA NO.135/2024 IN OA NO-587/2022 पारा सं०-11 कंडिका-01 के अनुपालन के संबंध में कहना है कि जिला पदाधिकारी, बेतिया एवं पुलिस अधीक्षक, बगहा के आदेशानुसार थाना स्तर से वर्णित स्थल (सेमरा, लबदेहा पंचायत अन्तर्गत) पर अवैध खनन रोकने के लिए चौबिस घंटे पुलिस बल की प्रतिनियुक्ति की गयी है।

उपरोक्त वर्णित स्थल पर अवैध खनन की रोक-थाम के लिए चेक पोस्ट बनाते हुए बैरिकेटिंग की भी व्यवस्था की गयी है साथ ही साथ सी०सी०टी०भी० से भी उपरोक्त वर्णित स्थल पर जाने वाले रास्ते की निगरानी की जा रही है। (बैरिकेटिंग/सी०सी०टी०भी० कैमरा एवं चेक पोस्ट पर प्रतिनियुक्त बल का फोटो साथ संलग्न है)।

2. MA NO.135/2024 IN OA NO-587/2022 पारा सं०-11 कंडिका-03 के अनुपालन के संबंध में कहना है कि पिपरासी थाना कांड सं०-51/22, दिनांक-22.06.22 में कांड के चार नामजद प्राथमिकी अभियुक्तों के विरुद्ध आरोप पत्र सं०-82/22, दिनांक-23.11.22 धारा-379/अभा०द०वि० एवं 88M(cpimts) Rules 2019(amendments rules 2021) धारा-56/11/41& M.M(D&R) Act 1957 धारा-4/21& Environment protection Act.1986 धारा-15 के अन्तर्गत समर्पित करते हुए अनुसंधान बंद किया जा चुका है।

OA NO-360/2015 में राष्ट्रीय हरित न्यायाधीकरण द्वारा दिनांक-26.02.2021 को पारित आदेश के अनुपालन में कहना है कि कांड में आरोप पत्रित अभियुक्त के खिलाफ निरोधात्मक कार्रवाई की गई है। उपरोक्त कांड में किसी भी प्रकार का वाहन और अवैध खनित बालू की बरामदगी/जप्ती नहीं हुई थी। अतः शमन राशि (खनन एवं परिवहन) की वसुली नहीं की जा सकी इसी कारण अकैष रूप से खनन किये गये बालू की मात्रा बताना संभव नहीं है। अभियुक्तों के विरुद्ध निगरानी रखी जा रही है। वर्णित स्थल पर वर्तमान में किसी भी प्रकार का अवैध खनन का मामला प्रकाश में नहीं आया है।

अतः श्रीमान को सादर सूचनार्थ।

  
07/03/25  
अनुमंडल पुलिस पदाधिकारी,  
बगहा।

## Annexure-3

1

**Inspection Report of Joint Inspection**

In the matter of Misc. Application in Disposed of cases No. 135/2024  
In Original Application No. 587 of 2022

- **Site of Inspection:** Sand Mining Project on the Gandak River at Semra Labedaha Ghat, P.S.-Piprasi, Sub-Division- Bagaha, District- West Champaran
- **Date of Inspection:** 14<sup>th</sup> March, 2025
- **Presence:**
- 1) Mr. Dinesh Kumar Rai, District Magistrate, West Champaran, Bettiah (Bihar)
  - 2) Mr. Sushant Saroj, Superintendent of Police, Bagaha at West Champaran (Bihar)
  - 3) Mr. Gaurav Kumar, Sub-Divisional Officer, Bagaha at West Champaran (Bihar)
  - 4) Mr. Kumar Devendra, Sub-Divisional Police Officer, Bagaha at West Champaran (Bihar)
  - 5) Mr. Sunil Kumar, Range Officer of Forest, Forest Division Bagaha, Forest Range, West Champaran (Representative of DFO, Bettiah Division-2)
  - 6) Mr. Rishikesh Kumar, Block Development Officer, Piprasi Block at West Champaran (Bihar)
  - 7) Mr. Nandlal Kumar Ram, Circle Officer, Piprasi at West Champaran (Bihar)
  - 8) Mr. Suryamani Bhai Patel, Inspector Mines, West Champaran (Bihar)
  - 9) Mr. Ashok Kumar, S.H.O. Piprasi P.S. at West Champaran (Bihar)

➤ **Background:**

A petition was filed by Sri Krishna Kumar Ram & Ors., before the Hon'ble National Green Tribunal, New Delhi, alleging therein that illegal sand mining is being carried out in the area of Semra Labedaha Panchayat under Piprasi Block of West Champaran District every day, which is Eco- sensitive zone of Balmikinagar Tiger Reserve and the concerned officers are not taking any action despite making of complaints to them repeatedly, upon which Original Application No. 587 of 2022 was instituted by the Hon'ble NGT. In this matter vide order dated- 21/09/2022 the Hon'ble NGT has pleased to constitute a Joint Committee for carrying the inspection of illegal sand mining area and to submit report on factual status of illegal sand mining to the Hon'ble NGT. In compliance of the same the committee has visited the site in presence of the complainant Sri Krishna Kumar Ram and submitted their joint report mentioning therein that no any sand mining is going on after flood. Illegal mining was being carried six months ago. Thatafter the Hon'ble NGT, vide his order dated- 06/01/2023 has pleased to sought response/replies from the authority concerned. In compliance of the same authorities concerned has submitted their response/replies and simultaneously appeared through virtual mode on 17/03/2023. Upon hearing the authorities concerned, vide order dated- 17/03/2023 the Hon'ble NGT has been pleased to disposed off the matter with the following directions: -

- i.) The District Magistrate and the Superintendent of Police, West Champaran, Bihar are directed to take all requisite steps including setting up of check posts, installation of CCTV cameras and use of drones for ensuring that no illegal mining takes place in the eco sensitive zone in question;
- ii.) The Bihar State Pollution Control Board (BSPCB) is directed to take appropriate proceedings against persons alleged to have indulged in illegal mining for imposition and realization of environmental compensation and utilization thereof for restoration of environment in the affected area.
- iii.) The Superintendent of Police, West Champaran, Bihar is

directed to issue appropriate instruction for completion of investigation in the FIR already registered expeditiously and taking of action against all involved in accordance with direction issued by this Tribunal in order dated 26.02.2021 passed by this Hon'ble Tribunal in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat) and the Enforcement & Monitoring Guidelines for Sand Mining 2020.

- iv.) Action taken report be filed by the Member Secretary, BSPCB, District Magistrate and the Superintendent of Police, West Champaran, Bihar within four months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions.

In compliance of the aforesaid direction, vide Letter No. 611/Con., dated- 21/02/2025 a report has been asked from the Mining Development Officer, West Champaran at Bettiah as well as from the Superintendent of Police, Bagaha, vide Letter No. 609/con., dated- 21/02/2025.

The Mining Development Officer, West Champaran at Bettiah vide his Letter No. 90, dated- 25/02/2025 has submitted his report and Vide Letter No. 71(A), dated- 08/03/2025 the Superintendent of Police, Bagaha has submitted his report.

➤ **Site Visit:**

To verify the information in the received report and to inspect the sand ghat in question, the District Magistrate, West Champaran at Bettiah, the Superintendent of Police, Bagaha, and other designated officials visited

the site on March 14, 2025, in accordance with the order dated March 17, 2023, issued by the Hon'ble NGT in O.A. No. 587 of 2022.

➤ **Description of Site:**

Semra Labedaha is a panchayat in Piprasi Block, which is part of the Bagaha Sub-Division of West Champaran District. This location is on the banks of the Gandak River, 65 kilometers from the Sub-divisional Headquarters and 120 kilometers from the District Headquarters. The hilly terrain of Nepal surrounds the West Champaran District to the north. There are vast tracts of woodland on the slopes. During the monsoon, immense amounts of sand are brought down by the stream from the hills. This district is rich in minor minerals, primarily sand from rivers. Forest is situated around 5km from the site in question. Coordinates of the site is as follows: -

**Latitude: - 27°8'55.8024"**

**Longitude: - 83°58'43.899"**

➤ **Factual Status:**

**1. Illegal Mining-**

- i. During the surprise visit of the site in question, seeing the vehicles of many officials at the spot, various people gathered there. Local Mukhiya namely Mrs. Manorama Devi, Up-Mukhiya namely Sandeep Kumar Chaudhary and various public representatives like Chhedilal Prasad, Manjesh Sahani and others were also present. The villagers present were informed about the matter and inquiries were made about mining.
- ii. The local Mukhiya, Up-Mukhiya, public representatives and villagers said unanimously that at present no mining of any kind is taking place. It was also told by the villagers that there is ban on the mining of sand as well as soil from this area, due to which they are facing difficulties in constructing houses.
- iii. Local Revenue Clerk (Halka Karmchari) was also present there. On asking, he said that he is posted in this Panchayat

since October 2022. He knows the boundaries of the Panchayat very well. He keeps coming to the area. There was no complaint of mining since he is here.

## **2. Piprasi P.S. Case No. 51 of 2022**

- i. Earlier an F.I.R. bearing Piprasi P.S. Case No. 51 of 2022 was registered on the request of Forester, Madanpur-cum-Naurangia Forest Range against Rameshwar Bin, Vinod Yadav, Dinesh Jaisawal, Ramnath Gupta & Raju Rauniyar.
- ii. The S.H.O. Piprasi P.S. has said that after completing the investigation against the said accused, charge sheet has been submitted against all the accused before the concerned Court vide Charge-sheet No. 82/22, dated- 23/11/2022. All the above accused surrendered in the Court and got their respective bails. He further stated that as per direction received from the senior officials, all accused are being constantly monitored.
- iii. As far as matter is concerned with the seizer, the S.H.O. Piprasi said that no sand or tractor/vehicle were seized in the above F.I.R. and it was supported by the officials of forest present there.
- iv. F.I.R. was perused and it was found that F.I.R. No. 51 of 2022 was registered by the Forester, Madanpur-cum-Naurangia Forest Range, against the above-mentioned accused on the continuous complaints of the villagers regarding mining, but no seizure was made at that time.

## **3. Setting up of Check-post**

- i. Site in question i.e. Sand Ghat is situated around 02 km from the main rural road and the access road is very difficult and filled with sand and soil. On both sides of which there is

empty land like a desert are situated. At some places farming has been done by the local villagers.

- ii. On the entry point of this access road permanent check-post has been established by the Police and 24x7 duty has been allotted to keep vigil against the illegal mining. Barricading has also been done.
- iii. Villagers, present there has said that continuous checking is being done by the police at this check post.

#### **4. CCTV Camera**

- i. In compliance of the order of the Hon'ble NGT, two CCTV cameras (powered by solar) has been installed at the entry point of the access road to the sand ghat to keep vigil upon the access road and situations.
- ii. The CCTV cameras are being monitored at Thana level.

#### **5. Use of Drone**

- i. Drones are a great way to keep a watch from a long distance. In compliance of the order of the Hon'ble NGT, drones are being used at regular interval for ensuring that no illegal mining takes place in the eco sensitive zone in question.

#### **6. Other Actions**

- i. The Forest Department has also put-up a board in Semra Labedaha in way of sand ghat stating that commercial mining is completely banned.
- ii. The mining department conducts raids from time to time with the local police station.

➤ **Findings:**

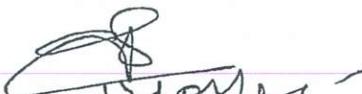
No illegal mining is being done at present. All requisite steps including setting up of check posts, installation of CCTV cameras and use of drones for ensuring that no illegal mining takes place in the eco sensitive zone in question, has been taken by the authorities concerned. Investigation of Piparasi P.S. Case No. 51/2022 has also been completed. The officials present were instructed to keep a constant vigil against illegal mining. They were also instructed to conduct continuous raids.

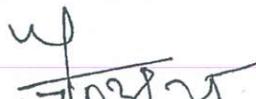
  
Superintendent of Police  
Bagaha, West Champaran

  
District Magistrate,  
West Champaran, Bettiah

Memo No...875.../Con., Dated-...17.10.2025..

- Copy forwarded to: BDO Piprasi/CO Piprasi/SHO Piprasi for necessary action.
- Copy forwarded to: Sub-Divisional Police Officer, Bagha for necessary action.
- Copy forwarded to: Sub-Divisional Officer, Bagha for necessary action.
- Copy forwarded to: Sub-Divisional Police Officer, Bagha for necessary action.
- Copy forwarded to: District Forest Officer, VTR Division-2, Bettiah for necessary action.
- Copy forwarded to: Member-Secretary, Bihar State Pollution Control Board, Patna for information & necessary action.

  
Superintendent of Police  
Bagaha, West Champaran

  
District Magistrate,  
West Champaran, Bettiah