

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, New Delhi

M.A. No. 135 of 2024

IN

O.A. NO. 587 OF 2022

IN THE MATTER OF

Krishna Kumar Ram **Petitioner**

VS

State of Bihar & ors **Respondent**

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Drafted By:-

Abhimanyu Singh, Adv

Mob: 7004233419



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2-4-25

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M.A. No. 135 of 2024

IN

O.A. NO. 587 OF 2022

IN THE MATTER OF

Krishna Kumar Ram Petitioner

VS

State of Bihar & ors Respondent

**ACTION TAKEN REPORT ON BEHALF OF THE DISTRICT
MAGISTRATE, WEST CHAMPARAN, BETTIAH: RESPONDENT
NO.01**

I, Dinesh Kumar Rai, aged about 58 years, Male, Son of Sri Ramayan Rai, Resident of Officers Flat No. 26/26, Bailey Road, Bailey Road, Near hartali More, G.P.O., Phulwari, Patna, do hereby solemnly affirm and State as follows:

1. That I am presently posted as District Magistrate-Cum-Collector, West Champaran, and as such I am aware of the facts of the

Dinesh Kumar Rai
who is identified by Advocate, A.K. Lal
solemnly affirmed & J declared & in his
his affidavit apart from this nothing
stamps/levy fees etc. 1/5 3 Sub
1/5 of N.A. 2011 betw

A.K. Lal
Notary



present case on the basis of the official records maintained, that I believe to be true.

2. That the instant matter was registered on basis of the letter petition sent by One Sri Krishna Kumar Ram alleging therein that illegal sand mining has been carried out in the area of Samra Labheda Panchayat which is eco-sensitive zone of Balmiki Tiger Reserve.
3. That in light of the orders passed in the Original Application, the joint committee inspected the area of Samra Labheda Panchayat and submitted an action taken report before this Hon'ble Tribunal. The Hon'ble Tribunal after considering the report observed that the joint committee and the concerned respondents did not take any steps to identify the exact area within which illegal mining has been done, the quantity of sand illegally mined and have not taken any steps for imposition and realization of environmental compensation and reclamation/rejuvenation of the illegally mined area and vide order dated 17.03.2023 at para 11 (i) directed the Respondent No. 05 to take all requisite steps for ensuring that no illegal mining takes place, including setting up of check-posts; installation of CCTV cameras and use of drones and at para 11 (iv)

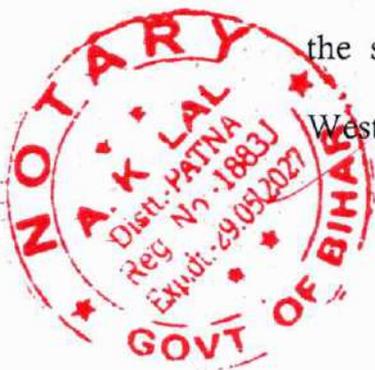


directed the respondents to file an action taken report within 4 months.

4. That inadvertently the answering respondent did not file an action taken report before the Hon'ble tribunal in compliance with the directions contained in order dated 17.03.2023. The answering respondent tender's unconditional apology for the inconvenience caused to this Hon'ble Tribunal due to disobedience of the directions contained in order dated 17.03.2023. The answering respondent being a public servant cannot think to circumvent or bypass the order/directions of the Hon'ble Tribunal.

5. That due to non-submission of the ATR, the instant Misc Application in Disposed of Cases No. 135 of 2024 had been registered by the Hon'ble Tribunal and vide order dated 10.12.2024 the Hon'ble Tribunal issued show-cause notices to the Respondents directing them to file report showing action taken by them in compliance of order dated 17.03.2023.

6. That it is humbly submitted that the order dated 10.12.2024 was received in the office of the Respondent No. 05 on 02.01.2025 and the said e-mail was forwarded to Mines Development Officer, West Champaran, for taking necessary action and compliance,



however the Mines Development Officer, West Champaran, did not act on the notice and failed to apprise the Respondent No. 05 and therefore the Respondent No. 05 could not appear before the Hon'ble Tribunal on 20.02.2025. In this regard, the Respondent No. 05 carried an inquiry and after finding lapses on the part of the Mines Development Officer, West Champaran, has issued a show-cause notice to the said officer, for initiating a departmental proceeding against him.

A copy of the letter no. 610 dated 21.02.2025 is annexed and marked as Annexure-1.

7. That the said Mines Development Officer, West Champaran, apprehending action against him for the act and omission done on his part, he went on leave for the period 19.02.2025 to 15.03.2025 to avoid the process and therefore the Respondent No. 05 vide his letter No. 150, dated 13.03.2025, requested the Principal Secretary, Mines and Geology Department, Govt. of India, to initiate department proceedings against the Mines Development Officer, West Champaran.



A copy of the Letter No. 150, dated 13.03.2025 is annexed and marked as Annexure-2.

8. That from the above stated facts it can be seen that due to the lapses on the part of the Mines Development Officer, West Champaran, the Respondent No. 05 could not appear before the Hon'ble Tribunal on 20.02.2025 and once again tenders unconditional apology for the inconvenience caused to the Hon'ble Tribunal.

9. That with respect to the compliance with the directions of the Hon'ble Tribunal dated 17.03.2023 it is stated that the same stands complied. The respondent No. 05 vide its letter No. 609, dated 21.02.2025, directed the Superintendent of Police, Bagha at West Champaran, to submit a report on compliance with the directions contained in the order dated 17.03.2023. The Superintendent of Police, Bagha at West Champaran, vide its Memo No. 71A/Legal, dated 08.03.2025, submitted his report to the Respondent No. 05, and stated therein that the direction contained in order dated 17.03.2023 has been complied with and barricading has been done; check-post has been made; and CCTV cameras has also been installed. Further, in Piprasi P.S. Case no. 51 of 2022 the police



have submitted charge-sheet No. 82 of 2022, dated 23.11.2022 against the four accused under Section 379 IPC; Section 4 & 41 M.M & D.R Act, 1957 and Section 15 of the Environment Protection Act, 1986.

A copy of the Letter no. 609 dated 21.02.2025; Letter No. 71A dated 08.03.2025; photographs of the check-post, CCTV camera and copy of the charge-sheet no. 82 of 2022 dated 23.11.2022 are annexed and marked as Annexure-3 colly.

10. That further the Respondent No. 05 vide its letter No. 611, dated 21.02.2025, directed the Mines Development Officer, West Champaran, to submit a report on compliance of the directions contained in order dated 17.03.2023. The Mines Development Officer, West Champaran, vide its letter No. 90, dated 25.02.2025, submitted a report and stated therein that the Superintendent of Police, Bagha at West Champaran, has erected barricading; the Department of Forest, Environment and Climate Change, Govt. of Bihar, has erected a sign board preventing illegal mining; The



mines department is regularly monitoring the area to prevent any sort of illegal mining.

A copy of the letter No. 611, dated 21.02.2025 and letter no. 90 dated 25.02.2025 is annexed and marked as Annexure-4 colly.

11. That the Respondent No. 05 upon receiving the abovesaid report, to verify the same carried a site inspection of the Samera labedha area on 14.03.2025 along with the Superintendent of Police, Bagha at West Champaran and other designated officers. During the site inspection, upon seeing the officials of the State Government, local people gathered. Local Mukhiya Mrs. Manorama Devi, Up-Mukhiya Mr. Sandeep Kumar and various other people representatives like Chhedilal Prasad, Majesh Sahani and others were also present during the site inspection. The locals people present informed that at present no mining of any kind is taking place and further stated that due to ban on mining of sand as well as soil in the area they are facing difficulties in constructing houses.

The local revenue clerk (halka karamchari) was also present during the site inspection and said that he is posted in the Panchayat since



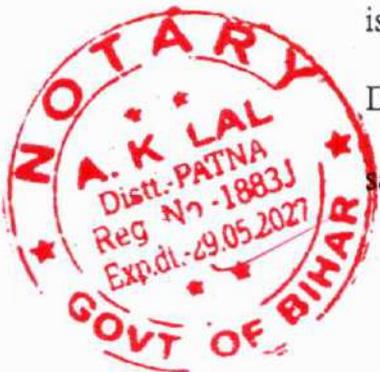
October, 2022, and that he knows the boundaries of the panchayat very well and he regularly visits the area and no illegal mining is taking place in the area.

In Piprasi P.S. Case No. 51 of 2022, the S.H.O. Piprasi P.S., informed 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. The accused person surrendered before the Court and has been enlarged on bail. The activities of the said accused persons are being regularly monitored and they are now not indulging in illegal sand mining activity.

On the entry point of the access road to the samera labedha ghat check-post has been established by the police and 24x7 duty has been allotted to keep vigil against illegal mining, further, barricading has also been done. The villagers present there informed that continuous checking is being done by the police at the check-post.

Solar powered CCTV cameras has been installed at the entry point of the access road to the sand ghat and the CCTV camera footage is being monitored at thana level.

Drone camera is being regularly used for monitoring the illegal sand mining in the area.



During the site inspection it was noticed that no illegal sand mining is being done in the area. Further, all requisite steps including setting up of check posts; installation of CCTV camera and use of drones for ensuring that no illegal mining takes place in the area.

A copy of the site inspection report dated 14.03.2025 is annexed and marked as Annexure-5.

12. That from the above-mentioned facts it can be seen that directions contained in order dated 17.03.2025 passed by the Hon'ble Tribunal has duly been complied with by the authorities concerned.

13. That the answering respondent once again tenders unconditional apology for any inconvenience caused to this Hon'ble Tribunal due to inaction of the answering respondent.



14. That the answering respondent have highest regard for the order of the Hon'ble Tribunal and is duty bound to comply with the directions of the Hon'ble Tribunal.

15. That I have read the contents of the affidavit and have understood the same.

Handwritten in red: "I have read the contents of the affidavit and have understood the same."
Handwritten in blue: "Hsing, Ad"

Handwritten signature: Dinesh Kumar Rai
DEPONENT

VERIFICATION

Verified at Patna on 01st day of April, 2025, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.

Handwritten signature: Dinesh Kumar Rai
DEPONENT



पत्रांक- 6.10...../गो.



फोननं० :- 06254-242534 (कार्यालय)

:- 06254-232535 (आवास)

फैक्सनं० :- 06254-242576

ई-मेल :- dm-bettiah.bih@nic.in

वेबसाईट :- <http://westchamparan.nic.in>

दिनांक- 2.1.../02.../2025

प्रेषक,

दिनेश कुमार राय, मा.प्र.से.
जिला पदाधिकारी,
पश्चिम चम्पारण (बेतिया)

सेवा में,

खनिज विकास पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

विषय :-

MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन नहीं करने के बिन्दु पर स्पष्टीकरण समर्पित करने के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि प्राप्त सूचनानुसार दिनांक- 20.02.2025 को उक्त वाद की सुनवाई माननीय राष्ट्रीय हरित न्यायाधिकरण के द्वारा करते हुए प्रतिकूल आदेश पारित किया गया है। इस संदर्भ में समीक्षा करने पर ज्ञात हुआ कि दिनांक- 10.12.2024 को विषयांकित वाद की सुनवाई हुई तथा माननीय न्यायाधिकरण के द्वारा निम्नांकित आदेश पारित किया गया :-

"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 noncompliance 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."

गहनता से जांच करने पर यह भी ज्ञात हुआ कि उक्त आदेश के अनुपालन में उप निबंधक, NGT के स्तर से दिनांक- 02.01.2025 को नोटिस जारी करते हुए निर्धारित तिथि 20.02.2025 के पूर्व अनुपालन प्रतिवेदन समर्पित करने हेतु सूचित किया गया, जिसे अग्रेतर कार्रवाई हेतु आपको पृष्ठांकित किया गया है तथा आपके कार्यालय में दिनांक- 07.01.2025 को हस्तगत करा दिया गया है (छायाप्रति संलग्न)। अत्यंत खेद के साथ कहना है कि आपके द्वारा उक्त पत्र पर न तो स्वयं कोई कार्रवाई की गई और न ही उस पर निर्णय लेने हेतु आज तक अधोहस्ताक्षरी के पास उपस्थापित किया गया। मात्र आपकी गैर-जिम्मेदाराना हरकत एवं कार्य के प्रति लापरवाही, शिथिलता बरतने की प्रवृत्ति के कारण माननीय न्यायाधीकरण के समक्ष अधोहस्ताक्षरी के विरुद्ध प्रतिकूल आदेश

पारित करने की परिस्थितियां उत्पन्न हुई हैं।

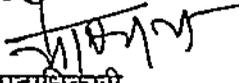
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अतः निदेश है कि 24 घंटे के अंदर उपरोक्त वर्णित बिन्दुओं पर स्पष्टीकरण समर्पित करना सुनिश्चित करें कि क्यों नहीं MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश (17.03.2023 एवं 10.12.2024) का अनुपालन करने में लापरवाही, शिथिलता बरतने, दायित्व के प्रति गैर-जिम्मेदाराना हरकत करने के आरोप में अनुशासनिक कार्रवाई हेतु नियंत्री विभाग को प्रतिवेदित कर दिया जाए?

अनुलग्नक :- यथोक्त।

विश्वासभाजन



जिला पदाधिकारी,
पश्चिम चम्पारण, बेतिया

(2) Krishna Kumar

Mail ✓
25-12-25

(2) सुहा कुमार

Mail ✓ Mail ✓
29-12-24, 26-12-24

(3) प्रकाश कुमार

Mail ✓
03-01-25

(4) अमय कुमार शर्मा

Mail ✓ Mail ✓ Mail ✓
03-01-25, 30-12-24, 27-12-24

(5) अमर सचिव
शान एवं भूतत्व विभाग
विहार, पटना।

5641 ✓
27-12-24

(6) ई. मनीष कुमार
कर्मपालक अभियंता
साह निर्माण प्रकल्प।

1992 ✓
21-12-24

मि. सी. ए.
07/01/25

(7) पीयूष कु सिंह
अवर सचिव।

5660 ✓ 13 ✓ 5659 ✓
30-12-24, 02-01-25, 30-12-24

(8) सुरेश प्रसाद
विशेष कार्य पदा

5668 ✓
30-12-24

(9) Seema Pandey

Mail - दो प्रति.
04-01-25

(10) Arun Kumar Tyagi, JM
Dr. ASROZ Ahmed, EM

Mail ✓
02-01-25

(11) राम खड सिंह

Mail ✓
03-01-25

(12) Mukul Kumar

173 ✓

15 Annexure-2
समाहरणालय, पश्चिम चम्पारण, बेतिया 339

Collectorate: West Champaran, Bettiah

(जिला गोपनीय शाखा)

पत्रांक- 150/गो



फोननं० :- 06254-242534 (कार्यालय)

:- 06254-232535 (आवास)

फैक्सनं० :- 06254-242576

ई-मेल :- dm-bettiah.bih@nic.in

वेबसाईट :- <http://westchamparan.nic.in>

दिनांक 13 / 09 / 2025

प्रेषक,

दिनेश कुमार राय, भा.प्र.से.
जिला पदाधिकारी,
पश्चिम चम्पारण (बेतिया)

सेवा में,

प्रधान सचिव
-सह-खान आयुक्त,
बिहार, पटना

विषय :-

MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश के अनुपालन में शिथिलता बरतने के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि दिनांक- 20.02.2025 को विषयांकित वाद की सुनवाई माननीय हरित न्यायाधीकरण के द्वारा करते हुए प्रतिकूल टिप्पणी अंकित किया गया है (आदेश की वेबकॉपी संलग्न)।

इस संदर्भ में समीक्षा करने पर ज्ञात हुआ कि दिनांक- 10.12.2024 को विषयांकित वाद की सुनवाई हुई तथा माननीय न्यायाधीकरण के द्वारा निम्नांकित आदेश पारित किया गया था :-

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7. List on 20.02.2025 for further consideration."

गहनता से जांच करने पर यह भी ज्ञात हुआ कि उक्त आदेश के अनुपालन में उप निबंधक, NGT के स्तर से दिनांक- 02.01.2025 को नोटिस जारी करते हुए निर्धारित तिथि 20.02.2025 के पूर्व अनुपालन प्रतिवेदन समर्पित करने हेतु सूचित किया गया, जिसे अग्रेतर कार्रवाई हेतु खनिज विकास पदाधिकारी, पश्चिम चम्पारण, बेतिया को पृष्ठांकित किया गया तथा इनके कार्यालय में दिनांक- 07.01.2025 को हस्तगत करा दिया गया है (छायाप्रति संलग्न)। किंतु पत्र प्राप्त होने के उपरांत भी इनके द्वारा न तो स्वयं कोई कार्रवाई की गई और न ही उस पर

निर्णय लेने हेतु अधोहस्ताक्षरी के पास संचिका 16 उपस्थापित किया गया। मात्र इनके गैर-जिम्मेदाराना हरकत एवं कार्य के प्रति लापरवाही, शिथिलता बरतने की प्रवृत्ति के कारण माननीय न्यायाधीकरण के समक्ष अधोहस्ताक्षरी के विरुद्ध प्रतिकूल आदेश पारित करने की परिस्थितियां उत्पन्न हुई हैं।

विदित हो कि श्री घनश्याम झा, खनिज विकास पदाधिकारी, पश्चिम चम्पारण, बेतिया दिनांक= 19.02.2025 से 15.03.2025 तक उपार्जित अवकाश में हैं। इन्हें प्रश्नगत मामले की भलि-भाँति जानकारी थी, किंतु ऐसी प्रबल आशंका है कि एक सोची-समझी साजिश के तहत जानबूझ कर ये उपार्जित अवकाश पर चले गए।

अंतः अनुरोध है कि MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश (17.03.2023 एवं 10.12.2024) का अनुपालन करने में लापरवाही, शिथिलता बरतने, दायित्व के प्रति गैर-जिम्मेदाराना हरकत करने के आरोप में श्री घनश्याम झा, खनिज विकास पदाधिकारी, पश्चिम चम्पारण, बेतिया के विरुद्ध अनुशासनिक कार्रवाई करने की कृपा की जाए।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

4

12/10/24

जिला पदाधिकारी,

पश्चिम चम्पारण, बेतिया

खनन
②

② Krishna Kumar

Mail ✓
25-12-25

② कृष्ण कुमार

Mail ✓ / Mail ✓
29-12-24 / 26-12-24

③ प्रकाश कुमार

Mail ✓
03-01-25

④ अजय ~~कुमार~~ भादव

Mail ✓ - मि. भादव / Mail ✓ / Mail ✓
03-01-25 / 30-12-24 / 27-12-24

⑤ अजर सचिव
शान एवं भुतत्व विभाग
जिह्रा, पटना।

5641 ✓
27-12-24

मि. भादव
07/01/25

⑥ ई. मनीष कुमार
कर्मपालक अजिमे
बाहू नियंत्रण प्रकल्प।

1992 ✓
21-12-24

⑦ पीयूष कु सिंह
अजर सचिव।

5660 ✓ / 13 ✓ / 5659 ✓
30-12-24 / 102-01-25 / 30-12-24

⑧ सुरेश प्रसाद
विशेष कार्य पदा

5668 ✓
30-12-24

⑨ Seema Prady

Mail - दो प्रति-
04-01-25

⑩ Arun Kumar Tyagi, JM
~~Dr. Astor Ahmed, EM~~
Dr. Astor Ahmed, EM

Mail ✓
02-01-25

⑪ राम सेवक सिंह

Mail ✓
03-01-25

⑫ Mukul Kumar

173 ✓

पत्रांक- 609/गो.



फोननं० :- 06254-242534 (कार्यालय)

:- 06254-232535 (आवास)

फैक्सनं० :- 06254-242576

ई-मेल :- dm-bettiah.bih@nic.in

वेबसाईट :- http://westchamparan.nic.in

दिनांक 21/02/2025

प्रेषक,

दिनेश कुमार राय, भा.प्र.से.
जिला पदाधिकारी,
पश्चिम चम्पारण (बेतिया)

सेवा में,

पुलिस अधीक्षक,
बगहा।

विषय :-

MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन उपलब्ध कराने के संबंध में।

महाशय,

उपर्युक्त विषयक इस पत्र के साथ MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश (17.03.2023 एवं 10.12.2024) की प्रति संलग्न कर भेजी जा रही है। उल्लेखनीय है कि माननीय न्यायाधीकरण के द्वारा आवश्यक कार्रवाई (चेक पोस्ट एवं सीसीटीवी कैमरा के अधिष्ठापन सहित) एवं ड्रोन का उपयोग करते हुए अवैध खनन को निषिद्ध करने का निदेश दिनांक- 17.03.2023 को विस्तृत आदेश पारित करते हुए दिया गया है। इस संदर्भ में दिनांक- 08.02.2023 को सेमरा लबेदहा बालु घाट के निरीक्षण (तत्कालीन पुलिस अधीक्षक, बगहा के साथ) के दौरान भी इस कार्य हेतु अनुरोध किया गया था तथा ज्ञापांक- 82/गो. दिनांक- 08.02.2023 से कार्यवाही की प्रति प्रेषित की गई थी (छायाप्रति संलग्न)।

विदित हो कि प्राप्त सूचनानुसार दिनांक- 20.02.2025 को उक्त वाद की सुनवाई माननीय राष्ट्रीय हरित न्यायाधीकरण के द्वारा करते हुए प्रतिकूल आदेश पारित किया गया है।

अतः अनुरोध है कि उक्त आदेश के आलोक में कृत कार्रवाई से शीघ्र अवगत कराने की कृपा की जाए, ताकि अग्रेतर कार्रवाई किया जा सके।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

जिला पदाधिकारी
पश्चिम चम्पारण, बेतिया

पत्रांक 74(A)/विधि शाखा,
पुलिस अधीक्षक का कार्यालय, प0 चम्पारण, बगहा, दिनांक-08.3.2025

प्रेषक,

पुलिस अधीक्षक,
बगहा।

सेवा में,

जिला पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

प्रसंग :-

जिला पदाधिकारी, प0 चम्पारण, बेतिया कार्यालय का पत्रांक-609/गो0, दिनांक-21.02.2025

विषय :-

MA No-135/2024 In OA No-587/2022 Krishan kumar ram &Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन उपलब्ध कराने के संबंध में।

महाशय,

उपर्युक्त प्रसंग एवं विषय के संदर्भ में कहना है, कि MA No-135/2024 In OA No-587/2022 Krishan kumar ram &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 पुलिस जिला बगहा से निम्न प्रकार है :-

1. MA No-135/2024 IN OA NO-587/2022 पारा स0-11 कंडिका 01 के अनुपालन के संबंध में कहना है, कि जिला पदाधिकारी बेतिया के आदेशानुसार थाना स्तर से वर्णित स्थल (सेमरा, लबदेहा पंचायत अन्तर्गत) पर अवैध खनन रोकने के लिए 24 घण्टे पुलिस बल की प्रतिनियुक्ति की गयी है।

उरोक्त वर्णित स्थल पर अवैध खनन की रोकथाम के लिए चेकपोस्ट बनाते हुए बैरिकेटिंग की भी व्यवस्था की गयी है। साथ ही साथ सी0सी0टी0भी0 से भी उपरोक्त वर्णित स्थल पर जाने वाले रास्ते की निगरानी की जा रही है। (बैरिकेटिंग/ सी0सी0टी0भी0 कैमरा एवं चेक पोस्ट पर प्रतिनियुक्त बल का फोटो साथ संलग्न है।)

2. MA No-135/2024 IN OA NO-587/2022 पारा स0-11 कंडिका 3 के अनुपालन के संबंध में कहना है, कि पिपरासी थाना कांड स0-51/22 दिनांक-22.06.2022 में कांड के चार नामजद प्राथमिकी अभियुक्तों के विरुद्ध आरोप पत्र स0-82/22 दिनांक-23.11.2022 धारा-379/34 भा0द0वि0 एवं 8BM(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 बन्द किया जा चुका है।

OA NO-360/2015 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 गयी 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 अवैध रूप से खनन किये गये बालु 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 सादर सूचनार्थ।


पुलिस अधीक्षक,
बगहा।



Setting up of Board by the Forest Department



Regular checking by the concerned authority



Pictures taken at the time of using DRONE to monitor the Sand Ghat in Question



CCTV Camera Feed

CCTV Cameras installed to keep vigil upon the access road



Tubewell at Check-post



Inspection of Check-post by DM, West Champaran, Bettiah and SP Bagaha, West Champaran



Inspection by DM, West Champaran, Bettiah and SP Bagaha, West Champaran



Picture during the testimony taken by DM, West Champaran, Bettiah and SP Bagaha, West Champaran

11. आरोप पत्रित अभियुक्त व्यक्तियों की विशिष्टियां (हरेक अभियुक्त के लिए अलग पन्ना उपयोग में लायें)
(Particulars of accused persons charge-sheeted)

- (i) *नाम (Name) सत्यापित है या नहीं.....
- (ii) पिता/पति का नाम
- (iii) जन्म तिथि/वर्ष
- (iv) लिंग
- (v) राष्ट्रियता (v) राष्ट्रियता
- (vi) फ़ारम सं० निर्गम तिथि..... निर्गम स्थान.....
- (vii) वर्ग (viii) क्या अनुसूचित जाति/अनुसूचित जनजाति के हैं
- (ix) पता (x) पता सत्यापित है या नहीं.....
- (xi) *अप्रबन्धक अपराधि सं० (Provisional Criminal No.)
- (xii) *नियंत्रित अपराधि सं० (यदि ज्ञात हो) Regular Criminal No. (If known)
- (xiii) *निष्पत्ति का तिथि.....
- (xiv) *बन्धन पर रिहा होने का तिथि (Date of release on bail).....
- (xv) *दफ़्तर में अग्रसरण का तिथि (Date on which forwarded to Court).....
- (xvi) *किन अधिनियमों एवं धाराओं के अधीन (Under Acts & Sections).....
- (xvii) *बन्धनपूर्व प्रतिभूतियों का नाम और पता
[Name (s) of bailers/ Sureties and address (es)]
- (xviii) *किस दिनों सहित पूर्व दंड लिए
- (xix) *अभियुक्त का परिस्थिति (Status of the accused)
दफ़्तर/पुलिस द्वारा बन्धन पर रिहा/न्यायालय द्वारा जमानत पर रिहा/न्यायिक अभिरक्षा में/फरार/उद्घोषित अपराधी
(Forwaded/Bailed by Police/Bailed by Court/In Judicial Custody/Absconding/Proclaimed/Offender)

12. संत अभियुक्त व्यक्तियों की विशिष्टियां या आरोप पत्रित नहीं. (संदिग्ध) हैं। (हरेक संदिग्ध व्यक्ति के लिए अलग से पन्ना व्यवहार में लायें)
(Particulars of accused persons not charge-sheeted separate sheet for each suspect)

- (i) *नाम (Name) सत्यापित है या नहीं.....
- (ii) पिता/पति का नाम
- (iii) जन्म तिथि/वर्ष
- (iv) लिंग
- (v) फ़ारम सं० निर्गम तिथि..... निर्गम स्थान.....
- (vi) वर्ग (viii) क्या अनुसूचित जाति/अनुसूचित जनजाति के हैं
- (ix) पता (x) पता..... सत्यापित है या नहीं.....
- (xi) *अप्रबन्धक अपराधि सं० (Provisional Criminal No.)
- (xii) *संदेह अनुसूचित (Suspicion Appraised) (हाँ/नहीं) (Yes/No)
- (xiii) *अभियुक्त (संदिग्ध व्यक्ति) का स्तर : पुलिस द्वारा जमानत पर रिहा/न्यायालय द्वारा जमानत पर रिहा/न्यायिक अभिरक्षा में गिरफ़्तार नहीं किया जा सका। (Status of the accused Suspect) (Bailed by Police/Bailed by Court/In Judicial Custody/Non arrested)
- (xiv) *किन अधिनियमों एवं धाराओं के अधीन
- (xv) आरोप-पत्रित नहीं करने के कारणों सहित कुल विशेष अभियुक्त

13. उन साक्षियों की विशिष्टियां जिनकी परीक्षा की जायेगी।

क्रम सं०	नाम	पिता/पति का नाम	जन्म तिथि वर्ष	पेशा	पता	दिखा जाने वाले का प्रकार
1	2	3	4	5	6	7
1	जगदीश
2
3
4
5
6
7

14. यदि प्राथमिकी सिद्ध हो तो प्राथमिकी दंड संहिता की धारा 82(2)(ii) की अधीन की गई यो को बने-बंके का विवरण का उल्लेख करें।

15. प्रयोगशाला विश्लेषण का परिणाम.....

16. केस से संबंधित संक्षिप्त तथ्य (यदि आवश्यक हो तो अलग से पन्ना लगायें)
(Brief Facts of the Case) (Add separate-sheet if necessary)

पत्रांक- 611/गो.



फोननं० :- 06254-242534 (कार्यालय)

:- 06254-232535 (आवास)

फैक्सनं० :- 06254-242576

ई-मेल :- dm-bettiah.bih@nic.in

वेबसाईट :- http://westchamparan.nic.in

दिनांक 21 / 02 / 2025

प्रेषक,

दिनेश कुमार राय, मा.प्र.से.
जिला पदाधिकारी,
पश्चिम चम्पारण (बेतिया)

सेवा में,

खनिज विकास पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

विषय :-

MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन उपलब्ध कराने के संबंध में।

महाशय,

उपर्युक्त विषयक इस पत्र के साथ MA No. 125/2024 In OA No. 587/2022 Krishna Kumar Ram & Ors. Vs. State of Bihar में राष्ट्रीय हरित न्यायाधीकरण के आदेश (17.03.2023 एवं 10.12.2024) की प्रति संलग्न कर भेजी जा रही है। उल्लेखनीय है कि माननीय न्यायाधीकरण के द्वारा आवश्यक कार्रवाई (चेक पोस्ट एवं सीसीटीवी कैमरा के अधिष्ठापन सहित) एवं ड्रोन का उपयोग करते हुए अवैध खनन को निषिद्ध करने का निदेश दिनांक- 17.03.2023 को विस्तृत आदेश पारित करते हुए दिया गया है। इस संदर्भ में दिनांक- 08.02.2023 को सेमरा लबेदाहा बालु घाट के निरीक्षण के दौरान भी इस कार्य हेतु निदेशित किया गया था तथा ज्ञापांक- 82/गो. दिनांक- 08.02.2023 से कार्यवाही की प्रति प्रेषित की गई थी (छायाप्रति संलग्न)।

विदित हो कि प्राप्त सूचनानुसार दिनांक- 20.02.2025 को उक्त वाद की सुनवाई माननीय राष्ट्रीय हरित न्यायाधीकरण के द्वारा करते हुए प्रतिकूल आदेश पारित किया गया है।

अतः निदेश है कि उक्त आदेश के आलोक में कृत कार्रवाई यथा चेक पोस्ट के अधिष्ठापन, सीसीटीवी कैमरा का अधिष्ठापन, ड्रोन कैमरा से निगरानी, अवैध खनन पर सतत निगरानी तथा सेमरा लबेदाहा क्षेत्र सहित इको सेंसिटिव जोन अंतर्गत अवैध खनन के विरुद्ध 17.03.2023 से अद्यतन की गई कार्रवाई (सेमरा लबेदाहा का अलग एवं अन्य इको सेंसिटिव जोन का समेकित रूप में) से संबंधित प्रतिवेदन तीन दिनों के अंतर्गत उपलब्ध कराना सुनिश्चित करें, ताकि अग्रतर कार्रवाई किया जा सके।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

जिला पदाधिकारी,
पश्चिम चम्पारण, बेतिया

जिला खनन कार्यालय, पश्चिम चम्पारण, बेतिया।

पत्रांक.....१०...../खनन, बेतिया, दिनांक.....25/02/2025.....

प्रेपक,

खनिज विकास पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

सेवा में,

जिला पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

विषय: MA No. 125/2024 In OA No. 587/2022 Krishna kumar Ram & Ors. Vs. State of Bihar
में राष्ट्रीय हरित न्यायाधीकरण के आदेश का अनुपालन प्रतिवेदन उपलब्ध कराने के संबंध में।

प्रसंग: भवदीय पत्रांक 611/गो०, दिनांक 21.02.2025

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में सूचित करना है कि कृष्ण कुमार राम एवं अन्य बनाम् बिहार राज्य एवं अन्य के संबंध में अवैध खनन को रोकने के लिये किये गये कार्रवाई से संबंधित प्रतिवेदन की माँग की गयी है, जो जाँच प्रतिवेदन विन्दुवार निम्नवत है:-

1. पारा संख्या 11 में वर्णित प्रश्न 01 जिला समाहर्ता महोदय, पश्चिम चम्पारण, बेतिया एवं पुलिस अधीक्षक महोदय, बगहा के द्वारा थाना स्तर से वैरीकेडिंग की सुविधा मुहैया कराई गयी है जिससे अवैध खनन पर रोक लगाया है साथ ही वन विभाग द्वारा सेमरा लबेदाहा में व्यवसायिक खनन पूर्णतः प्रतिबंधित का बोर्ड भी लगाया गया है। खनन विभाग के द्वारा समय-समय पर स्थानीय थाना के साथ छापेमारी की जाती है एवं झोन से निगरानी भी कराई जाती है। थाना द्वारा स्थानीय चौकीदार को अवैध बालू निकासी पर रोक लगाने एवं सतत निगरानी रखने हेतु प्रतिनियुक्त किया गया है। आने-जाने के मार्ग में CCTV कैमरा थाना द्वारा लगाया गया है एवं स्थायी चेक-पोस्ट का भी निर्माण कराया गया है।
2. भवदीय निदेशानुसार सेमरा लबेदाहा क्षेत्र अंतर्गत प्रश्नगत Eco sensitive zone अंतर्गत अवैध खनन के विरुद्ध खनन विभाग द्वारा लगातार निगरानी रखी जा रही है। प्रश्नगत स्थल पर विगत दिनों में कोई भी अवैध खनन नहीं हुई है एवं वर्तमान समय में निरीक्षण के दौरान अवैध खनन होता हुआ नहीं पाया गया और न ही किसी प्रकार की सामग्री पायी गयी।

- अनु०- (1) झोन कैमरा द्वारा समय-समय पर किये गये निरीक्षण का फोटोग्राफ।
(2) वन विभाग द्वारा लगाये गये चेक-पोस्ट/ बोर्ड का फोटोग्राफ।
(4) खनन विभाग द्वारा सेमरा लबेदाहा क्षेत्र में समय-समय पर किये गये निरीक्षणों का फोटोग्राफ।

विश्वासभाजन,

18
25/02/2025

खनिज विकास पदाधिकारी,
पश्चिम चम्पारण, बेतिया।

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:** 14th 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 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:**

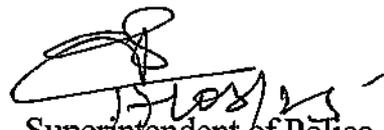
No illegal mining is being done at present. All requisite steps including setting up of check posts, installation of CCTV cameras and use of drones for ensuring that no illegal mining takes place in the eco sensitive zone in question, has been taken by the authorities concerned. Investigation of Piparasi 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.

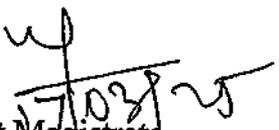

Superintendent of Police
Bagaha, West Champaran


District Magistrate,
West Champaran, Bettiah

Memo No...8.75.../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