

**BEFORE THE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONE BENCH, BHOPAL
ORIGINAL APPLICATION NO. 62/2023 (CZ)**

IN THE MATTER OF :

MEENU KANWAR RATHORE

.....APPLICANT

VERSUS

STATE OF RAJASTHAN & ORS.

.....RESPONDENTS

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Place : Delhi

Date : 08.10.2023

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONE BENCH, BHOPAL
ORIGINAL APPLICATION NO. 62/2023 (CZ)
(ORIGINAL APPLICATION NO. 306/2023-PB)**

IN THE MATTER OF :

MEENU KANWAR RATHORE

.....APPLICANT

VERSUS

STATE OF RAJASTHAN & ORS.

.....RESPONDENTS

**FACTUAL REPORT OF ILLEGAL SAND MINING ACTIVITIES IN
THE KHARI NADI RIVER BED**

1. That by order dated 31.07.2023 this Hon'ble Tribunal has appointed the undersigned as Amicus Curiae in the present matter to undertake inspection and give correct observation about the relevant issues raised in the present matter. In view of the said order the undersigned took physical inspection and visited the concerned areas alongwith the members of the joint committee or their representatives on 19.08.2023 and 09.09.2023 and apprise this Court about the factual position.
2. That the state government has sanctioned mining lease for excavation of river sand from Khari River in favour of the following lease holders:
 - (a) Shri Vikramaditya Singh Rathore for an area of 544.03 hectares in Tehsil Masuda (District Ajmer), Tehsil Bijainagar (District Beawar) and Tehsil Hurda (District Bhilwara).
 - (b) M/s Abhimanyu Chaudhary for an area of 342.08 hectares for mining of sand in Tehsil Bhinay (District Ajmer).

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3. That the undersigned had visited the following areas in villages Baral, Asan, Jalia, Huda, Hanutia, on 19.08.2023 most of which comes under leaseholder Vikramaditya Singh Rathore. Most of the remaining areas inspected on 09.09.2023 in villages, Khejri, Badli, Devliyan Kalan, Gudda, Bhinay falls under M/s Abhimanyu Chaudhary lease.
4. That during the said visit undersigned was accompanied by his associates/colleagues and the site visit was done in presence of Sh. Vikas Pancholi (SDM Bhinai), Sh. Bharat Gurjar (SDM Masuada), Nisha Saharan (SDM Gulabpura), Sh. Deepak Tanwar (EE & RO, RSPCB, Kishangarh), Mahesh Kumar Singh (RSPCB Bhilwara), Dr. Yogendra Kumar Saxena (CPCB, RD- Bhopal), Sh. Mahesh Dutt Purohit (Scientist-D, MOEFSCC, GOI), Sh. Pushpendra Singh (AME, DMG) and other officials. During inspection I was fully supported by the RO Kishangarh Mr. Deepak Tanwar in meticulously covering all the concerned sites most which were located at far away and distant places. Necessary photographs were also taken for record.
5. That during onsite inspection the complainant was also called but she didn't appear raising concerns and family issue while the representatives of both the leaseholders were present.
6. That following general observations are made regarding illegal sand mining in Khari Nadi river bed and other relevant issues raised in the complaint:
 - (A) DEEP TRENCHES
 - On inspection of the river bed it was found that number of pits have been dug for excavation of sand (bajri) at various locations

but all the trenches are found to be within the statutory permissible limits, i.e., not more than 3 metres.

(B) ILLEGAL MINING

- Although no heavy vehicles were seen at mining sites while inspections undertaken by the team. But traces of large-scale illegal mining activities are found out at Baral and Devliyan Kalan. Local people and nearby villager named Ganpat Singh Rathore having mobile no. 9799987721 met at the site and confirmed that illegal mining is being done by the lease holders and other persons at Devliya Kalan.
- In Huda area a permanent weighing bridge in the middle of river bed is found. On enquiry from the representative of leaseholder Vikramaditya Chaudhary they accepted that the same was constructed by them earlier. Recent photograph of weighing bridge in middle of river bed is **ANNEXURE CA-1 (Pg. No. 12)**

(C) USAGE OF HEAVY MACHINERY

- During inspection it was informed that no mining activities are carried out by the lease holders due to expiry of lease and onset of monsoon, therefore, presence of dumpers and other heavy vehicles is not seen on the mining site. But at illegal mining site at Baral presence of fresh marks of tyres of heavy vehicles is seen and the same is verified by the member of CPCB and other committee members. Relevant photographs of the presence of fresh tyres marks of heavy vehicles at Baral is **ANNEXURE AC-2 (Pg. No. 13)**

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(D) CONDITIONS OF VILLAGE AND APPROACH ROADS TO MINING SITES

- Approach road from villages to mining sites are generally kacha. Roads connected to villages at most of the places are generally found to be damaged. Villagers present at the sites complained that the village roads were damaged due to usage of heavy vehicles like dumpers on the roads by the lease holders.
- Fugitive dust can be commonly seen at the places where there is kacha roads. Relevant photographs of the fugitive dust due to running of vehicles on kacha road is **ANNEXURE AC-3**(Pg. No. 14-16)

(E) CUTTING OF TREES BY MINING LEASE HOLDER

- During inspection, generally no trees were seen at mining sites nor any signs of fresh cutting of trees is found.

(F) PLANTATIONS

- During inspection no plantation found to be done at actual site. Plantation was shown at far away places from the mining sites by the leaseholders and that too is not even 10% of what was actually claimed in the earlier report of the joint committee filed after inspection dated 17.07.2023. On enquiry it was stated by the representatives of the lease holders that due to non-availability of water it was not possible to carry plantation drive in and around the mining areas. Although various wells are found to be dug up in the river bed. Relevant photographs of wells dug up in river bed is **ANNEXURE AC-4** (Pg. No. 17)
- In most of the area plantation was done just two to three days before the inspection of sites. The Plants which were found to

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be sufficiently big in size were generally shown at schools, temple and cremation center. Even the lease holders could not establish whether the said plantation is done by them or some other agency. In some areas the plantation shown to carried out by the lease holder was found to be at a distance of 20 km from the actual site and they are not saplings of trees but are found to be flowering plants.

(G) DEMARCATION OF MINING SITE BY LEASEHOLDER

- On inspection of sites it was found that there was no demarcation of lease area by the lease holder either by boundary marks or wire fencing. In absence of demarcation by proper boundary marks no checks can be carried out and the lease holders are free to do illegal mining. When asked about the same the representative of the lease holder said that since the lease area is very large, therefore, it is not possible to demarcate the area by wire fencing.

(H) STOCK POINT OF LEASEHOLDER (S)

- Vikramaditya Singh Rathore was found in village Asan, Tehsil Bijainagar, District Beawar earlier Ajmer. Hardly at a distance of about 50 metres from the said stock point St. Paul School is situated. In the stock point line another school is also situated hardly at some paces away. On enquiry it was found that the said schools are functioning there from a time much earlier than the establishment of aforesaid stock point. No plantation was carried out to mitigate the dust present due to stock of sand. Even the boundary walls constructed around the stock points is of very less height, therefore, there is very high possibility that

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the dust rose from the stock point and goes towards the nearby schools. Relevant photographs of largescale stock of sand near St. Paul School by leaseholder is **ANNEXURE AC-5 (Pg. No. 18-19)**

- M/s Abhimanyu Chaudhary found in village Badli, Tehsil Bhinay, District Ajmer. No public building was found near the stock point of the above lease holder. The leaseholder has carried out good plantation in and around stock point.
- Roads in and around both the stock points were found to be damaged and in bad condition.
- Dumpers, JCB, Cranes and other heavy vehicles were seen at stock points. Relevant photograph of presence of heavy vehicle at stock points is **ANNEXURE AC-6 (Pg. No. 20-24)**

7. During inspection of mining sites and verification of plantation following specific observations were made:

Inspection of Sites undertaken on 19.08.2023

Name of Village	Mining Activities	Actual Plantation
Baral	Recent illegal mining activities was found and also confirmed by ME Bhilwara named Vinit and other members of the committee. Fresh Marks of heavy vehicles was seen. Total mining area as told by revenue department is around 10 hectare.	No plantation was carried in and around mining area. As per the document annexed in earlier report of the committee claim of raising of around 800 saplings has been made but on inspection hardly 50 to 60 trees were found to be present. Sarpanch who certified

	<p>On enquiry it was told that no FIR has been done against the above illegal mining.</p> <p>Recent photographs of illegal mining is <u>ANNEXURE AC-7</u> (Pg. No. 25-28)</p>	<p>planting of 800 saplings called but didn't appeared.</p> <p>Recent photographs of plantation carried out at Eidgah, Cemetary Site and School is <u>ANNEXURE AC-8</u> (Pg. No. 29-35)</p>
Asan	<p>Mining is being done near village Ganeshpura, Tehsil Hurda, District Bhilwara. Total mining area is around 65 hectares.</p> <p>No boundary pillar or wire fencing for demarcation.</p>	<p>No plantation was carried in and around mining area.</p> <p>In earlier report it was claimed that at Bada Asan panchayat area around 2500 saplings were planted, however, on inspection around 400 saplings were found and it was seen that the saplings were kept 2 to 3 days back and even the polythene cover from the roots of the plant has not been removed. The plants are very small in size and their survival is heavily doubted in absence of proper care. No boundary of the area was done to save the plants from grazing by animals.</p> <p>It was claimed around 400 saplings were raised in Gram Panchayat area of village Lamba, Hurda, Bhilwara. Onsite inspection it was found that the plants were planted 10 days before by ex-sarpanch Lamba village.</p>

		Relevant photographs of plantation carried at Bada Asan is <u>ANNEXURE AC-9 (Pg. No. 36-38)</u>
Jalia	No mining activity	<p>No saplings of trees planted in and around mining area.</p> <p>Around 1000 saplings were claimed to be planted, however, on inspection hardly 50 to 60 saplings were found.</p> <p>Around 20 sapling are claimed to be raised at Govt. Senior Sec. School, Jalia-II, on inspection they were found but they looks very old and are large in size and the leaseholder has failed to show any proof that it has been planted by them.</p> <p>Recent photographs of planting of saplings at Jalia is <u>ANNEXURE CA-10 (Pg. No. 39-40)</u></p>
Hanutia	No mining activity is found.	<p>No plantation is being done in and around mining area.</p> <p>A claim of raising of around 700 saplings is made while on inspection around 50 to 60 saplings were found at village Kheda Dham.</p> <p>Sarpanch Hanutiya was called but not arrived at site.</p>
Huda	Mining is done and a permanent structure (weighing bridge) is found in the middle of river bed. Recent	No plantation is being done in and around mining area.

Inspection of Sites undertaken on 09.09.2023

Name of Village	Mining Activities	Actual Plantation
Khejri	<p>Low mining is being done in the area as it was told by the representatives of the leaseholders that villagers objected mining done by them.</p>	<p>No plantation is being done in and around mining area.</p> <p>Plantation was shown to be done at mela ground however on inspection a board of 'Kogta Foundation' was found there placed on the trees which raises a doubt whether the leaseholder has themselves planted these saplings or not. In total around 80-100 trees were found as against the claim of 1300.</p> <p>On enquiry leaseholder has informed that the plants were given to sarpanch for planting.</p> <p>Sarpanch Khejri was called but not arrived on site.</p> <p>Recent photograph of saplings planted having board of Kagta Foundation is <u>ANNEXURE CA-11 (Pg. No. 41-43)</u></p>
Badli	<p>Traces of fresh mining is seen. Fresh stocks of sands were seen leaseholder said mining is started since 01.09.2023.</p> <p>On site a room for pump house and adjacent well for water storage was seen in the river</p>	<p>No plantation is being done in and around mining area.</p> <p>Around 400 saplings were claimed to be planted in Govt. Sen. Sec. School Badli but on verification only 50 to 60 plants were found to be present. It is heavily doubtful that</p>

	<p>bed and the same was confirmed by Durgalal Sharma the Patwari of the area.</p> <p>Relevant photograph of pump house room and water storage well in river bed at Badli is <u>ANNEXURE AC-12 (Pg. No. 44-46)</u></p>	<p>the leaseholder has planted these trees.</p>
Devliyan Kalan	<p>Fresh trace of mining activity was seen near Devliyan Kalan area on enquiry the leaseholder told that it is not their mining area and they have not undertaken any mining activity in the area.</p> <p>Recent photographs of mining at Devliyan Kalan is <u>ANNEXURE AC-13 (Pg. No. 47-48)</u></p>	<p>No plantation is being done in and around mining area.</p> <p>Around 100 saplings were claimed to be planted in Govt. Sen. Sec. School Devliyan Kalan, on verification, only 50 to 60 plants were found to be present. It is heavily doubtful that the leaseholder has planted these trees.</p>
Gudda	<p>No mining activity seen.</p>	<p>No plantation is done.</p>
Bhinay	<p>No fresh mining activity was seen.</p>	<p>No plantation is being done in and around mining area.</p> <p>Around 590 saplings were claimed to be planted at various locations. On verification for showing plants the leaseholder took to a site around 20kms away from mining site and there also it was found that they were not trees but flowering plants of temple area. was found that they were not trees but flowering plants. Recent photograph of saplings of flowering plant shown to be planted</p>

		by leaseholder is <u>ANNEXURE CA-14</u> (Pg. No. 49)
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8. The said factual report is being submitted to this Hon'ble Tribunal.

Date : 08.10.2023



(SANJEET PALIWAL)
Advocate, Supreme Court
Amicus Curiae







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राजस्थान सरकार
स्टोक यार्ड

बजरी लीज धारक अभिमन्यु चौधरी

ML-N0- 196/12

बडली, तहसील भिनाय, जिला अजमेर











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राजकी उच्च माध्यमिक विद्यालय
खशला - II (अजमेर)

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