

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA NO.521 OF 2018

JOYANTO BANERJEE

...APPLICANT

VERSUS

STATE OF JHARKHAND AND ORS.

..RESPONDENT

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STATE OF WEST-BENGAL

RESPONDENT

THROUGH

Abhinandini Jaiswal

RAJA CHATTERJEE
14, LAWYERS' CHAMBERS
SUPREME COURT OF INDIA
New Delhi - 110001

Date: 16.01.2020
Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.521 OF 2018

IN THE MATTER OF:

Joyanto Banerjee

...APPLICANT

VERSUS

State of Jharkhand & Ors.

...RESPONDENT

AFFIDAVIT ON BEHALF OF RESPONDENT (STATE OF WEST BENGAL).

1. I, Krishna Gupta, S/o Mr. R. D. Gupta, aged about 53 years working as the Principal Resident Commissioner, Government of West Bengal having office at A/2, State Emporia Buildings, Baba Kharak Singh Marg, New Delhi-110001.
2. I do hereby solemnly affirm and state that I am conversant with the facts and circumstances from the records of the case. I am authorized and competent to swear to this Affidavit on behalf of State of West-Bengal.
3. That the Hon'ble National Green Tribunal vide its order dated 05.12.2019 had directed the Respondent to furnish the report and also directed the Chief Secretary, State of West Bengal to look in to the matter and have the facts verified at his level.



- 4. It is humbly submitted at the outset that the earlier direction contained in order dated 07.05.2019 was not received by the state respondent. That however, as soon as the said fact was made available, necessary steps were taken in the matter at hand.
- 5. That the inspection report submitted by the district administration is placed before this Hon'ble Tribunal as **ANNEXURE A** herewith.
- 6. It is humbly submitted that, the district administration endeavours and assures to remain vigilant on the issues highlighted in the present O.A and any transgression thereof would be seriously dealt with.
- 7. I state that the facts stated in this affidavit are true and correct to the best of my knowledge and belief

[Handwritten Signature]

DEPONENT

VERIFICATION:



I, the deponent above named do hereby verify that averments made in this affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at *[Signature]* on this *16* day of *Jan*, 2020.

ATTESTED

**DIPANKAR DAS
NOTARY PUBLIC
R.K. GARG BLOCK
SUPREME COURT**

IDENTIFIED

[Handwritten Signature]

[Handwritten Signature]

DEPONENT



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR
PASCHIM BARDHAMAN
VIVEKANANDA SARANI, P.O.- R. K. MISSION, ASANSOL-713305

3

No. 1996 /DLLRO-PAB/2019

Date: 31/07/2019

To
The Principal Secretary to the Government of West Bengal,
L&LR and RR&R Department
and
Land Reforms Commissioner,
NABANNA, 325, Sarat Chatterjee Road,
Howrah- 711102

Sub.: Report regarding complaint of "illegal sand mining in riverbed of Putulia, Paschim Burdwan"
Ref.: Your kind no. 780-LRC & Pr. Secy/2019 dated- 19.07.2019

Sir,

Subject and reference above, this is to bring to your kind notice that the site in question has been inspected by several officers on various dates and times, a brief statement thereof is furnished below for your kind perusal:

1. The BL&LRO Barabani Block visited the site on 19.07.2019 at about 10:30 am in the morning. The SDL&LRO Asansol Sadar inspected the same site on the same day at dusk.
2. Two Revenue Officers attached to the BL&LRO Barabani and one Revenue Officer from the District Headquarter inspected the same site on 24.07.2019 at about 05:30 pm.
3. The BDO Barabani Block also inspected the site on 27.07.2019 at about 07:00 am in the morning.

It may kindly be noted that all the inspections were planned and executed suddenly and confidentiality was maintained at all levels. It is evident from the enquiry reports filed by above mentioned officers that no mining of riverine sand is presently going on at Putulia (near Runakura Ghat). As such, the question of mechanized mining does not at all arise. Photocopies of all reports mentioned in pre-para(s) along with photographs enclosed herewith for favour of kind perusal.

Kindly allow me to also mention, Sir, that Riverbed Sand Mining has been prohibited in this district due to the onset of monsoon vide T.O. Order No. 1607/MM/DLLRO-PAB/19 date- 04.07.2019. Photocopy of the said order also annexed for ready reference. Thus, it transpires that no violation of the existing guidelines has been detected at the related site. Further, an advisory has been issued to Senior Police Officers & Sub-Divisional Magistrates for maintaining strict vigil vide T.O no. 308(6)/Gen/PB dated 30/07/2019 (copy enclosed for kind reference).

This is for favour of your kind perusal and onward action please.
Thanking You.

Yours faithfully,


(SHASHANK SETHI)
District Magistrate
Paschim Bardhaman

Enclosures: As stated above.



GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR
PASCHIM BARDHAMAN
KANYAPUR, ASANSOL, PIN- 713305

Phone No. 0341-2254545 Fax- 2254242, Email : dmpaschimbardhaman@gmail.com

Memo No. 308(6)/Gen/PB

Date : 30/07/2019

To

- 1) The Dy. Commissioner of Police, Headquarter, Asansol-Durgapur
- 2) The Dy. Commissioner of Police, Special Branch, Asansol-Durgapur
- 3) The Dy. Commissioner of Police, Traffic, Asansol-Durgapur
- 4) The Dy. Commissioner of Police, East, Asansol-Durgapur
- 5) The Sub-Divisional Magistrate, Asansol Sadar.
- 6) The Sub-Divisional Magistrate, Durgapur..

Subject: - Suspension of Riverbed Mining ~ Advisory regarding Enforcement.

In terms of Para 1 (K) of the Management Plan contained in *The Sustainable Sand Mining Management Guidelines, 2016* published by the MoEFCC, Govt. of India & Cl. (5) of the Environmental Clearance Certificate - mining of riverine sand has been prohibited w.e.f. 08-07-2019 until further orders.

All law enforcing agencies are thus duty bound to enforce this prohibitory order and constant vigil is most important. Any tools/ machinery/ vehicles being used in violation of the ban ought to be summarily seized & prosecution initiated.

Necessary support and / or security cover needs to be provided to the Land & Land Reforms officials for smooth performance of their related duties. In cases of overlapping district boundaries, the prescribed procedures of seizure & penalty need to be followed with level-to-level coordination with counterparts of other districts. Administrative machinery under their control may be suitable briefed.

An Action-taken-report is expected.

(SHASHANK SETHI)
District Magistrate
Paschim Bardhaman

Date : 30/07/2019

Memo No. 308(6)/1(2)/Gen/PB

Copy forwarded to:-

- 1) The Commissioner of Police, Asansol - Durgapur, for favour of kind perusal please.
- 2) The ADM and DL & LRO, Paschim Bardhaman - for information & necessary action.

District Magistrate
Paschim Bardhaman

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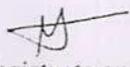
GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE AND COLLECTOR
PASCHIM BARDHAMAN
Vivekananda Sarani, P.O. R.K. Mission, Asansol 713305

Memo. No.: 1607/MM/DLLRO-PAB/19

Date: 04/07/2019

ORDER

In terms of Para 1(k) under Management Plan of The Sustainable Sand Mining Management Guidelines 2016 Published by the Ministry of Environment, Forest and Climate Change, Govt. of India and Clause (5) of Terms and Conditions of Environmental Clearance Certificate issued by the District Environment Impact Assessment Authority (DEIAA) of Paschim Bardhaman district, no Riverbed Sand Mining in this district will be allowed on and from 8th July, 2019 till further order.


District Magistrate and Collector,
Paschim Bardhaman
District Magistrate & Collector
Paschim Bardhaman

Memo. No: 1607(11) I MM/DLLRO-PAB/19

Date: 04/7/2019

Copy forwarded for information and taking necessary action to -

- 1) Commissioner of Police, ADPC
- 2) Additional District Magistrate and District Land & Land Reforms Officer, Paschim Bardhaman
- 3) Sub-Divisional Magistrate, Asansol Sadar/ Durgapur
- 4) Sub-Divisional Land & Land Reforms Officer Asansol/ Durgapur
- 5) Block Development Officer (All) of Paschim Bardhaman district
- 6) Chief Mining Officer, Asansol
- 7) Block Land and Land Reforms Officer (All) of Paschim Bardhaman district
- 8) SRO-II In-charge, SDL&LRO Asansol, EP-I.
- 9) Officer In-Charge (All P.S.) under Paschim Bardhaman district
- 10) The General Manager, J K Ropeways (ECL)
- 11) (Lessee)


District Magistrate and Collector,
Paschim Bardhaman
District Magistrate & Collector
Paschim Bardhaman

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GOVT OF WEST BENGAL
OFFICE OF THE BLOCK LAND AND LAND REFORMS OFFICER
BARABANI,PASCHIM BARDHAMAN

Memo No,685 /BL&LRO/19

Date:26.07.19

To
The Additional District Magistrate and
District Land and Land reforms Officer,Paschim Bardhaman

SUB:Desired Report against allaged illegal sand mining on the riverbed of
Putulia(Runakuraghat)with reference to the O.A. No.521 of 2018 before the National Green
Tribunal in the matter of Joyanto Banerjee vs State of Jharkhand

Sir,

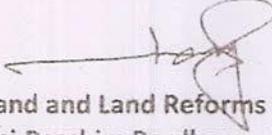
With reference to the above mentioned subject matter,the undersigned likes to inform him
that on 19.07.19,the undersigned BL&LRO along with Nityananda Pal,R.O. and Shekhar
Majumdar,Amin both attached to the office of the undersigned, visited the Putulia sand Blocks at
10:30 P.M. and no mechanized sand mining was revealed there on the spot.

As per the order of the District Magistrate,Paschim Bardhaman vide Memo No.
1607/MM/DLLRO-PAB/19 Dated 04.07.19,the riverbed mining is strictly prohibited in the district on
and from 08.07.19 and in compliance of the same at present no mining activity was found at the
spot.Hence,the question of mechanized sand mining does not arise at present .

Raid programme are taken up in regular interval at this level to monitor any unfair attempt of
illegal activity and steps have been taken by the higher authority in the past in this regard in strict
manner.

Copies of photographs taken on 19.07.19 are attached herewith.

This is for your kind information.

 29.07.19
Block Land and Land Reforms Officer,
Barabani,Paschim Bardhaman

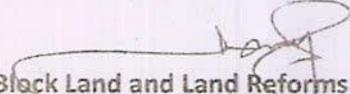
Block Land & Land reforms Officer
Barabani Paschim Bardhaman

Memo No. /BL&LRO/19

Date:26.07.19

Copy forwarded to:

1. The Subdivisional Land and Land reforms Officer,Asansol for his kind information

 29.07.19
Block Land and Land Reforms Officer,
Barabani,Paschim Bardhaman

Block Land & Land reforms Officer
Barabani Paschim Bardhaman

To
The Additional District Magistrate and
District Land & Land Reforms Officer
Paschim Bardhaman

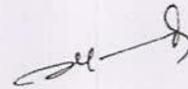
Sub.: Report regarding alleged illegal sand mining in riverbed of Putulia, Paschim Bardhaman

As directed, the undersigned along with the BL&LRO Barabani and his team caused a surprise visit to the sand block situated at Putulia, Barabani, Paschim Bardhaman (Runakura Ghat) on 19.07.2019 at about 05:30 PM.

During surprise visit, it is observed that no mechanical mining is going on the said sand block. This is also to mention here that, as per order of the District Magistrate, Paschim Bardhaman vide no. 1607/MM/DLLRO-PAB/19 dated 04.07.2019, Riverbed Sand Mining has been prohibited in this district on and from 08.07.2019 until further order.

This is for your kind perusal and onward action please.

Submitted by



Date: 19.07.2019

Sub-Divisional Land & Land Reforms Officer

Asansol, Paschim Bardhaman

Government of West Bengal
Office of the Block Land & Land reforms Officer
Barabani, Paschim Bardhaman



Memo No. 678 /BL&LRO/Barabani/2019

Date:- 25th July, 2019

To,
The Additional District Magistrate and
District Land & Land Reforms Officer
Paschim Bardhaman.

Sub: Report against alleged illegal sand mining on the river bed of Putulia (Runakura Ghat) with reference to the O.A No. 521 of 2018 before the National Green Tribunal in the matter of Joyanto Banerjee vs State of Jharkhand.

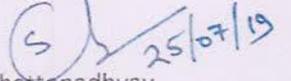
Sir,

Inviting reference to the subject mentioned above based on the complaint relating to mechanized sand mining in the river bed in Putulia sand block as well as illegal inter-state transportation to Jharkhand and Bihar, it is to state that a fresh field enquiry was conducted on a surprise visit to the referred spot yesterday on 24.07.2019 by the undersigned in presence of Sri Amitabha Ash and Sri Nityananda Pal, both Revenue Officers attached to the office of DL&LRO, Paschim Bardhaman and BL&LRO, Barabani respectively.

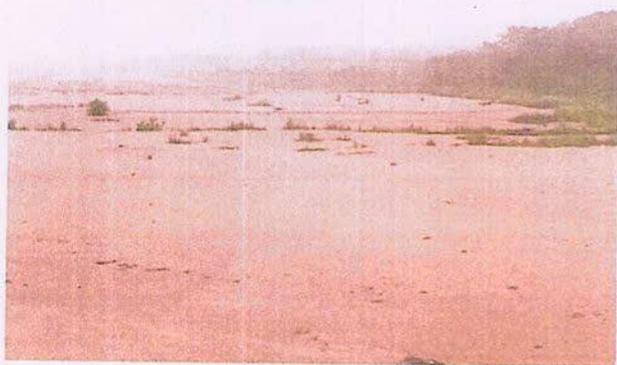
As per the Order of the District Magistrate, Paschim Bardhaman vide Memo No. 1607/MM/DLLRO-PAB/19 dated on 04.07.2019 the riverbed sand mining is strictly prohibited in the district of Paschim Bardhaman on and from 08.07.2019 and in compliance to the same at present no mining activities found in the riverbed at the Putulia sand block. No such violation of sand mining guidelines is also reported. Hence the question of mechanized sand mining does not arise at present.

It is also to state that as the Putulia sand block is located adjacent to the Jharkhand border and therefore raid programs and surveillance are taken up in regular interval at this level to alleviate any unfair attempt of illegal inter-state transportation.

Softcopies of a few photographs of the Putulia sand block covering the riverbed are hereby sent via e-mail as attachments for ready reference.


Saikat Chattopadhyay
Revenue Officer
Barabani, Paschim Bardhaman

Revenue Officer
(Gr. A Officer, Govt. of W.B.)
O/o - BL & LRO, Barabani Block
Paschim Bardhaman





11

GOVERNMENT OF WEST BENGAL
OFFICE OF THE BLOCK DEVELOPMENT OFFICER
BARABANI DEVELOPMENT BLOCK,
At-DOMOHANI BAZAR, PO_DOMOHANI
PASCHIM BARDHAMAN (W.B). Email at:- bdoabarabani@gmail.com

Memo No:- 809 /BDO/BDB

Date:- 29 / 07 /2019.

To
The Additional District Magistrate
& District Land & Land Reforms Officer
Paschim Bardhaman.

Sub:-Report regarding Alleged illegal sand mining on the river bed of Putulia (Runakura Ghat) under acumen of this Block

Respected Sir,

As per direction of the Sub-Divisional Officer, Asansol Sadar the undersigned personally visited the site near Putulia at Runakura Ghat on 27.07.2019 at 7.00 a.m and found no such illegal activities in regard to sand mining. The place was absolutely free from any carriage vehicles.

The Photographs taken on site on the stated date by the undersigned is further annexed herewith which speaks to itself.

This is for favour of your information and perusal please.

Thanking you.

Yours faithfully,

S. Chatterjee 29/7/19
Block Development Officer
Barabani Development Block
Block Development Officer
Barabani Development Block

Encl. As stated.

Memo No:- 809/1(1) /BDO/BDB

Date:- 29 / 07 /2019.

Copy forwarded for information to:-
1. The Sub-Divisional Officer, Asansol Sadar

S. Chatterjee 29/7/19
Block Development Officer
Barabani Development Block
Block Development Officer
Barabani Development Block





