

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1331/2024

In the Matter of:

Raja Muzaffar Bhat

(Applicant)

Versus

Union Territory of Jammu & Kashmir and Ors

(Respondents)

Reply/Response on behalf of the Respondent No.2.

The Respondent No 2 begs to state as follows:

The applicant filed the above titled application under Section 14 & 15 of the National Green Tribunal Act 2010 before the Hon'ble National Green Tribunal Principal Bench, New Delhi wherein the illegal mining purportedly committed by the Respondent No 6 in violation of the conditions laid down in the Environmental Clearance Dated 04-03-2022 granted by the Jammu and Kashmir Environment Impact Assessment Authority (JKEIAA) under the EIA Notification, 2006 (issued under Rule 5(3) of Environment Protection Rules, 1986) is alleged/vehemented upon. Subsequent thereupon, the Hon'ble Tribunal passed the order Dated 05-12-2024 wherein the official respondents were directed to file their responses with respect to the subject matter of the application.

In this regard, the detailed reports have been sought from the concerned line departments vide this office communication bearing No.DCP/Estt/SM/1852-54 Dated:12.03.2025. As per the report submitted by the District Mineral Officer Pulwama vide no


Deputy Commissioner
Pulwama

DMO/Pul/DGM/B-8550 Dated 13-03-2025(**Copy enclosed**), the said department is working in the best interest of administration and for effective implementation of the MMDR-Act 1957 and the Rules made there under, "J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016" notified vide SRO-105 Dated: 31.03.2016". So far as the allegations with respect to the usage of heavy machinery/JCBs by the project proponent is concerned, the District Mineral Officer has unequivocally stated that the incidence of JCB, the photograph of which is appended with the application was basically utilized for loading purpose(semi mechanized method). The project proponent having accumulated the material previously loaded the same by means of JCB. As such, the violation of specific condition No.53 of the EC Dated:05/04/2022 granted to the project proponent in view of the above quoted statement tendered by the District Mineral Officer, Pulwama before this Hon'ble Tribunal doesn't seem legally justifiable. The same renders the averment contained in the application misconceived and could not be relied upon. It is in place to mention here that the block leased out in favour of the project proponent stands closed owing to the expiry of EC(Environmental Clearance) and is non-functional as on date. As such, there is no illegal activity whether manual or mechanical going on in the said block.

However, the report sought further reveals that in case any illegal mining is reported, appropriate actions in the shape of seizure of vehicles are being carried out and the details of the seizures in and around the Nallah Sasara during the past years have also been detailed out in the said report. Furthermore, the reports submitted by the Irrigation and Flood control, Division Kakapora and the


Deputy Commissioner
Pulwama

Tehsildar Pulwama (**Copies enclosed**) reveal that the said offices are maintaining a strict vigil with respect to the issue of illegal extraction and immediate necessary action against the offenders, if any, is being carried out by the said offices on priority.

As such, the reply/response as desired is hereby submitted for favour of kind consideration by the Hon'ble National Green Tribunal.



Respondent No. 2
Deputy Commissioner
Pulwama



Government of Jammu & Kashmir
DEPARTMENT OF GEOLOGY & MINING
OFFICE OF THE DISTRICT MINERAL OFFICER PULWAMA

The Worthy
Deputy Commissioner
Pulwama

No: DMO/Pul/DGM/B-12/ 8550

Dated: 13/03/2025

Sub: OA No. 1331/2024 titled, "Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir & ors.

Ref: Your office letter No. DCP/Estt/SM/1852-5 4 dated 12/03/2025

Sir,

Kindly refer to the above captioned subject and reference. In this regard, it is submitted that in-spite of the limited manpower is working in the best interest of the administration and for effective implementation MMDR-Act 1957 and rules made there under, "J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016" notified vide SRO-105 Dated: 31.03.2016".

More stringent actions like lodging of the FIRs, Heavy pecuniary penalties and punishment for the offence as provided under section 21, Section 23 A and section 23 B of the Act for illegal mining under MMDR Act 1957, Rapid Action Team to control illegal mining, Seizures and late night patrolling, dismantling of the ramps/approaching roads, blacklisting of the vehicles and announcements in local mosques are made to curb the illegal mining activities.

Further strict directions have been passed on Area Incharges to curb the illegal mining activities and ensure that no transportation of any mineral by any means from the place of raising to another is made without being in possession of a valid "mineral transport e-challan" in form -"A".

It is not out of place to mention here that these actions against the illegal mining have been intensified and cracking the whips on illegal miners, regular seizures are made and these illegal miners have been warned to desist from illegal extraction of minerals. Regular inspections are conducted in the area from where complaints of illegal mining and transportation of minor mineral are received. The Mineral Check posts have been established at strategic locations and multi-level check mechanism has been devised also.

As per the question of the mining activities being carried out outside the leased area in the Nallah Sasara it is submitted that no type of the mining is being allowed by this office in and around the leased out mining block. Even the leased out block is completely closed as the lease holder has left the block in view of the strictly directions to adhere to the terms and conditions of the Environmental Clearance and Consent to operate. In case of any illegal mining reported, the appropriate actions in the shape of the seizure of the vehicles are

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ing carried out. The details of the seizures in and around the Nallah Sasara during the past years are as under;

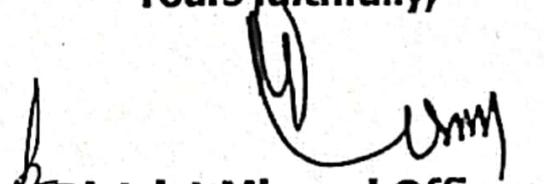
S.no	Year	No. of Seizures	Compounding in lacs
02	2022-23	01	0.22 lacs
03	2023-24	07	1.90 lacs
04	2024-2025	07	1.20 lacs
	Total	15	3.32 lacs

As on date, no sort of mining whether manual or mechanical is being carried out in Nallah Sasara in and around block No. 12. Regarding the question of the trenches / pits observed at some places, it is put here that the same may possibly have occurred by some water currents or by the man-made diversions created by the locals for irrigating their agricultural/horticultural land. As far as, the installation of the demarcation board is concerned, it is submitted that demarcation poles/ pillars were erected by the leased holder, however, as per his reports, these poles/pillars in leased out block have been stolen during the wee/night hours by some miscreants.

Further, it is reiterated that this drive against the illegal mineral minor transporters/extractors will be launched more vigorously in the coming days.

The same is submitted for favour of information and further course of action please.

Yours faithfully,


District Mineral Officer
 Pulwama

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE EXECUTIVE ENGINEER
FLOOD CONTROL DIVISION KAKAPORA
 Email ID:- fcdkakahapora@gmail.com *****
 Phone No:- 01933265052

The Assistant Commissioner Revenue,
Pulwama

No. FCDK/Camp/ /133-27
 Dated:- 15-03-25

Subject:- OA No. 1331/2024 titled " Raja Muzaffar Bhat Vs Union Territory of Jammu & Kashmir & ors."

Reference:- Your office letter No. DCP/Estt/SM/1852-54 dated 12-03-2025.

Sir

Regarding the afore cited subject and reference, it is to submit that this office is continuously taking stringent action against the offenders involved in the illegal extraction of bed material of Nallah, whenever and wherever any related offence comes into notice of this Division. Regarding the illegal extraction in Sasara Nallah, as reported by the Assistant Executive Engineer FC Sub Division Pulwama 11 No. of Challans have been filed in the court of Chief Judicial Magistrate Pulwama against the offenders found involved in illegal extraction on Sasara Nallah.

As a matter of fact and in terms of SRO.105 of 2016, it is the prime responsibility of the Geology & Mining Department (Custodian of Minor Minerals) to see/monitor the extraction process being carried out in the leased mining blocks including **Bandzoo Block No. 12** and to ensure the mining in the leased blocks of Sasara Nallah is done as per the conditions of NOC as well as approved mining plan. Furthermore the menace of illegal extraction is also tackled up with close coordination with the Revenue, Police and Geology & Mining Department by launching continuous joint drives against the offenders and the relevant provisions under Jammu & Kashmir Water Resource Regulation and Management Act -2010 are being enforced in letter & spirit in order to curb the menace of illegal extraction.

Hence report is submitted.

Yours faithfully


 Executive Engineer
 Flood Control Division
 Kakapora

Copy to the:-

1. District Development Commissioner Pulwama for favour of information.
2. Chief Engineer Kmr, I & F C Department Srinagar for favour of information.
3. Superintending Engineer Hydraulic Circle Pulwama H.Q. Shopian for favour of information.
4. Assistant Executive Engineer Flood control Sub-Division Pulwama for information. This is with reference to his letter No FCSDP/660 dated 15-03-2025.



Union Territory of Jammu & Kashmir
OFFICE OF THE TEHSILDAR / EXECUTIVE MAGISTRATE 1ST CLASS
PULWAMA

The Assistant Commissioner,
Pulwama

Ref: DCP/Estt/SM/1852-54 Dated: 12/03/2025

Subject:- OA No 1331/2024 titled "Raja Muzaffar Bhat Vs Union Territory of Jammu and Kashmir and Ors.

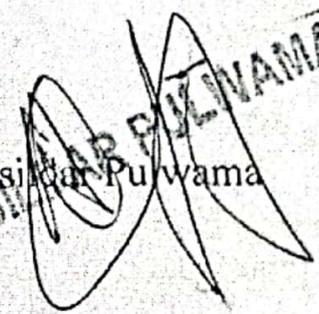
Sir,

Regarding the subject captioned above, it is to submit that this office has zero tolerance towards the illegal mining. There were few cases of illegal mining in this jurisdiction in which appropriate action has been taken on timely basis. I am enclosing the various communications regarding these actions. Hence submitted for favour of information.

Yours faithfully

No. TP-OQ/1513

Dated: 14-03-2025


Tehsildar Pulwama
TEHSILDAR PULWAMA

OFFICE OF THE TEHSILDAR PULWAMA

ASSISTANT COLLECTOR 1ST CLASS PULWAMA
(tehsildarpulwama@gmail.com)

The Worthy Deputy Commissioner,
Pulwama.

No. TD-X/350

Dated 22.08.2024

Sub:- Illegal excavation of soil within the jurisdiction of tehsil Pulwama, the action thereof.

Sir,

Apropos the subject cited above, it is to submit that this office has issued directions upon subordinate revenue agency to tight up the vigil in their respective Niabats/ Circles/Halqas and to thwart any such attempt of illegal excavation with further report about the incident of illegal excavation of minor mineral/soil to be submitted to this office on time. The Communication vide No. 835-39/JC/Pul dated 15.11.2023 is herein put on record. Furthermore, this office has lodged FIRs against the offenders who were found involved in illegal excavation of soil. To quote an example here is FIR No. 198/2023 lodged by the undersigned against Muhamamd Sadam Ganie & Ors residents of Nowhar Malpora for illegal excavation of soil in Survey No. 257 titled Shamilat Sec 4 in estate NowharMalpora. The copy of the letter vide No. 560-61/JC/Pul is put on record. Another FIR No was lodged by undersigned against Sajad Ahmad Bhat resident of Malangpora, tehsil Awantipora for illegal excavation of soil in Survey No. 840 titled State land. The copy of FIR is put on record.

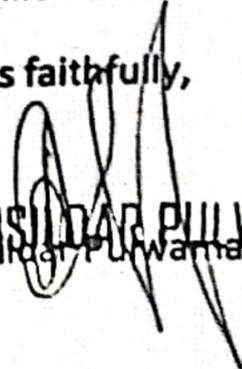
Further, communications have been made by this office regarding any illegal excavation in proprietary land within the jurisdiction of this office. In one of such instances, permission was granted by the Competent Authority in favour of M/S Mirz Infrastructure Builders, Nowgam Bypass Srinagar for excavation of soil from his proprietary land under Survey No. 194. The report in this regard submitted by filed agency revealed that the said company was excavating soil from different



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Survey No.s 196 and 198 in estate Jagir Parigam. The prompt action was initiated by this office and the communication in this regard was made by the undersigned to the Office of District Mineral Officer Pulwama vide No. 892-93/JC/Pul dated 25.11.2023 and the permission already granted was cancelled by the DMO's office. The copy is placed on record. In yet another incident, the communication was made by Naib Tehsildar Newa to SHO P/S Pulwama vide No. NTN/2024/48-53 dated 06.07.2024 for lodging FIR against the offenders who have excavated soil from Survey No. 531 titled Shanilat Sec4 in estate TumchiNopora. Further as reported by Naib Tehsildar Newa, vide his office No. NTN/2024/259 dated 22.08.2024, excavation of soil has taken place in some areas of Niabat newa under proper permission. However, report with respect to any violation regarding the lifting of quantum of soil/ordinary earth for which the permission is granted by the Competent Authority can be submitted by the Dept. of Geology and Mining. . It is pertinent to mention here that the illegal excavation of soil has taken place in the Survey No.s 637 and 638 titled State land & 670 titled Shamilat Sec 4 located in estate Karewa Ranbirpora, the site adjacent to subject Survey No.s for which permission was granted. The communication in this regard has been made by Naib Tehsildar Newa to SHO P/S Pulwama vide No. NTN/2024/17-22 dated 08.05.2024 for lodging an FIR against the offenders. The copy of Permission and the communication of Naib Tehsildar Newa is herewith placed on record. Hence submitted along with the report of Naib Tehsildar and other allied documents.

Yours faithfully,


TEHSILDAR PULWAMA
TEHSILDAR PULWAMA

OFFICE OF THE NAIB TEHSILDAR NEWA

Assistant Collector 2nd Class/Executive Magistrate 1st Class

Tehsildar,
Pulwama.

Sub.: Soil Excavation Report at Zadoora Hastlikhud bearing survey Nos 44,45,47 and 49.

Sir

Apropos above captioned subject, report was sought from the concerned patwari which reveals that the soil lifting has taken place from the captioned survey Nos. with land measuring 27 Kanal 15 Marlas and the land is recorded as proprietary land. The soil lifting from the said survey Nos. has been lifted as per the proper permission from DMO office Pulwama from time to time (permission copies attached). The undersigned himself visited the site and found that the soil has been excavated from the captioned survey Nos after proper permission by the competent authority. However couple of months ago the illegal soil lifting has taken place on adjacent survey nos(637 and 638 "both State Land" and 670 "Kahcharie land") that fall in the Revenue Village boundary of Qariwa Ranbirpora. Subsequently this office has already lodged an FIR in the instant matter via letter No. NTN/2024/17-22 Dated 08-05-2024 (copy Enclosed). Hence report submitted for necessary action at your end.

No:- NTN/2024/259 .
Dated:-22-08-2024

Yours Faithfully

[Handwritten Signature]
Naib Tehsildar Newa
22/08/2024

OFFICE OF THE NAIB TEHSILDAR NEWA

Assistant Collector 2nd Class/Executive Magistrate 1st Class

DO Police Post
Newa

Sub.: Lodging of FIR against the accused persons involved in illegal soil lifting in the jurisdiction of Nayabat Newa under relevant sections of law.

Whereas today information was received through reliable sources that since last two days/nights illegal soil lifting has been carried out by some unknown persons using heavy machines like L&Ts, JCBs, Dumper and Tipper.

Whereas same was verified by field agencies and written reports were sought from them (reports enclosed).

Whereas the reports as received and submitted by the field agencies reveals that during night hours and off time heavy soil lifting has been carried out in state land/Kahcharaie in Patwar Halqas of TN Pora (Survey No 532 min), Parigam (Survey No 204 min) and Newa (Survey Nos 670, 637 and 638) by:

1. Mohd Sultan S/o Asadullah Bhat R/o Jagir Parigam
2. Bilal Ahmad Lone S/O Ali Mohd R/o Nehama Teh Kakapora
3. Shabir Ahmad Dar S/o Ab Gani R/o TN Pora
4. Mohd Yaseen Ganie S/o Gh Ahmad R/o Suthsu Kalan Tehsil BK Pora Budgam.
5. Bilal Ahmad Dar S/o Fayaz Ahmad Dar R/o TN Pora
6. Ashiq Hussain Dar S/o Mohd Shafi R/o TN Pora
7. Shabir Ahmad Mir S/o Mohd Akhar R/o Nowpora Nagam

Therefore in view of the circumstances made here with to avoid any law and order situation and violation of relevant sections of Land Revenue Act it is recommended to lodge an FIR in the instant matter against all the suspected persons mentioned above on account of theft of Public property viz soil, sand and other Govt. property.

No:- NTN/2024/17-22 .

Dated:-08-05-2024

Executive Magistrate 1st Class Newa



- 1 Copy To Deputy Commissioner Pulwama For kind Information.
- 2 Copy To Senior Superintendent Of Police Pulwama For kind Information.
- 3 Copy To DMO Pulwama for Information.
- 4 Copy To Tehsildar Pulwama for Information.
5. SHO P/S Pulwama for information and n/a.

Addl Deputy Commissioner
Pulwama

No-JKPCC/Do/2406-7/2025

Dated:- 20-01-2025

Subject:-OA No.1331/2024 titled Raja Muzaffar v/s UT of J&K and others

Ref:-Hon'ble NGT order dated 05-12-2024

Ref:-PCC/ROK/LS/NGT/2024/280-81

Sir,

Please refer to the coted subject and reference regarding NGT directions passed on 15-12-2024 in this context a fresh inspection was conducted. And following observations were made on spot.

Sasar Nallah Bandzoo Block No-12

Grant of mining lease of Mineral Block No 12 with description Nallah Sasar Bandzoo down stream was accorded to Shri Rambir Singh after obtaining EC by JK Environment Impact Assessment Authority vide No.JKEIAA/2020/322/6850-63 Dated.31-03-2022 and permission granted by Directorate of Geology and Mining vide Order No: 209 DGM of 2022 dated 30-06-2022 having consent upto july 2024 which stands expired. The said site was closed after expiry of Consent by Geology and Mining Department. During fresh inspection following observations were made.

- At the time of inspection mining operation was not being carried within the lease area, however mining activity outside lease area was in progress 2 to 3 tractors were found extracting boulders from Sasar Nallah Bandzoo. Photo graphs attached.



- No person or machinery was found engaged for extraction of boulders from the mine in question at the time of inspection, however some foot prints of JCB were observed which indicates that extraction process has been carried out without disclosure, but it was not possible to find out whether the mining was carried by locals or contractor.
- Although the Mining site I.e. Bundazoo Sasar down stream block No. 12-D was closed by Department of G&M. who are monitoring the site but preventive measures have to be taken by G&M Deptt. to stop illegal extraction of boulders, Bajri and sand.
- During inspecting some pits/ trenches were observed in the Nallah at some locations.
- Adequate demarcation pillars/boards have not being installed for clear demarcation of Mining lease by Department of Geology & Mining.

Recommendations:

- Geology and Mining Deptt. Should ensure that mining activity must be carried out as per mining plan and as per conditions stipulated in EC regular surprise inspections and vigilance is required by the Distt Administration and Mining Department to check illegal mining in the area.
- Warning boards intimating the penalty for illegal mining and transportation of mining material should be placed by the mining department.
- All precautions must be taken to ensure that water stream flows unhindered and process of natural river meandering does not get effected.
- Detailed information about mining which include lease area Geo coordinates of lease area and mineral area should be displayed on the board near mining area.
- Department of Geology & Mining has to identify illegal miners and necessary action need to be taken against them as per law,.
- Illegal mining within the mining area and beyond the permissible capacity and mining excavation beyond allotted lease area requires strict vigilance by Geology & Mining.

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- The replenishment study be conducted in there mine area to ensure that sufficient replenishment of minor minerals has taken place during the moon soon.

Conclusion:

The inspection was concluded with the remarks that the illegal operation of the mining could not be ascertained however there is every apprehension that extraction is possible .In order to prevent illegal mining from the area it is suggested that Geology & Mining Department should gear up and take all the necessary measures i.e. filing of FIR's against violators so that EC is accordingly levied.

Submitted please.

Yours faithfully,



Divisional Officer
JKPCC Pulwama

Copy to the.

1. PA to Member Secretary JKPCC for information of Member secretary.
2. Office copy