

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAMMU, BENCH JAMMU

Original Application No. 826/2024

IN THE CASE OF: News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after Mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024

----- Petitioner

V/s

Ghansham Singh, Member Secretary, J&K PCC
& Ors.

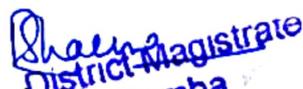
----- Respondent

IN THE MATTER OF: INDEX

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Respondent No. 5

Place:- Samba
Dated:- 13.05.2025.


 District Magistrate
 Samba, JKAS
 District Magistrate, Samba
 M. No. 9797022777

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

Original Application No. 826/2024

IN THE CASE OF: News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after Mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024

----- Petitioner (s)

V/s

Ghansham Singh, Member Secretary, J&K PCC
& Ors.

----- Respondent (s)

May it please your Lordships,

The Answering Respondents most respectfully submits as under:

1. That the above titled O.A. is pending disposal before the Hon'ble Tribunal in which the next date of hearing is fixed on 15.05.2025.
2. That the Hon'ble Tribunal, vide order dated 16.07.2024, in the instant O.A No. 826/2024 in para No. 2, 3 & 4 ordered as follows:

2. The matter relates to unabated mining taking place in various parts of Jammu and Kashmir. As per the article, large scale mining is taking place along the various rivers and water bodies of Kathua and Samba districts in Jammu region and Ganderbal

Navu
District Magistrate
Samba

district in Kashmir Valley. It is alleged that this illegal mining has led to environmental hazards and affected the flora and fauna of the region.

3. *The news item highlights that in various parts of Kathua and Samba districts, the water has depleted in rivers and it has been a cause of concern for the local people living nearby these rivers as their hand pumps have dried up due to the water level going considerably low in the rivers. Furthermore, it is claimed that due to the lack of checking, the mafia at various places have even started digging near the abutments of 2 bridges in the rivers posing a threat to them. It states that even the soil from Kahcharai land which is meant for grazing is being sold illegally.*
4. *The news item further alleges that fifteen people have died due to accidents caused by vehicles carrying mining materials in the last three years as there is no checking of the vehicles carrying double the load of their capacity.*

3. That in compliance to order dated 16.07.2024, the Office of the Deputy Commissioner, Samba vide communication No. DCS/ARA/24-25/349-51; dated 17.10.2024 took up with Senior Superintendent of

Signature
District Magistrate
Samba

Police, Samba and District Mineral Officer, Samba to submit the factual report in the matter as per the directions of the Hon'ble Tribunal.

4. That the Sr. Superintendent of Police, Samba, vide Letter No. CB/DPOS/2025/15305 dated 08.05.2025 and the District Mineral Officer, Samba vide letters bearing No.s DMO/S/Letter/2024-25/627-29 dated 01.08.2025 & DMOS/Letter/2025-26/151-53 dated 10.05.2025 submitted the point wise reply as sought by this office which is reproduced as under:

S.No	Point	Reply from the office of District Mineral Officer, Samba	Reply from the Office of Sr. Superintendent of Police, Samba
1.	Unabated mining taking place along the various rivers/water bodies of Samba District etc:	In this regard, it is submitted that Samba district has 19 minor mineral/e-auctioned blocks. These blocks / leases were approved following compliance with all codal formalities i.e. mining plan, site plan, Environmental Clearance from JKEIAA, Consent to Operate from JKPCCE etc. and other NGT norms/conditions as well as departmental and District administration regulations. The mining operations are	The pillars of Ravi Tawi Canal Bridge do not fall under the jurisdiction of this District. However, Railway Bridge, Basantar Nallah, Bai Nallah River and Devak River and some canals falls under jurisdiction of this District. During the last two years, 532 Vehicles loaded with illegal mining material were seized for illegal mining in District Samba.

Done
District Magistrate
Samba

exclusively conducted within these blocks or leases by following the norms/conditions. The officials of Geology and Mining Department, take prompt legal action in the event of any illegal mining activity is reported. It is on record that in the most recent fiscals i.e., 2023-24 and 2024-25, record number of vehicles / illegal dumps / stone crushers etc. were penalized, the details of penalty realized whereof is as under:

S.No	Year	Penalty Amount realized (INR) from Vehs. / Illegal Dumps / Stone Crushers etc.
1.	2023-24	86,98,430
2.	2024-25	1,20,24,102

Moreover, penalty to the tune of Rs. 80 Lakhs approximately is yet to be recovered for which recovery proceedings are already in progress.

Daus
District Magistrate
Samba

It is claimed that due to the lack of checking the mafia at various places have even started digging near abutments of bridges in the rivers posing a threat to them.

Regarding this, it is submitted that the news report was written based solely on the common man's verbal assertions and lacks any supporting documentation. Mining is completely prohibited within 500 meters of bridges and enforcement teams have carefully enforced this rule on the ground. It is further submitted that the ongoing construction of the Delhi-Amritsar-Katra expressway, a project of National Eminence and the widening and repair of existing bridges/highways are the reasons for the digging observed in some places close to national highway bridges, as confirmed by on-site visits. For an average person, this would appear to be mining activity, however construction agencies of NHAI are performing construction work. It is pertinent to mention here that for repairs of various bridges like Ravi Tawi Canal

A total of 532 Vehicles seized and imposed Fine Rs. 8627484 /- by DMO concerned.

Devi
District Magistrate
Samba

		Bridges, Railway Bridges concerned agencies have sought permissions.	
3.	Even the soil from Kahcharai land meant for grazing is being sold illegally:	In response to this, it is submitted that the Short-Term Permits are being issued for ordinary earth only after following a predetermined process. Ordinary earth/soil mining is permitted if the concerned Deputy Commissioner grants land title or NOC. Only agencies working on the projects of National Eminence like National Highways, AIIMS, DAK etc. were allowed for the same after seeking all required permissions from Geology and Mining Department and Deputy Commissioner concerned.	No such type of report registered/reported in the jurisdiction of district samba. As and when such type of report received/reported, action under rule will be taken accordingly against the miscreants.
4.	News item further alleges that fifteen people have been died due accidents caused by vehicles carrying double the load of their capacity:	In response to this it is submitted that as per this office record and the news report from the last two to three years no such incident of death due to overloading of mineral based vehicles or due to mining related	No such type of report registered/reported in the jurisdiction of district samba. As and when such type of report received / reported, action under rule will be taken report will be shared with higher ups.

Devi
District Magistrate
Samba

activities has occurred. Moreover, to prevent the overloading and unlawful transit of minerals, mining guards have been deployed at all critical sites. The enforcement staff is always alert and when someone is reported to be overloaded, necessary action in the form of fine, penalty is immediately imposed for overloading and unauthorized mineral transportation.

5.	Matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act, 1986:	In response to this, it is submitted that the violations described in the news article have not occurred on the ground. This news report may have been put together without any background research and based only on the spoken words of regular people. Every mineral transportation and mining operation has been completed in accordance with current regulations.	09 FIRs have been registered under mining act (02 at P/S Samba, 01 at P/S Ghagwal, 01 at P/S Purmandal, 01 at P/S Bari Brahmana, 02 at P/S Ramgarh, 01 at P/S Vijaypur). All these cases were closed as Challan and Challan produced in the court of law for judicial determination.
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District Magistrate
Samba

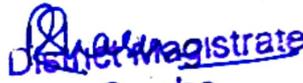
Copies of the reports dated 01.08.2024 & 08.05.2025 and copy of the report dated 10.05.2025 are enclosed herewith and marked as Annexure I & II.

An affidavit in support of the reply is enclosed herewith.

Respondent No. 5

Place:- Samba

Dated:- 13.05.2025.


District Magistrate
Samba
Rajesh Sharma, JKAS
District Magistrate, Samba
M. No. 9797022777

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

Original Application No. 826/2024

IN THE CASE OF: News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after Mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024

----- Petitioner (s)

V/s

Ghansham Singh, Member Secretary, J&K PCC
& Ors.

----- Respondent (s)

IN THE MATTER OF :- Affidavit in support of Reply.

I, Rajesh Sharma, JKAS aged 49 years, presently posted as District Magistrate, Samba do hereby state an oath / solemn affirmation that I have read the contents of reply of the above titled Original Application and declare that the contents of reply are true and correct as per the records available in the Office and nothing has been concealed therein.


District Magistrate
Samba
DEPONENT

VERIFICATION:

I solemnly swear / affirm that this affidavit is true and no part of this is false and nothing has been concealed therein.


District Magistrate
Samba
DEPONENT



Union Territory of Jammu & Kashmir
Office Of the District Mineral Officer, Department of Geology & Mining
DC Office Complex, 2nd floor of Block No. 2, Nandini Hills Samba

Pin Code: 184121

email: dmosambadgm@gmail.com



Director
 Geology & Mining,
 Jammu & Kashmir

No: DMO/S/Letter/2024-25/627-29

Dated: 01/08/2024

Subject: - Hon'ble National Green Tribunal, Order dated 16-07-2024 in OA No. 826/2024 News item titled "Pillars of Ravi- Tawi Canal Bridge and Railway Bridge exposed after mining in Basanter river of Samba" appearing in Daily Excelsior dated 02-07-2024.

Ref: - JKPCC/Sc/OA-826/2024/270, dated: -30-07-2024

Respected Sir,

Kindly refer to the subject and communication mentioned above wherein the status report regarding the points raised has been sought by the concerned agency. Accordingly, after going through the record and ground situation, the point wise reply is given as under: -

1. Unabated mining taking place along the various rivers/water bodies of Samba District etc: -

In this regard, it is submitted that Samba district has 19 minor mineral E- auctioned blocks. These blocks / leases were approved following compliance with all codal formalities i.e. mining plan, site plan, EC, CTO, etc. and other NGT norms / conditions as well as departmental and District administration regulations. The mining operations are exclusively conducted within these blocks or leases by following all the norms /conditions and the officials of Geology and Mining department and the District-Level Task Force Committee, led by the Deputy Commissioner, take prompt legal action in the event of any illegal mining activity is reported. In addition to penalizing over 600 vehicles / illegal dumps were penalised, it is on record that in the most recent fiscal year Rs 87 lakh (approx) was collected in the form of penalties from the violators for illegal mining / stocking of minerals outside these minor mineral blocks or leases. Moreover, penalty to the tune of 1 Crore (approx) is yet to be recovered for which recovery proceedings stand initiated.

2. It is claimed that due to the lack of checking the mafia at various places have even started digging near abutments of bridges in the rivers posing a threat to them:-

Regarding this, it is submitted that the news report was written based solely on the common man's verbal assertions and lacks any supporting documentation. Mining is completely prohibited within 500 meters of bridges and enforcement teams have carefully enforced this rule on the ground. It is further submitted the ongoing construction of the Delhi-Amritsar-Karta expressway, and the widening and repair of existing bridges/Highway are the reasons for the digging observed in some places close to national highway bridges, as confirmed by on- site visits. For the average person, this would appear to be mining activity; however constructions agencies of NHAI are actually performing construction work. It is pertinent to mention here that for repairs of various Bridges like Ravi Tawi Canal bridge , Railway Bridges concerned agencies have sought permissions. Copies of the documents seeking permissions are annexed herewith and marked as Annexure-A1.

P.C. Attended
Naib Commissioner
to Deputy Commissioner
Samba



Union Territory of Jammu & Kashmir
Office Of the District Mineral Officer, Department of Geology & Mining
DC Office Complex, 2nd floor of Block No. 2, Nandini Hills Samba

Pin Code: 184121

email: dmosambadgm@gmail.com



3. Even the soil from Kahcharai land meant for grazing is being sold illegally: -

In reply to this, it is submitted that Short Term Permits are being issued for ordinary earth only after following a predetermined process. Ordinary earth/soil mining is only permitted if the concerned Deputy Commissioner grants land title or NOC. Only agencies working on projects of national importance like national highways, AIIMS, etc. were allowed for the same after seeking all required permissions from Geology and Mining Department and Deputy Commissioner concerned.

4. News item further alleges that fifteen people have been died due accidents caused by vehicles carrying double the load of their capacity:

In answer to this, it is submitted that, as per this office record and the news report from the last two to three years no such incident of death due to overloading of mineral based vehicles or due to mining related activities. Moreover, to prevent the overloading and unlawful transit of minerals, mining guards have been stationed at all critical sites. The enforcement staff is always alerted and when someone is reported to be overloaded, was immediately fined for overloading and unauthorized mineral transportation. As per record of this office a total of 589 vehicles were fined in the previous fiscal year.

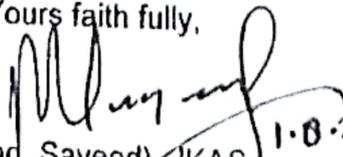
5. Matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act, 1986:

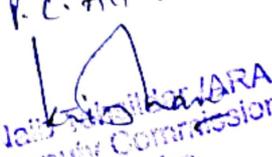
In answer to this, it is submitted that the violations described in the news article have not occurred on the ground. This news report may have been put together without any background research and based only on the spoken words of regular people. Every mineral transportation and mining operation has been completed in accordance with current regulations.

It is important to mention here that Geology and Mining Department after publication of the above said news report took Cognizance of the same and on the very next day i.e. 3rd of June 2024 issued reasoned rebuttal through the Department of Information and Public Relations Jammu and Kashmir and was published in various Newspapers. Copies of the same are annexed herewith and marked as **Annexure-A2**.

It is therefore submitted for favor of your information and further necessary action at your end please.

Yours faith fully,


 (Mohd. Sayeed) JKAS 1.0.2024.
 District Mineral Officer
 Samba

P. C. Attended

 P. C. Attended
 to Deputy Commissioner
 Samba

Copy to the:

1. Deputy Commissioner, Samba for information, please.
2. Joint Director, Geology & Mining Department, Jammu for information, please.



Union Territory of Jammu & Kashmir
Office Of the District Mineral Officer, Geology & Mining Department
DC Office Complex, 2nd floor of Block No. 2, Nandini Hills Samba



Pin Code: 184121

email: dmosambadgm@gmail.com

Director,
 Geology & Mining Department,
 UT of Jammu & Kashmir,

No: DMOS/NGT/2025-26-151-153

Date: 10-5-2025

Subject: - Hon'ble National Green Tribunal, Order dated 16-07-2024 in OA No. 826/2024 News item titled "Pillars of Ravi- Tawi Canal Bridge and Railway Bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02-07-2024.

Reference: - JKPC/Sc/OA-826/2024/270, dated: 30-07-2024

Respected Sir,

Kindly refer to the subject and communication mentioned above wherein the status report regarding the points raised has been sought by the concerned agency. Accordingly, after going through the record and ground situation, the point wise reply is given as under:

1. Unabated mining taking place along the various rivers / water bodies of Samba District etc.:

In this regard, it is submitted that Samba district has 19 minor mineral/e-auctioned blocks. These blocks / leases were approved following compliance with all codal formalities i.e., mining plan, site plan, Environmental Clearance from JKEIAA, Consent to Operate from JKPC etc. and other NGT norms/conditions as well as departmental and district administration regulations. The mining operations are exclusively conducted within these blocks or leases by following the norms/conditions. The officials of Geology & Mining Department and the district-level task force committee led by the Deputy Commissioner take prompt legal action in the event of any illegal mining activity is reported. It is on record that in the most recent fiscals i.e., 2023-24 and 2024-25, record number of vehicles/illegal dumps/stone crushers etc. were penalized, the penalty amounts realized are tabled below. Moreover, penalty to the tune of Rs. 80 Lakhs approximately are yet to be recovered for which recovery proceedings are already in progress.

S. No.	Year	Penalty Amount realized (INR) from Vehs. /Illegal Dumps/Stone Crushers etc.
1	2023-24	86,98,430
2	2024-25	1,20,24,102

P.C. Affixed

Kishan
 Naib Tehsildar/ARA
 to Deputy Commissioner
 Samba



2. It is claimed that due to the lack of checking the mafia at various places have even started digging near abutments of bridges in the rivers posing a threat to them:

Regarding this, it is submitted that the news report was written based solely on the common man's verbal assertions and lacks any supporting documentation. Mining is completely prohibited within 500 meters of bridges and enforcement teams have carefully enforced this rule on the ground. It is further submitted that the ongoing construction of the Delhi-Amritsar-Katra expressway, a project of National Eminence and the widening and repair of existing bridges/highways are the reasons for the digging observed in some places close to national highway bridges, as confirmed by on- site visits. For an average person, this would appear to be mining activity, however construction agencies of NHAI are performing construction work. It is pertinent to mention here that for repairs of various bridges like Ravi Tawi Canal Bridge, Railway Bridges concerned agencies have sought permissions. Copies of the documents seeking permissions are annexed herewith and marked as Annexure A1.

3. Even the soil from Kah-charai land meant for grazing is being sold illegally:

In response to this, it is submitted that the Short-Term Permits are being issued for ordinary earth only after following a predetermined process. Ordinary earth/soil mining is permitted if the concerned Deputy Commissioner grants land title or NOC. Only agencies working on the projects of National Eminence like National Highways, AIIMS, DAK etc. were allowed for the same after seeking all required permissions from Geology and Mining Department and Deputy Commissioner concerned.

4. News item further alleges that fifteen people have been died due to accidents caused by vehicles carrying double the load of their capacity:

In response to this it is submitted that as per this office record and the news report from the last two to three years no such incident of death due to overloading of mineral based vehicles or due to mining related activities has occurred. Moreover, to prevent the overloading and unlawful transit of minerals, mining guards have been deployed at all critical sites. The enforcement staff is always alert and when someone is reported to be overloaded, the necessary action in the form of fine, penalty is immediately imposed for overloading and unauthorized mineral transportation.

5. Matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act, 1986:

In response to this, it is submitted that the violations described in the news article have not occurred on the ground. This news report may have been put together without any background research and based only on the spoken words of regular people. Every mineral transportation and mining operation has been completed in accordance with current regulations.

f

P. C. Attested

Kishan
 Naib Tehsildar
 to Deputy Commissioner
 Samba



It is important to mention here that Geology & Mining Department after publication of the above said news report took cognizance of the same and on the very next day i.e., 3rd of June 2024 issued reasonable rebuttal through the department of Information and Public Relations Jammu and Kashmir and was published in various Newspapers. Copies of the same are annexed herewith and marked as **Annexure A2**.

It is therefore submitted for favour of your information and further necessary action at your end please.

Yours faithfully,


10.06.2024

District Mineral Officer,
Samba.

Copy to the:

- 1) Deputy Commissioner Samba for favour of information please.
- 2) Joint Director, Geology & Mining Department, Jammu for information please.

P.C. Attached

Naib Tehsilidar / PRA
to Deputy Commissioner
Samba

01223-246100 (0)
01223-246740 (1)



E-mail: sspsamba@jkpolice.gov.in
dposamba@jkpolice.gov.in

DISTRICT POLICE

HEADQUARTERS SAMBA

The District Magistrate,
Samba.

No. CB/DPOS/2025/ 15305

Dated: - 8.05.2025

Subject: - Hon'ble National Green Tribunal Order dated 16-07-2024 in OA No, 826/2024 News item titled "Pillar of Ravi-Tawi Canal Bridge and Railway Bridge after mining in Basanter river of Samba" appearing in Daily excelsior dated 02-07-2024.

Sir,

Kindly refer DM Samba vide letter No. DCS/ARA/2025-26/30 dated 18-04-2024, regarding the subject cited above.

In this regard, the requisite information sought from field formations and pointwise reply is as under:-

Reply to Point No. 01.

The pillars of Ravi Tawi Canal Bridge do not fall under the jurisdiction of this District. However, Railway Bridge, Basanter Nallah, Bai Nallah River and Devak River and some canals falls under jurisdiction of this District. During the last two years, 532 Vehicles loaded with illegal mining material were seized for illegal mining in District Samba.

Reply to Point No. 02.

A total of 532 Vehicles seized and imposed Fine Rs. 8627484/- by DMO concern.

Reply to Point No. 03.

No such type of report registered/reported in the jurisdiction of district samba. As and when such type of report received/reported, action under rule will be taken accordingly against the miscreants.

Reply to Point No. 04.

No such type of report registered/reported in the jurisdiction of district samba. As and when such type of report received/reported, action under rule will be taken report will be shared with higher ups.

P.C. Attended

P.C. Attended
Deputy Commissioner

Reply to Point No. 05.

08 FIRs have been registered under minning act (02 at P/S Samba, 01 at P/S Ghagwal, 01 at P/S Purmandal, 01 at P/S Bari-Brahmana, 02 at P/S Ramgarh, 01 at P/S Vijaypur). All these cases were closed as Challan and challan produced in the court of law for judicial determination.
Hence, compliance report is submitted for favour of kind perusal please.

Yours Faithfully


Sr. Superintendent of Police,
Samba

P.C. Attar