



Office of the Superintendent of Police, Yamunanagar (Haryana)

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To

The National Green Tribunal
Principal Bench, New Delhi.

No. 13543 dated 15-03-2023

Subject:- Original Application No. 446 / 2022 in case titled Balwinder Kumar Vs. State of Haryana and another, fixed for 23-03-2023.

Memo.

Kindly find enclosed herewith reply of the undersigned by way of affidavit in the subject cited matter, to be heard on **23-03-2023**.

Encl. As above


(Mohit Handa, IPS)
Superintendent of Police,
Yamuna Nagar, Haryana
On behalf of respondent No. 6

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 446 / 2022

IN THE MATTER OF:

Balwinder Kumar

.....Applicant

Versus

State of Haryana

....Respondents

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Deponent

Place:- Yamuna Nagar

Date:- 14-03-2023


**Mohit Handa, IPS,
Superintendent of Police,
Yamuna Nagar, Haryana
On behalf of the respondent no.6**

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 446 / 2022****IN THE MATTER OF:**

Balwinder Kumar

*.....Applicant***Versus**

State of Haryana & others

*....Respondents***RESPECTFULLY SHOWETH:-**

I, Mohit Handa, IPS, Superintendent of Police, Yamuna Nagar, Haryana, do hereby solemnly affirm and state as under:-

- i- That in my official capacity as stated above I am well conversant with the facts and circumstances of the above said case and is competent to file the present affidavit.
- ii- That the present case came up for hearing before the Hon'ble National Green Tribunal, Principal Bench , New Delhi on 02-01-2023. Extract of the orders dated 02-01-2023 passed by this Hon'ble Bench is given below:-

"5.---In view of the averments in the application and observations in the report of the Joint Committee particularly the facts regarding large scale illegal mining

and felling of trees leading to registration of number of FIRs, we also consider it appropriate to have response of (1) State of Haryana through Chief Secretary, Government of Haryana, (2) Principal Chief Conservator of Forest (HoFF), Government of Haryana, (3) Director, Mines and Geology, Government of Haryana, (4) State PCB, (5) Deputy Commissioner, Yamuna Nagar and (6) Superintendent of Police, Yamuna Nagar who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 is already appearing before this Tribunal through counsel.

6. Notices along with copies of the application and report of the Joint Committee and documents attached with the same be issued to respondents no. 1 to 3 and 5 to 6.
7. Reply/response on behalf of respondents no. 1 to 6 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. In their reply/response, respondents no. 1 to 4 shall specifically mention the action already taken and further action to be taken for preventing illegal mining and illegal cutting of trees, assessment and realization of environmental compensation from the violators and disciplinary action

taken/to be taken against the concerned defaulting Government/Panchayat Officers/Officials.

8. List for further consideration on 23.03.2023.---- ”

- 1- That the answering deponent has gone through para no.1 of the above said orders dt. 02-01-2023 passed by this Hon'ble Bench. In view of the above said orders, it is submitted that four screening plants and a stone crusher were in working conditions in villages Kohliwala and Mandewala upto year 2022. In the years 2017 to 2020, District Mining and Geology Department moved several complaints to the police department. On inquiry, three screening plants were found working without following the norms and procedure as laid down in mining rules. Consequently, 03 criminal cases were registered against Devbhumi Screening plant, Jai Maha Laxmi Screening plant & Jai Maa Santoshi Screening plant. It is however submitted that 19 more cases were also registered against other persons who were found involved in illegal mining. The details of all the criminal cases under mining act registered between the years of 2017 to 2019 with present status is hereby annexed as **Annexure R-1**. However, out of these 22 criminal cases, cancellation report in 07 cases and untraced report in 04 cases has been written. Deputy Superintendent of Police, Yamunanagar-3, who is supervisory officer of Police Station Pratap Nagar and the Nodal Officer of

the District Police to curb the menace of illegal mining has been directed to scrutinize the case files of all the eleven cancelled & untraced cases.

It is further submitted that keeping in view the above said criminal cases and for not following the norms and conditions of mining, Mining and Geology Department Yamuna Nagar got closed Devbhumi Screening plant, Jai Maha Laxmi Screening Plant & Jai Maa Santoshi Screening Plant, respectively in the years 2021 & 2022.

- 2- That para no.2 of the above said orders relates to other departments.
- 3- That para no.3 of the above said orders also relates to other departments.
- 4- That para no.4 of the above said orders is the directions/remarks passed by this Hon'ble Bench. It is however submitted that on receiving the complaints from Mining and Geology Department, 22 cases were registered against above said stone crushers and other violators of the mining rules.
- 5- That in reply to para no.5 of the above said orders, it is submitted that most of the directions/remarks in this para relate to other departments. With regard to illegal mining and felling of trees leading to registration of FIRs, it is submitted that on receiving the complaint from District Mining and

Geology Department, the following two criminal cases were registered against the accused:-

- i FIR No.181 dt. 12-10-2017 U/s 21.4 (1) Mining Act, P.S.Pratap Nagar
- ii- FIR No.90 dt. 30-05-2018 U/s 21.4 (1) Mining Act, P.S.Pratap Nagar.

It is however submitted that in case FIR No.181 dt. 12-10-2017, 40 khair trees were alleged to be uprooted due to illegal mining and in case FIR No.90 dt. 30-05-2018, 60/70 khair trees were found uprooted due to illegal mining from the mining zone.

Both cases are still under trial.

- 6- That para no.6 of the above said order does not relate to the answering deponent.
- 7- That in reply to para no.7 of the above said order, it is submitted that 3 cases were registered against above said stone crushers i.e. Devbhumi Screening plant, Jai Maha Laxmi Screening plant & Jai Maa Santoshi Screening plant and 19 cases were registered against other persons found involved in illegal mining. With regard to further action to be taken for preventing illegal mining and illegal cutting of trees, it is submitted that on receiving the order bearing No.5562/MA dt.06-10-2022 issued by the office of Deputy Commissioner, Yamuna Nagar, the answering deponent established one temporary police post on 08.10.2022 at village Belgarh in mining zone, consisting of one ASI, two head constables, three constables and two SPOs/Home Guards. After setting up of the Police Post regular patrolling and

enforcement is being done. In accordance with the established norms, whenever any person/vehicle involved in illegal mining is rounded up by the police, further necessary legal action is taken in coordination with Mining Department. As per report bearing No. 169 dated 12.03.2023 received from Dy. Superintendent of Police, Yamunanagar-3, as on 11.03.2023, police personnel posted at Police Post Belgarh have taken into possession 09 tractor-trolleys, 03 dumpers, 02 JCBs and 01 truck indulged in illegal mining and handed over to the Mining Department for further necessary action.

It is further submitted that DGP, Haryana vide his office WAN message no.14285-92/L&O dt.19-09-2022 allotted 43 police officials to Distt. Yamuna Nagar to keep a check on illegal mining in the district. Out of these 43 police officials, as per order bearing no.6351/MA dt. 07-12-2022 issued from the office of DC Yamuna Nagar for preventing illegal mining, the answering deponent deployed 28 police officials at 7 different Nakas in coordination with other departments and remaining police officials have been put on patrolling duty to curb illegal mining in Distt. Yamuna Nagar.

It is further submitted that to curb the illegal mining patrolling in the mining zones has been intensified. Moreover, on receiving the information regarding illegal mining, the reserve

police force is also deputed immediately to take action based on the information.

Besides, time to time coordination meetings are being held with police and civil authorities of bordering district of Uttar Pradesh. Most recently, on 03.03.2023, Deputy Superintendent of Police, Yamunanagar-3, who is Nodal Officer of District Police Yamunanagar for preventing illegal mining in the district held coordination meeting with Sub Divisional Magistrate, Behat, Dy. Superintendent of Police, Behat and SHO Police Station Behat, District Saharanpur, Uttar Pradesh to discuss on the measures to curb the menace of illegal mining.

- 8- That para no.8 of the above said order is about consideration to be taken on 23-03-2023 by this Hon'ble bench.
- 9- That as per para no.9 of the above said order, the answering deponent is bound to appear before this Hon'ble Tribunal through V.C. as directed by this Hon'ble Bench.
- 10- That para no.10 of the above said order is about the directions passed by this Hon'ble Bench.
- 11- That the police is acting as per law and further undertakes to do the needful as per law and in this regard, the help of Gram Panchayats and other local bodies and respectable persons of the area is being taken.

Reply by way of affidavit as desired by this Hon'ble Bench is submitted for kind perusal and further order please.

Place: Yamuna Nagar

Deponent

Date 14-03-2023


**Mohit Handa, IPS
Superintendent of Police,
Yamuna Nagar, Haryana
on behalf of respondent No.6**

Verification:-

Verified that the contents of above reply by way of affidavit of para no.1 to 11 are true and correct to the best of my knowledge and based on the information derived from the official record. No part of it is false and nothing material has been kept concealed therein.

Place: Yamuna Nagar

Deponent

Date 14-03-2023


**Mohit Handa, IPS
Superintendent of Police
Yamuna Nagar, Haryana
on behalf of respondent
No.6**

PS PARTAP NAGAR

DISTT YAMUNANAGAR

SR NO	FIR NO	DATED	U/S	STATUS
1.	46	14.04.17	379 IPC 21.4(1) Mining Act	Untrace
2.	73	24.05.2017	379 IPC 21.4(1) Mining Act	Cancel
3.	80	06.6.2017	379 IPC 21.4(1) Mining Act	Acquittal
4.	125	15.8.17	21.4(1) Mining Act	Acquittal
5.	126	15.08.17	21.4(1) Mining Act	Untrace
6.	130	20.08.17	21.4(1) Mining Act	PC
7.	136	24.08.17	21.4(1) Mining Act	PC
8.	180	11.10.17	21.4(1) Mining Act	PC
9.	181	12.10.17	21.4(1) Mining Act	PC
10.	15	17.2.18	21.4(1) Mining Act	PC
11.	19	26.02.18	379 IPC 21.4(1) Mining Act	PC
12.	88	29.05.18	379 IPC 21.4(1) Mining Act	Untrace
13.	89	29.05.18	379 IPC 21.4(1) Mining Act	Cancel
14.	90	30.05.18	379 IPC 21.4(1) Mining Act	PC
15.	102	08.06.18	379 IPC 21.4(1) Mining Act	PC
16.	121	15-07-18	379 IPC 21.4(1) Mining Act	Cancel
17.	166	20.09.2018	379 IPC 21.4(1) Mining Act	Cancel
18.	180	22.10.2018	379 IPC 21.4(1) Mining Act	Cancel
19.	184	25.10.2018	379 IPC 21.4(1) Mining Act	Cancel
20.	25	23.02.2019	379 IPC 21.4(1) Mining Act	Untrace
21.	105	16.08.2019	186,353,379 IPC 21.4(1) Mining Act	Cancel
22.	162	25.11.2019	186,379 IPC 21.4(1) Mining Act	PC


 SHO

P.S.Partap Nagar

Dated: 13-03-2023