

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 974 OF 2024**

IN THE MATTER OF:

JITENDRA NISHAD

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH AND ORS.

...RESPONDENTS

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THROUGH

Priyanka...

Date:06.03.2025

Place: New Delhi

PRIYANKA SWAMI
ADVOCATE
STANDING COUNSEL FOR UTTAR PRADESH
F-13, JANGPURA, NEW DELHI 110014
E-mail:advpriyankaswami@gmail.com

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**ACTION TAKEN REPORT ON BEHALF OF POLICE COMMISSIONER,
PRAYAGRAJ U.P. ALONGWITH SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH

1. This compliance report is submitted in response to the Hon'ble NGT's orders dated 04.11.2024 in *OA No. 974/2024*, addressing illegal sand mining in Sand Block Vidyapeeth, Mahewa Baswar, and Madaripur to Sadiyapur. The Tribunal highlighted severe lapses, including non-compliance with environmental clearance (EC) conditions, unauthorized midstream mining, and negligence by SEIAA and Pollution Control Board officials. To prevent further environmental damage, the Tribunal

directed a halt to mining by Respondents 9, 10, and 11 and tasked the District Magistrate and Police Commissioner, Prayagraj, with enforcement. The order states:

“....1. A letter petition dated 13.12.2023 sent by Jitendra Nishad was registered as Original Application (hereinafter referred to as 'OA) under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') in exercise of suo-moto jurisdiction in view of law laid down by Supreme Court in "Municipal Corporation of Greater Mumbai vs. AnkitaSinha&Ors." reported in 2021 SCC Online SC 897. 2.

2. Complainant had said that in Sand Block Vidyapeeth and MahewaBaswar as also Madaripur and Sadiyapur, illegal sand mining was being carried on in river bed and river stream of Yamuna in utter violation of environmental laws causing damage to aquatic animals/environment besides public revenue. No CCTV camera has been installed. The violators are not being checked by concerned authorities and openly illegal mining is being carried out on river bank and stream by using hundreds to boats.

5. The report also shows serious lapses on the part of District Mining Authorities as also Officials of Pollution Control Board in as much as District Mining Authorities have not cared to ensure mining activities on the part of Proponents strictly in accordance with mining plan and authorities of UP Pollution Control Board and SEIAA have not cared to ensure compliance of the conditions of environmental Clearance and Consent. Lapses on the part of SEIAA, UP is more serious in as much as in respect of Proponent- Surendra Kumar who has carried out mining activities at village Baswar, it has been found that in a period of five years his EC was amended and extension was allowed three times without caring as to whether

conditions of initial EC granted have been complied with or not and this is a serious lapse and non-application of mind on the part of SEIAA.

12. Considering serious violations and extent of damage being caused to river hydrology and ecology as also flora and fauna by carrying out even mid stream mining, other serious violations and following 'Precautionary' principle as enshrined under section 20 of NGT Act, 2010 to protect environment from any further damage, we direct that respondents 9, 10 and 11 shall not be allowed any mining activities until further orders of this Tribunal.

13. District Magistrate, Prayagraj and Police Commissioner, Prayagraj shall ensure compliance of this order with respect of restraint on mining activities by respondents 9, 10 and 11.

14. List on 29.11.2024."

2. In compliance with the order dated 04.11.2024, and in accordance with the mandate under Section 20 of the NGT Act, 2010, immediate measures have been adopted so that no illegal mining activities continue in the Yamuna River. By Order No. 2170/Mineral/2024-25 dated 09.11.2024, three ordinary sand mining leases situated in District Prayagraj have been banned until further orders. The Police Commissioner, Prayagraj, has taken all necessary steps to implement and enforce the ban; the police authorities remain vigilant so that no mining operations, including those belonging to Respondent Nos. 9, 10, and 11, are carried on at these sites.
3. It is further most respectfully submitted that, to confirm actual ground conditions, a joint field inspection was conducted on 19.11.2024 by the Sub-District Magistrate (Sadar), Naib Tehsildar (Sadar), Inspector-in-Charge Police Station Kareli, and the Mines Inspector, Prayagraj, specifically in the mining lease area situated in Tehsil

Sadar that stands prohibited under the aforesaid order. The mining lease under reference is for ordinary sand block number-21 of Sadiyapur Yamuna River from village Adampur, Madaripur, having an area of 5.00 hectares, earlier granted from 01.12.2021 to 30.11.2026 in favor of Ramratan Construction (Proprietor: Shri Ratan Kumar Nishad). During this inspection, no mining activity was in progress, no boundary pillars or PTZ cameras were found installed, and no personnel or representative of the lease holder was present on site. Photographs were taken on the spot, and a copy of the joint investigation report dated 09.11.2024 is annexed is **ANNEXURE-1**

4. It is also respectfully brought to the notice of this Hon'ble Tribunal that illegal mining is not taking place in Gram Vidyapeeth, Maheva, Baswar, Adampur-Madaripur, or Sadiyapur. The police authorities under the guidance of the Police Commissioner, Prayagraj, and local police stations, are conducting regular monitoring and vigilance in these areas. Compliance with the Hon'ble Tribunal's order dated 04.11.2024 has ensured that Respondent No. 9 (Shri Ravi Shankar Shukla), Respondent No. 10 (Shri Surendra Kumar), and Respondent No. 11 (M/s Ram Ratan Construction, Proprietor: Shri Ram Jatan Nishad) remain barred from conducting any mining operations. The Police Commissioner has undertaken continuous patrolling and close coordination with other departments, ensuring that no further harm is caused to the environment and that the directions of this Hon'ble Tribunal remain strictly implemented.
5. Hence, it is humbly submitted that the directions of the Hon'ble National Green Tribunal have been faithfully complied with, and the Police Commissioner, Prayagraj, will continue to uphold and enforce the prohibition against illegal mining activities. No fresh instances of unauthorized sand mining have come to notice since

the issuance and enforcement of the prohibitory orders. Regular vigilance, combined with swift action in case of any deviation, is being diligently carried out to safeguard the environment, preserve public interest, and abide by the principles enshrined under Section 20 of the NGT Act, 2010.

6. In light of the foregoing, it is respectfully requested that the Hon'ble Tribunal be pleased to take on record the above compliance steps, including the attached documentation, and pass such further orders as may be deemed appropriate. The Police Commissioner, Prayagraj, reaffirms commitment to implement any additional directions that this Hon'ble Tribunal may consider necessary for the protection of the environment and prevention of illegal mining.

THROUGH

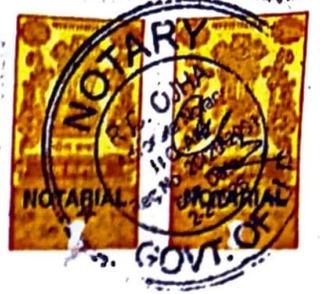


Date:06.03.2025
Place: New Delhi

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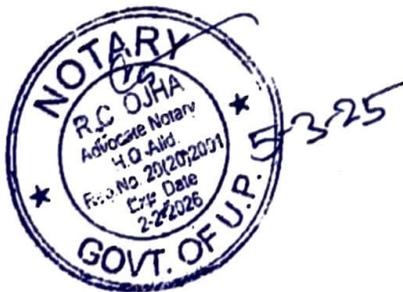
STATE OF UTTAR PRADESH AND ORS.

...RESPONDENTS

AFFIDAVIT

I, Ajendra Yadav, aged about 41 years s/o Sh.Harnath Singh Yadav, presently posted as Assistant Commissioner of Police, Attarsuiya Prayagraj, Uttar Pradesh having office at Attarsuiya, Uttar Pradesh.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Report has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Report are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.



[Signature]
DEPONENT

VERIFICATION

Verified on solemn affirmation at *Allahabad* on this *5th* day of March 2025, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



[Signature]
[Signature]
R. C. Ojha
Advocate Notary
Distt. Head Quarters
Allahabad
5-3-25

...
place at Allahabad the document is / am
identified by *[Signature]* ...
advocate and the contents of the document
has been examined to the best of my knowledge and
admit the to be correct
and the documents is / are

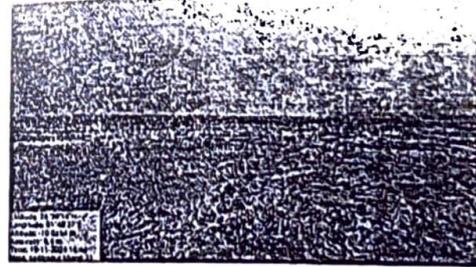
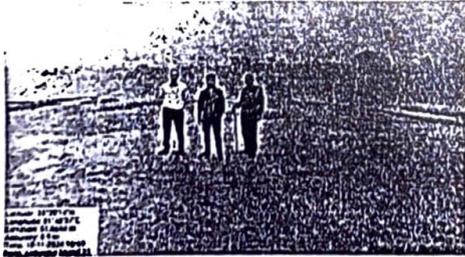
[Signature]
Kamesh Chandra Ojha
Advocate Notary
Distt. Head Quarters Allahabad
5-3-25

संयुक्त जॉच आख्या

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-974/2024 जितेन्द्र निषाद बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 04.11.2024 के अनुपालन में आदेश सं0-2170/खनिज/2024-25 दिनांक 09.11.2024 द्वारा जनपद प्रयागराज के तीन साधारण बालू खनन पट्टा को अग्रिम आदेशों तक के लिए प्रतिबन्धित किया गया है। आदेशानुसार उपजिलाधिकारी, सदर, नायब तहसीलदार सदर, प्रभारी निरीक्षक, थाना करैली एवं खान निरीक्षक, प्रयागराज द्वारा संयुक्त रूप से तहसील सदर के अन्तर्गत आने वाला साधारण बालू के खनन पट्टा क्षेत्र जिसे प्रतिबन्धित किया गया है का स्थलीय निरीक्षण दिनांक 19.11.2024 को किया गया है। स्थलीय निरीक्षण आख्या निम्न प्रकार है:-

जनपद प्रयागराज के तहसील सदर स्थित ग्राम-आदमपुर, मदारीपुर से सदियापुर यमुना नदी के साधारण बालू खण्ड सं0-21 रकबा-5.00 हे0 क्षेत्रफल में खनन पट्टा मे0 रामरतन कन्सल्टेशन प्रो0 श्री रतन कुमार निषाद पुत्र स्व0 लल्लू लाल निवासी 8/41 नई झूसी बाजार, थाना-झूसी, तहसील फूलपुर, प्रयागराज के पक्ष में दिनांक 01.12.2021 से 30.11.2026 तक के लिए स्वीकृत/निष्पादित है। मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-974/2024 जितेन्द्र निषाद बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 04.11.2024 के अनुपालन में आदेश सं0-2170/खनिज/2024-25 दिनांक 09.11.2024 द्वारा उक्त खनन क्षेत्र में खनन संक्रिया अग्रिम आदेशों तक के लिए पूर्णतः प्रतिबन्धित कर दी गयी है।

स्थलीय निरीक्षण के समय उक्त खनन पट्टा क्षेत्र में किसी प्रकार की खनन संक्रिया नहीं पायी गयी है। खनन पट्टा क्षेत्र में कोई भी सीमा स्तम्भ तथा पी0टी0जेड0 कैमरा स्थापित नहीं है। उक्त खनन पट्टा क्षेत्र में पट्टाधारक का कोई भी कार्मिक/प्रतिनिधि उपस्थित नहीं था। स्थलीय जॉच के समय लिये गये मौके के फोटोग्राफ निम्नवत् है:-



उपरोक्तानुसार संयुक्त जॉच आख्या सादर सेवा में प्रेषित है।


प्रभारी निरीक्षक
थाना-करैली, प्रयागराज।


खान निरीक्षक
प्रयागराज।


नायब तहसीलदार
सदर, प्रयागराज।


19/11/2024
उपजिलाधिकारी,
सदर, प्रयागराज।

1076

Latitude: 25°20'14"N
Longitude: 81°48'37"E
Elevation: 51.6±44 m
Accuracy: 8.9 m
Time: 19-11-2024 16:49
Note: sadiyapur khand 21

1077



Latitude: 25°20'15"N
Longitude: 81°48'37"E
Elevation: 53.1±199 m
Accuracy: 2135.7 m
Time: 19-11-2024 16:42
Note: sadiyapur khand 21

1078

Latitude: 25°20'14"N
Longitude: 81°48'37"E
Altitude: -10.0±54 m
Accuracy: 8.4 m
Time: 19-11-2024 16:44
Note: sadiyapur khand 21

1079

Latitude: 25°20'14"N
Longitude: 81°48'37"E
Altitude: -10.0±54 m
Accuracy: 8.4 m
Time: 19-11-2024 16:44
Note: sadiyapur khand 21