



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

O.A. NO. 708/2019

IN THE MATTER OF

Residents of Village Dangra,
District Datia

...Applicant

VERSUS

State of M.P

...Respondents

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ND04 - 11.12.2019

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Dated : 26.11.2019

(Signature)
(PRADEEP TIWARI)
Mining Officer, Datia
for Distict Magistrate, Datia
Madhya Pradesh

V.K. Shukla Adv
no- 8800131234
email. VKslawoffice@gmail.com



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

O.A. NO. 708/2019

IN THE MATTER OF

Residents of Village Dangra,
District Datia

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VERSUS

State of M.P.

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF
DISTRICT MAGISTRATE, DATIA, IN COMPLIANCE
OF THE ORDER DATED 16.09.2019 PASSED BY
THIS HON'BLE TRIBUNAL**

V.P. Singh Bundela
Advocate/Notary
Datia (M.P.)
Mob 9893940017

MOST RESPECTULLY SHOWETH;

PRELIMINARY SUBMISSION:

1. That from the perusal of the order dated 16.9.2019 passed by this Hon'ble Tribunal, it appears that a letter sent by residents of village Dangra, District Datia has been treated as an Application and thereafter this Hon'ble Tribunal has passed the following order ;

"Allegation in this letter, which has been treated as an application, is that illegal sand mining is taking place at Village Dangra, District Datia, Madhya Pradesh by using submarines adversely affecting the aquatic life and the environment.

Let the District Magistrate, Datia and the Madhya Pradesh State PCB look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at judicial-ngt@gov.in. The nodal agency for



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compliance and coordination will be the Madhya Pradesh State PCB."

2. That in compliance of the said order, an inquiry was made to take action in accordance with law. However, in the inquiry it was found that a show-cause notice dated 29.6.2019 was issued to Sarpanch / Secretary Panchayat Dangra (much earlier to passing of the order by this Hon'ble Tribunal), who was conducting mining activity pursuant to allotment order dated 17.1.2018 and against whom there were allegations of illegal sand mining by submarines.
3. That when the Sarpanch / Secretary Panchayat Dangra did not file response to the show-cause notice dated 29.6.2019, on 20.8.2019 the District Magistrate, Datia, cancelled the mining lease dated 17.1.2018 with immediate effect. A copy of the Order dated 20.08.2019 passed by District Magistrate, Distt. Datia, M.P. cancelling the mining lease, is annexed as **ANNEXURE: A/1**.
4. That on the same allegations of illegal mining in village Dangra, a PIL was filed before Hon'ble High Court of Madhya Pradesh at Jabalpur in W.P. No.6256/2019, Radhasharan Vs. State of Madhya Pradesh, which was also disposed of by Hon'ble High Court vide order dated 1.10.2019 holding as under ;

V.P. Singh Bundela
Advocate/Notary
Datia (M.P.)
Mob 9893940017



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"Since the respondents have already cancelled the sanction order dated 17.01.2018, the relief sought by the petitioner having been worked out, no further adjudication is warranted. Petition stands disposed of."

A copy of the Order dated 1.10.2019 passed by Hon'ble High Court in WP No. 6256 of 2019, Radhasaran Vs. State of MP & Ors. is annexed herewith and marked as **ANNEXURE : A/2**.

5. That it is further submitted that the aforesaid facts and order of cancellation dated 20.8.2019, cancelling the mining lease show that the mining lease has already been cancelled on the same allegations. Thereafter the team of the mining department has been keeping watch in the area and no such illegal mining has been noticed till now.
6. That, as duty bound, we shall not allow any sort of illegal in the district and as and when any such case is noticed immediate action shall be taken without fear or favour.


V.P. Singh Lodha
Advocate/Notary
Datia (M.P.)
Mob. 9893940017



(PRADEEP TIWARI)
Mining Officer, Datia
for District Magistrate, Datia
Madhya Pradesh

Datia

Dated : 23.11.2019



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

O.A. NO. 708/2019

IN THE MATTER OF

Resident of Villager Dangra,
District Datia

...Applicant

VERSUS

State of M.P

...Respondents

AFFIDAVIT

I, Pradeep Tiwari, aged 55 years, S/o Late Sewak Prasad Tiwari, Mining Officer, Datia office at District Collectorate, Datia, Madha Pradesh, do hereby solemnly affirm and state on oath as under:-

1. That, the deponent has been appointed as OIC in present case and as such he fully acquainted with the facts and circumstances of the case and competent to swear this affidavit.
2. That the deponent has gone through the contents of accompanying action taken report which has been prepared as per my instructions. The contents of which are true and correct to the best of my knowledge derived from the record.
3. That the annexures to the accompanying action taken report are true copies of their respective originals.

DEPONENT

VERIFICATION :

Verified at Datia on this day of November, 2019 that the contents of this affidavit are true and correct to the best of my knowledge derived from the record and nothing relevant has been concealed therefrom.

DEPONENT

Advocate, Datia (M.P.)
Mob 9893940017

Item No. 45

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

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Original Application No. 708/2019

Residents of Village Dangra, District Datia

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 16.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Application is registered based on a complaint received by post

ORDER

Allegation in this letter, which has been treated as an application, is that illegal sand mining is taking place at Village Dangra, District Datia, Madhya Pradesh by using submarines adversely affecting the aquatic life and the environment.

Let the District Magistrate, Datia and the Madhya Pradesh State PCB look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at judicial-ngt@gov.in. The nodal agency for compliance and coordination will be the Madhya Pradesh State PCB.

A copy of this order, along with complaint, be sent to the District Magistrate, Datia and the Madhya Pradesh State PCB by e-mail for compliance.

List for further consideration on 11.12.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 16, 2019
Original Application No. 708/2019
AK



कार्यालय कलेक्टर (खनिज) जिला दतिया (म0प्र0)

क्रमांक 68/.. / खनि / 3-6 / 04 / 2017

दतिया, दिनांक 29/8/2019

// आदेश //

जिला दतिया अंतर्गत तहसील बड़ौनी के ग्राम डगरा में स्थित रेत खदान डगरा-सी सर्वे नंबर 1,137 रकवा 14.350 है0 क्षेत्र रेत नीति 2017 के तहत सरपंच/सचिव ग्राम पंचायत डगरा को कार्यालयीन आदेश क्रमांक 150-3/2017 दिनांक 17.01.2018 से आवंटित/हस्तांतरित की गई है थी।

खनि निरीक्षक दतिया से प्राप्त प्रतिवेदन अनुसार रेत खदान डगरा-सी सर्वे नंबर 1,137 रकवा 14.350 है0 क्षेत्र जल प्रवाह में स्थित है एवं कार्यपालन यंत्री, सिचाई नहर संभाग दतिया के पत्र दिनांक 13.03.2019 से डगरा वियर के समीप स्थित है।

उक्त कारण से सरपंच/सचिव ग्राम पंचायत डगरा को कार्यालयीन पत्र क्रमांक 590 दिनांक 29.06.2019 से कारण बताओं नोटिस जारी किया गया। सरपंच/सचिव ग्राम पंचायत डगरा द्वारा कोई जबाब प्रस्तुत नहीं किया गया।

अतः आदेश दिनांक 17.01.2018 से सरपंच/सचिव ग्राम पंचायत डगरा को आवंटित/हस्तांतरित तहसील बड़ौनी के ग्राम डगरा में स्थित रेत खदान डगरा-सी सर्वे नंबर 1,137 रकवा 14.350 है0 क्षेत्र रेत खदान को उपरोक्त कारणों से तत्काल प्रभाव से निरस्त की जाती है।

(कलेक्टर महोदय द्वारा आदेशित)

सहायक निरीक्षक
(खनिज)
जिला दतिया म0प्र0

प्रतिलिपि :-

1. सरपंच/सचिव ग्राम पंचायत डगरा तह. बड़ौनी जिला दतिया की ओर सूचनार्थ।
2. सचिव, म0प्र0 शासन खनिज साधन विभाग मंत्रालय वल्लभ भवन भोपाल की ओर सादर सूचनार्थ।
3. संचालक, भौमिकी तथा खनिकर्म भोपाल की ओर उपरोक्त रेत खदान भविष्य में पोर्टल पर चालू न करने बाबत।
4. मुख्य कार्यपालन अधिकारी, जिला पंचायत दतिया की ओर सूचनार्थ।
5. कार्यपालन यंत्री, सिचाई नहर संभाग दतिया के पत्र क्रमांक 567 दि. 13.03.2019 के संदर्भ में सूचनार्थ।
6. मुख्य कार्यपालन अधिकारी जनपद पंचायत दतिया की ओर सूचनार्थ।
7. खनि निरीक्षक दतिया की ओर आवश्यक कार्यवाही हेतु।

सहायक निरीक्षक
(खनिज)
जिला दतिया म0प्र0



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JATIA (M.P.) 56

THE HIGH COURT OF MADHYA PRADESH**W.P. No. 6256/2019****(RADHASHARAN Vs THE STATE OF MADHYA PRADESH & OTHERS)****Gwalior, 01/10/2019**

Shri J.S. Kushwah, learned counsel for the petitioner.

Shri F.A. Shah, learned Government Advocate for the respondents/State.

Petitioner, by way of present petition, seeks following reliefs :

“याचिकाकर्ता प्रार्थना करता है कि प्रस्तुत जनहित याचिका स्वीकार की जाकर प्रतियाचिकाकर्ता क.2 द्वारा प्रतियाचिकाकर्ता क. 3 के हित में जारी प्रदर्श पी-1 निरस्त किये जाने की कृपा करे ।”

On being noticed, respondents filed response. It is stated in paragraph No.4 of the reply :

“That, in compliance of the directions of the National Green Tribunal (NGT) the Government of India has formulated Sustainable Sand Mining Management Guideline 2016 in which there is a provision of withdrawal of sand mining activities due to rainy season and in furtherance to which State Environment Impact Assessment Authority, MP vide its office memorandum dated 14.06.2019 has also issued instructions for no river sand mining in rainy season. The copy of the office memorandum dated 14.06.2019 is annexed herewith and marked as Annexure-R/2.”

Since the respondents have already cancelled the sanction order dated 17.01.2018, the relief sought by the petitioner having been worked out, no further adjudication is warranted.

Petition stands disposed of.

(Sanjay Yadav)
Judge

(Vivek Agarwal)
Judge