

Item No. 12

Court No. 1

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

Original Application No. 412/2023
(IA No. 603/2023, IA No. 602/2023)

Pradeep Kumar Shukla

Applicant

Versus

Ministry of Environment Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 28.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Ms. Suhasini Sen & Ms. Surbhi, Advs. for MoEF&CC
Mr. Arvind Kumar & Ms. Shashi Kiran, Advs. for UPPCB (Through VC)
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for the Mining
Department, State of UP (Through VC)
Ms. Priyanka Swami, Adv. for SEIAA, UP

ORDER

1. The Tribunal is examining the issue of commercial mining activity being permitted to the private agricultural land owners during the monsoon season by granting mining lease/permits to them in the name of removal of sand collected during flood. The Tribunal on 18.03.2024 had granted time to Counsel for respondent no. 1 to clarify certain issues by observing as under:-

“3. Counsel for the MoEF&CC seeks time to clarify if the farmers are permitted to sell the sand removed from the flood deposits on agricultural fields and what is proposed action to curb the illegal mining on agricultural fields in the garb of removal of flood deposits. She also seeks time to examine and address on the issue as to how such an activity of removal of sand from agricultural field is excluded from the judgment of Hon'ble Supreme Court in the matter of Deepak Kumar v. State of Haryana.”

2. On 03.07.2024, the Tribunal had accepted the request of the Counsel for respondent no. 1 seeking time to file fresh report and had directed that in the fresh report, respondent no. 1 will also disclose the issue of feasibility of including mining on such agricultural land in the District Survey Report.

3. The additional affidavit dated 27.08.2024 has been filed by respondent no. 1 stating that the feasibility of inclusion of such area in District Survey Report will be discussed in the next Expert Appraisal Committee. The meeting is going to be held in September, 2024. Learned Counsel for respondent no. 1 submits that this issue will be decided in that meeting. We expect that the decision will be taken having due regard to the potential possibility of misuse of such mining lease/permits and its larger impact on the environment.

4. The prayer is allowed and further six week's time is granted to respondent no. 1 to file the report.

5. List on 04.12.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28, 2024
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