

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

Original Application No. 730/2023

In re : News item appearing in Chandoli Samachar dated 02.12.2023 titled "वन विभाग के संरक्षण में हो रहा था अवैध मौरंग खनन, एसडीएम की कार्रवाई तो डीएफओ ने भी शुरू की जांच"

Date of hearing: 21.12.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Bhanwar Pal Singh Jadon & Mr. Naveen Singh, Advs. for the State of UP

ORDER

1. This Original Application is registered in *suo moto* exercise of powers on the basis of the news item titled "वन विभाग के संरक्षण में हो रहा था अवैध मौरंग खनन, एसडीएम की कार्रवाई तो डीएफओ ने भी शुरू की जांच", appearing in Chandauli Samachar dated 02.12.2023. As per the news item, illegal mining was in progress in Pandi Compartment No. 14 of Forest Area, Naugarh Range and from the spot.

2. The report further states about collusion of the officials of the Mining Department. As per the said report, three tractor trolley filled with morang and JCBs involved in illegal excavation were also seized and five persons were arrested.. The report states that the Forest Officers themselves were involved in illegal mining and that the driver of JCB had disclosed the names of Ranger and Forest Guard. ,

3. On the basis of the advance notice, report on behalf of the DFO, Varanasi has been filed. Referring to the various documents enclosed with

the report, learned Counsel for the State has submitted that FIR against five named persons for offence under Section 27 of the Forest (Conservation) Act, 1980 has been registered and that the owners of the vehicles have been identified and the offence under Section 41, 42 and 52 (A) of the Forest (Conservation) Act, 1980 has been added. He has further submitted that JCBs and three tractor trolleys have been seized and notices have been issued to one Keshav Singh, Forest Guard, Shri Matar, Order Keeper (Aadesh Palak) and Sanjay Kumar Srivastava, Forest Range Officer for causing loss to the extent of Rs. 63,600/- and violating the Uttar Pradesh Government Servant's Conduct Rule, 1956 and Forest (Conservation) Act, 1980.

4. The reply filed on the basis of the advance notice does not disclose any action against the Project Proponents for causing environmental loss and consequential imposition of EC. Hence, the UPPCB is directed to ascertain it and take appropriate action in this regard after duly complying with the principle of 'Natural Justice' and giving an opportunity of hearing to the Project Proponent.

5. The reply is also silent about the restoration of the area. Learned Counsel for the State is also directed to file a report before the Registrar General of the Tribunal disclosing the steps which are taken for restoration of the area within three months and if found necessary, the matter may be listed for consideration before the Tribunal.

6. The action taken report be also submitted by the UPPCB before the Registrar General of Tribunal within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and if found necessary, the matter may be listed for consideration before the Tribunal.

7. The Original Application is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 21, 2023
Original Application No. 730/2023
SN