

Item No. 03

Court No. 2

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

Original Application No. 446/2022

Balwinder Kumar

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 24.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in Person

Respondents: Mr. Rahul Khurana, Advocates for Respondent No. 1 to 6 with Mr. V S Punia, RO, Mr. Abhijeet Tanwar, AEE, HSPCB Yamunagar. Mr. Niranjana Lal, Mining Officer and Mr. Aman Mining Inspector.
Mr. Narendra Pal Singh with Mr. Deepak Kumar Prasad, Advocates for Respondent No. 7, 8 & 11

ORDER

1. Balwinder Kumar s/o Lakkhi Ram, r/o Village Kohliwala, Tehsil Chhachrauli, District Yamuna Nagar, State of Haryana sent a letter petition received in Tribunal on 06.04.2022 and same was registered as Original Application (hereinafter referred to as '**OA**') under Section 14 and 15 of National Green Tribunal, 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. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

2. Complainant has said that there are two villages Kohliwala and Mandewala in Bhudkala Gram Panchayat wherein about 156 acres of land is Panchayati and Shamlat. Since 2016, illegal mining has been

carried out therein and even standing trees of Khair were cut illegally/unauthorizedly. Report no. 3815 dated 14.09.2017 was filed by Block Development and Panchayat Officer, Chhachhrauli in regard of illegal mining and unauthorized cutting of trees wherefrom it is evident that the said activities could be carried out in collusion with some officials with Shri Ram Screening Plant, Devbhumi Screening Plant, Jaimaa Laxmi Screening Plant, Shivalik Stone Crusher (owner Shiv Kumar, Village Kohliwala), Jai Maa Santoshi Screening Plant. These Proponents carried out illegal mining and cutting of trees in collusion with Sandeep s/o Premchand Nambardar Village Kohliwala, Mohan Ram erstwhile Sarpanch Village Kohliwala, Subhash Chand s/o Pala Ram- Former Sarpanch, Amit Kumar s/o Pawan Kuymar village Kohliwala, Gurjeet Singh, the then Mining Officer and Block Development and Panchayat Officer, Chhachhrauli. In collusion with the said Officers, about 90/100 acres of Panchayati land was illegally mined after cutting of Khair trees and despite repeated information by complainant, no action has been taken.

3. Tribunal considered complaint on 26.07.2022 but found it appropriate to obtain a factual report and constituted a joint Committee comprising:

- i. Director, Mines and Geology, Government of Haryana;
- ii. Haryana State Pollution Control Board (hereinafter referred to as '**HSPCB**');
- iii. Divisional Forest Officer (hereinafter referred to as '**DFO**');
- iv. Deputy Commissioner, Yamuna Nagar.

4. The said joint Committee was required to submit its report within two months. Pursuant to order dated 26.07.2022, Regional Officer, HSPCB, Yamuna Nagar on behalf of joint Committee submitted report dated 30.12.2022 stating that inspection of site was conducted on 06.10.2022. Assistant Mining Officer, Yamuna Nagar submitted a report based on inspection dated 06.10.2022 stating that at the time of inspection, no signs of fresh illegal mining in area was found; 25 acres of Panchayati land adjoining Mandewala and Devdhar Protected Forest is being used by Forest Department for plantation for last four years as informed by Forest Department; and office record shows that in year 2017-18, illegal mining was carried out, in respect thereof, several complaints for legal action were registered in P.S. Pratapnagar. Details of such actions given in the report of the concerned Mining Officer are as under:-

Sr. No.	Department Memo no. & Date	Concerned Official	Matter	Action Taken
1.	SPL-1 & 13.04.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the screening plant owners (M/s Dhillon Screening Plant Vill. Mandewala, M/s Shri Ganesh Screening Plant Vill. Mandewala, M/s Prithvi Screening Plant Vill. Kohliwala, M/s Neelkanth Screening Plant Vill. Kohliwala, M/s Universal Screening Plant Vill. Kohliwala, M/s Jai Mahaluxmi Screening Plant Vill. Kohliwala, M/s Kunti Screening Plant Vill. Kohliwala, M/s Devbhoomi Screening Plant Vill. Kohliwala) for doing illegal mining in the land of villages Kohliwala & Mandewala.	FIR No.46/ 14.04.2017
2.	SPL-2 &	Sh.Om Dutt	For taking legal action against	

	15.04.2017	Sharma, Mining Inspector	M/s Nanak Screening Plant Vill. Kohliwala, M/s Hariom Screening Plant Vill. Kohliwala, M/s Gori Shankar Screening Plant Vill. Kohliwala, M/s Mohit Stone Crusher Vill. Kohliwala and the persons namely Manga Ram S/o Prem Chand, Sonu S/o Prem Chand, Sandeep S/o Prem Chand, Ramesh, Rikhi Ram, Jasbir, Shiv kumar S/o Jai Pal, Shiv Dayal S/o Sh. Mohinder Singh, Sudhir S/o Sh. Subhash Chand & Sethpal S/o Sh. Atma Ram for doing illegal mining in the land of villages Kohliwala & Mandewala.	
3.	SPL-2 & 22.04.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the owner M/s Gori Shankar Screening Plant Vill. Kohliwala and the J.C.B owner for doing illegal mining in the land of villages Kohliwala & Mandewala.	
4.	SPL-1 & 24.05.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the owner M/s Dev Bhoomi Screening Plant Village Kohliwala And J.C.B owner for doing illegal mining in the land of villages Kohliwala & Mandewala.	FIR73/24.05.2017
5.	1861 &31.05.20 17	Sh. Rajiv Dhiman, Mining Officer	For taking legal action against the persons involved in illegal mining in the land of villages Kohliwala & Mandewala	
6.	SPL-1 & 06.06.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the persons Sh. Mahavir Singh S/o Sh. Bhagwan Singh, Sh. Mohit S/o Naresh kumar & Sh. Rohit S/o Mahavir Singh involved in illegal mining in the land of villages Kohliwala & Mandewala.	
7.	SPL-2 & 06.08.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the person Sh. Satish Kumar S/o Sh. Phool Singh involved in illegal mining in the panchayati land of village Kohliwala	FIR No. 125/15.08.2017
8.	SPL-III & 15.08.2017	Sh.Om Dutt Sharma, Mining Inspector	For taking legal action against the persons Sh. Manga Ram S/o Sh. Prem Chand & Sh. Suresh Kumar S/o Sh. Surta Ram involved in illegal mining in the land of village Mandewala.	FIR No. 126/15.08.2017

9.	2622 & 07.09.2017	Sh. Gurjeet Singh, Mining Officer	For taking action against the illegal mining in the panchayati land of Vill. Kohliwala by M/s Jai Santoshi Maa Screening Plant of Sh. Rishi Pal S/o Sh. Bachiter Singh as informed by BDPO, Chhachhrauli vide memo no. 3677 dt. 06.09.2017 to S.H.O Pratapnagar.	
10.	2651 & 13.09.2017	Sh. Gurjeet Singh, Mining Officer	For taking action against the illegal mining in the panchayati land of Vill. Kohliwala and Bhud Kalan done by Sh. Rishi Pal S/o Sh. Bachiter Singh, Sh. Rajinder S/o Sh. Sadhu Ram, Sh. Balinder S/o Sh. Pala Ram, Sh. Ram Pal S/o Sh. Sukkad, Sh. Rinku S/o Sh. Ajmer, Sh. Rajbir S/o Sh. Jai Pal, Sh. Ranbir S/o Sh. Dharm Singh & Sh. Parveen S/o Sh. Karnail also informed by BDPO, Chhachhrauli vide memo no. 3426 dt. 21.08.2017 to S.H.O Pratapnagar on which FIR already lodged by Police Station.	FIR No. 136/24.08.2017
11.	2689 &15.09.20 17	Sh. Gurjeet Singh, Mining Officer	For taking action against the illegal mining in the panchayati land of Vill. Kohliwala of Gram panchayat Bhud Kalan against Sh. Sanjay Kumar S/o Sh. Santosh Kumar of village Bahadarpur, Sh. Jasbir S/o Sh. Ilm Singh of village Niwazpur as informed by BDPO, Chhachhrauli vide memo no. 3783 dt. 12.09.2017 to S.H.O Pratapnagar	
12.	SPL-IV & 13.09.2017	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the screening plants (M/s Shree Ram Screening Plant, M/s Dev Bhoomi Screening Plant & M/s Mahaluxmi Screening Plant) and persons (Sh. Rajbir S/o Sh. Jai Pal, Sh. Sandeep S/o Sh. Prem Chand & Sh. Praveen S/o Sh. Karnail of village Kohliwala) involved in illegal mining in the panchayati land of village Kohliwala.	
13.	2880 & 10.10.2017	Sh. Gurjeet Singh, Mining Officer	For taking legal action against the illegal mining in the panchayati land of Vill.	FIR No. 180/11.10.201 7

			Mandewala done by Sh. Sethpal S/o Sh. Balwant Singh, Sh Rajkumar S/o Sh Dharm Singh, Sh Satish Kumar S/o Sh Dharm Singh, Atinder Singh S/o Sh. Sharaab Singh&Sh. Bhupinder Singh S/o Sh. Sharaab Singh as informed by BDPO, Chhachhrauli vide memo no. 4009 dt. 06.10.2017.	
14.	2933 & 10.10.2017	Sh. Gurjeet Singh, Mining Officer	For taking action against the illegal mining in the panchayati land of Vill. Kohliwala done by Sh. Jasbir S/o Sh. Imal Singh Vill. Niwazpur as informed by BDPO, Chhachhrauli vide memo no. 4006 dt. 06.10.2017.	
15.	SPL-I & 26.02.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking action against Ajay kumar S/o Sh. Rajkumar of village Dekriwala and M/s Gori Shankar Screening Plant Vill. Kohliwala carrying illegal mining in the panchayati land of Vill. Kohliwala	FIR No. 18/26.02.2018
16.	SPL-IV & 27.04.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Mandewala done by Sh. Raj Kumar S/o Sh. Dharam Singh as informed by BDPO, Khizrabad vide memo no.199 dt.23.04.2018.	FIR No. 88/29.05.2018
17.	SPL-V & 27.04.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Mandewala done by Sh. Satish Kumar S/o Sh. Dharam Singh' as informed by BDPO, Khizrabad vide memo no. 208 dt. 23.04.2018.	FIR No. 89/29.05.2018
18.	956 & 21.05.2018	Sh. Gurjeet Singh, Mining Officer	For taking action against the illegal mining in the panchayati land of Vill. Kohliwala done by Sh. Balwinder Singh S/o Sh. Lakhi Ram and Sh. Bhopal S/o Sh. Lakhi Ram Vill. Kohliwala as informed by BDPO, Chhachhrauli vide memo no. 253-54 dt. 01.05.2018 and 25556 dated 01.05.2018.	FIR No. 90/30.05.2018
19.	SPL-I & 08.06.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala done	FIR No. 102/08.06.2018

			by JCB driver Sh. Om Parkash S/o Sh. Ranjit Vill. Bhood Kalan and owner of Gupta Enterprises.	
20.	SPL-V & 04.07.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala done by Sh. Mahavir Singh S/o Sh. Bhagwan Singh Vill. Gulabgarh and Chaudhary Screening Plant, Kohliwala.	FIR No. 121/15.07.2018
21.	SPL-IV & 18.09.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala (Khasra No. 24//10, 11) done by Sh. Raj Kumar S/o Sh. Dharam Singh & Sh. Satish Kumar S/o Sh. Dharam Singh Vill. Mandewala.	FIR No. 166/20.09.2018
22.	SPL-I & 08.12.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Mandewala done by Sh. Mange Ram S/o Sh. Prem Chand & Sh. Anil Kumar S/o Sh. Samay Singh Vill. Mandewala.	FIR No. 180/22.10.2018
23.	SPL-II & 18.09.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Mandewala done by Sh. Bhupinder Singh S/o Sh. Sharaab Singh.	FIR No. 184/25.10.2018
24.	SPL-I & 08.12.2018	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala done by Sh. Rishipal S/o Sh. Bachiter Singh Vill. Kohliwala and M/s Jai Maa Santoshi Screening Plant, Vill. Kohliwala.	
25.	1245 & 11.07.2019	Sh. Sanjay Simberwal, Assistant Mining Engineer	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala done by tractor trollies of villagers of the Kohliwala.	
26.	1423 & 19.08.2019	Sh. Sanjay Simberwal, Assistant Mining	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala.	FIR No. 105/16.08.2019
27	1842 & 15.07.2020	Sh. Om Dutt Sharma, Mining Inspector	For taking legal action against the illegal mining in the panchayati land of Vill. Kohliwala done by Sh. Sham Lal, Parmal Vill. Kotda, Teh.	

			<i>Behat, Distt. Sharanpur as informed by BDPO Partapnagar vide memo no. 1240 dated 27.06.2020 & 3055 dated 02.07.2020.</i>	
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5. Authorities also caught a number of vehicles deployed for illegal transportation of minerals mined illegally and three years details of year 2017-18 to 2019-20 given in the said report reads as under:-

Sr. No.	Year	Vehicle Seized	Fine Recovered
<i>1</i>	<i>2017-18</i>	<i>320</i>	<i>₹56,44,925</i>
<i>2</i>	<i>2018-19</i>	<i>584</i>	<i>₹1,07,21,500</i>
<i>3</i>	<i>2019-20</i>	<i>597</i>	<i>₹2,58,80,180</i>

6. It is further stated that Mining Department has now installed check posts/nakas for checking of illegal transportation in District Yamuna Nagar. Police personals and Mining Officials have been deputed for checking of illegal mining in District under orders of Chairman, DLTFC-cum-DC, Yamuna Nagar.

7. It is also pointed out that complainant Balwinder Kumar has earlier sent a complaint in respect of illegal mining on Panchayati land of Village Kohliwala on 14.08.2017 and also registered same complaint on Chief Minister's Window Portal dated 21.09.2021 and 22.09.2021. Mining Department has also registered complaint for legal action vide Memo No. 956 dated 21.05.2018 against Balwinder Singh s/o Lakkhi Ram and Shri Bhopal s/o Lakkhi Ram, Village Kohliwala as informed by Block Development and Panchayati Officer, Khizrabad vide a Memo No. 253-54 dated 01.05.2018 and 255-56 dated 01.05.2018 as both were involved in illegal mining. Station House Officer, Pratapnagar had lodged FIR No. 90 dated 30.05.2018 in respect to the said complaint.

8. Joint Committee report further stated that land of village Kohliwala is adjoining to Mandewala Protected Forest. There is no legal/illegal mining on protected forest of Village Mandewala which is adjoining to Kalesar Range as per report received from District Forest Officer vide letter dated 10.10.2022.

9. Block Development and Panchayat Officer, Pratapnagar submitted report dated 10.10.2022 to Sub-Divisional Magistrate, Civil Bilaspur giving details of mining activities carried out on land in question since 1995 under permission/approval of Gram Panchayat, details of illegal mining activities and action initiated by Gram Panchayat, Bhudkala. Report also contains details of instances of felling/theft of trees, and action initiated by Gram Panchayat Bhudkala.

10. Joint Committee report was considered by Tribunal on 02.01.2023. It was observed that report did not contain any facts relating to running of screening plants as per environmental norms and no specific details are given in respect thereof. Tribunal thus, directed joint Committee to look into allegations relating to running of Screening Plants in violation of environmental norms, verify the facts particularly with regard to consent status and compliance with environmental norms and submit report within two months. Further, Tribunal impleaded following as respondents considering joint Committee report, giving details of large scale illegal mining and felling of trees leading to registration of number of First Information Reports:

1. State of Haryana, through Chief Secretary, Government of Haryana;

2. Principal Chief Conservator of Forest (HoFF), State of Haryana;
3. Director, Mines and Geology, Government of Haryana;
4. HSPCB;
5. Deputy Commissioner, Yamuna Nagar;
6. Superintendent of Police, Yamuna Nagar

11. Notices were issued to said respondents permitting them to file their responses. Respondents 1 to 4 were specifically directed to give information with regard to action already taken, further action to be taken for preventing illegal mining and illegal cutting of trees, assessment and realization of environmental compensation from violators and disciplinary action to be taken against defaulting officials of State Government or Panchayat etc.

12. Superintendent of Police, Yamuna Nagar- respondent 6 submitted its response dated 14.03.2023 stating that after receiving complaint from Mining and Geology Department, 22 cases were registered against defaulting stone crushers and other violators of Mining Rules. Further with regard to illegal mining and felling of trees, following two criminal cases were registered:-

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- 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.”*

13. FIR No. 181 dated 12.10.2017 relates to cutting of 40 Khair trees due to illegal mining and FIR No. 90 dated 30.05.2018 relates to illegal cutting of 60/70 Khair trees due to illegal mining. Against stone crushers i.e. Devbhumi Screening Plant, Jai Maa Laxmi Screening Plant and Jai

Maa Santoshi Screening Plant, three cases were registered, and 19 cases were registered against other persons found indulged in illegal mining. After receiving order dated 06.10.2022 from Deputy Commissioner, Yamuna Nagar, respondent 6 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 Special Police Officers/Home Guards; regular Police Patrolling and enforcement is being carried out in accordance with established norms; whenever any person/vehicle is found indulged in illegal mining, it is rounded up by Police and further necessary illegal action is taken in coordination with Mining Department. As per report dated 12.03.2023 received from Deputy Superintendent of Police, Yamuna Nagar-3, as on 11.03.2023, Police Personnel posted at Police Post Belgarh have taken into possession nine tractor-trolleys, three dumpers, two JCBs and one truck indulged in illegal mining and handed over to Mining Department for further necessary action. Director General of Police, Haryana vide message dated 19.09.2022 allotted 43 police officials to District Yamuna Nagar to keep a check on illegal mining in District. Out of these 43 Police Officials, 28 have been deployed at 7 different nakas in coordination with other Departments and remaining have been put on patrolling duty to curb illegal mining. Whenever information is received about illegal mining, even Reserve Police Force is deputed to take appropriate action. Regular meeting with Officials of different Departments with Deputy Superintendent of Police, Yamuna Nagar-3, who is the nodal officer of District Police, Yamuna Nagar are being held and measures to curb menace of illegal mining is discussed, executed and given effect to.

14. HSPCB i.e. respondent 4 submitted joint Committee report dated 20.03.2023 giving status of the Screening Plants/Stone Crushers mentioned in Tribunal's order as under:-

“2 Status of Screening Plants/Stone Crusher

a. *M/s Jai Shree Ram Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar:- The unit is screening plant and is covered under the Consent Management of HSPCB. Further, the screening plant in the State of Haryana are established in compliance of the provisions of the notification dated 10.03.2016 issued by Environment Department to Govt. of Haryana. There is provision in the notification dated 10.03.2016 regarding siting parameter. Accordingly the unit has obtained siting verification report from concerned Tehsildar, District Forest Officer and District Town and Country Planning Department. The siting verification report is attached as Annexure-R1. The copy of Consent to Establish granted by HSPCB vide no. HSPCB/YMN/1424 dated 17.08.2017 is attached as Annexure-R2. Consent to Operate obtained from HSPCB for the period from 01.04.2022 to 31.03.2027 vide no. HSPCB/Consent/: 318505022YAMCTO19961592 dated 13.01.2022 is attached as Annexure-R3.*

During the inspection by joint committee on dated 27.02.2023, it has been found that unit is complying with the provisions of the notification dated. 10.03.2016. The unit has provided 03 nos. of re- circulation tank to reuse the trade effluent generating from the process of washing and screening of river bed material. The unit has also provided green belt. The unit is complying with the conditions of Consent to Establish and Consent to Operate. Photographs of Jai Shree Ram Screening Plant

b. *M/s Dev Bhoomi Enterprises, Village Kohliwala, Tehsil Chhachhrauli, Yamuna Nagar: The unit is screening. plant and is covered under the Consent Management of HSPCB. The screening plant in the State of Haryana are established in compliance of the provisions of the notification dated 10.03.2016 issued by Environment Department, Govt. of Haryana. There is provision in the notification dated 10.03.2016 regarding siting parameters. Accordingly the unit has obtained siting verification report from concerned Tehsildar, District Forest Officer and District Town and Country Planning Department. The siting verification report is attached Annexure-R4. The copy of Consent to Establish granted by HSPCB vide no. HSPCB/Consent/: 318505016YAMCTE3358676 dated 14.09.2016 is attached as*

Annexure-R5. Consent to Operate 551 7 obtained from HSPCB for the period from 01.04.2021 to 31.03.2027 vide no. HSPCB/Consent/: 318505021YAM CTO11042323 dated 07.05.2021 is attached as Annexure-R6.

During the inspection by joint committee on dated 27.02.2023, it has been found that the unit is running after obtaining CTE/CTO from the board. The said unit is also complying with the provisions of the notification dated 10.03.2016. The unit has provided the 03 nos. of re-circulation tank to reuse the trade effluent generating from the process of washing and screening of river bed material. The unit has also provided green belt. Hence, the unit is complying with the conditions of Consent to Establish and Consent to Operate.

- c. M/s Jai Mahaluxmi Screening Plant, Village Kohliwala, Yamuna Nagar: The unit is screening plant and is covered under the Consent Management of HSPCB. The screening plant in the State of Haryana are established in compliance of the provisions of the notification dated 10.03.2016 issued by Environment Department to Govt. of Haryana. There is provision in the notification dated 10.03.2016 regarding siting parameter. Accordingly the unit has obtained siting verification report from concerned Tehsildar, District Forest Officer and District Town and Country Planning Department. The siting verification report is attached as Annexure-R7. The copy of Consent to Establish granted by HSPCB vide no. HSPCB/Consent/: 318505017YAMCTE3748687 dated 03.03.2017 is attached as Annexure-R8. The copy of Consent to Operate obtained from HSPCB for the period from 09.07.2020 to 31.03.2027 vide HSPCB/Consent/: 318505020YAM CT07849654 dated 10.07.2020 is attached as Annexure-R9.*

During the inspection by joint committee on dated 27.02.2023, it has been found that the unit is running after obtaining CTE/CTO from the board. The said unit is also complying with the provisions of the notification. dated 10.03.2016. The unit has provided the 03 nos, of re-circulation tank to reuse the trade effluent generating from the process of washing and screening of river bed material. The unit has also provided green belt. The unit is complying with the conditions of Consent to Establish and Consent to Operate.

- d. M/s Jai Santoshi Maa Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar:- The unit is screening plant and is covered under the Consent Management of HSPCB. The screening plant in the State of Haryana are established in compliance of the provisions of the notification dated 10.03.2016*

issued by Environment Department, Govt. of Haryana. There is provision in the notification dated 10.03.2016 regarding siting parameters. Accordingly the unit has obtained siting verification report from concerned Tehsildar, District Forest Officer and District Town and Country Planning Department. The siting verification report is attached as Annexure-R10. The copy of Consent to Establish granted by HSPCB vide no. HSPCB/YMN/1426 dated 17.08.2017 is attached as Annexure-R11. Thereafter, the unit has obtained Consent to Operate from the board for the period from 01.04.2021 to 31.03.2023 vide no. HSPCB/Consent/318505021YAMCT08459210 dated 19.01.2021 is attached as Annexure-R12. Consent to Operate obtained from HSPCB for the period from 01.04.2023 to 31.03.2025 vide HSPCB/Consent/: 318505023YAMCT032235609 dated 02.02.2023 is attached as Annexure-R13.

During the inspection by joint committee on dated 27.02.2023, it has been found that the unit is running after obtaining CTE/CTO from the board. The said unit is also complying with the provisions of the notification dated 10.03.2016. The unit has provided the 03 nos. of re-circulation tank to reuse the trade effluent generating from the process of washing and screening of river bed material. The unit has also provided green belt. The unit is complying with the conditions of Consent to Establish and Consent to Operate.

- e. M/s Shivalik Stone Crusher, Village Dolwala, Yamuna Nagar: The unit is stone crusher and is covered under the Consent Management of HSPCB. The stone crushers in the State of Haryana are established in compliance of the provisions of the notification dated 11.05.2016 issued by Environment Department, Govt. of Haryana. There are provisions in the notification dated 11.05.2016 regarding siting parameters. The unit was established in the year of 1996. The copy of Consent to Establish granted by the board vide no. HSPCB/4893 dated 16.12.1996 is attached as Annexure-R14. Consent to Operate obtained from HSPCB for the period from the board for the period from 11.05.2022 to 31.03.2023 vide no. HSPCB/Consent/: 313129222YAM CTOA21036086 dated 21.03.2022 is attached as Annexure-R15 and for the period from 01.04.2023 to 31.03.2024 vide no. HSPCB/Consent/: 313129223YAM CTOA31265802 dated 10.01.2023 is attached as Annexure-R16.

During inspection by joint committee on dated 27.02.2023, it has been found that the unit is running after obtaining CTE/CTO from the board. Samples of Air Emissions were also collected from the site of the unit on dated 27.02.2023 and as per analysis report

no. 260 dated 06.03.2023, the results are found within prescribed limits. Copy of Analysis Report is attached as Annexure-R17. The unit has provided adequate Pollution Control Devices as per notification dated 11.05.2016. The unit has provided wind breaking wall, covered shed, water sprinklers, green belt and metal road. The unit is complying with the conditions of Consent to Establish and Consent to Operate.”

15. The above report of HSPCB shows that five Proponents were complying with norms and no violation was found on their part by joint Committee.

16. Principal Chief Conservator of Forest, Haryana i.e. respondent 2 submitted its response dated 20.03.2023 stating that no illegal mining has been observed in Protected Forest. Department has also not found any illegal felling of Khair trees in areas of Kohliwala and Mandewala villages in last three years and in current years i.e. 2019-20 to 2022-23. However, there was some illegal felling of Khair trees in District Yamuna Nagar since 2019 to February, 2023 and details thereof are as under:-

“c. Illegal felling of Khair Trees in District Yamuna Nagar since year 2019 - February 2023

Details of all illegal felling of Khair during the last three years, in the whole of Yamuna Nagar District, with the details of number of trees felled, Forest Offence Report filed, FIR registered with Police Department against the offenders, compensation recovered in the form of compounding of the offence as per the provisions of the Act and the number of cases filed in this regard are as follows:-

Year	No of offences detected	No of Trees felled	No of FOR generated	No of FIR registered	No of cases compounded	Amt realised through compounding (Rs)	No of Court Cases filed
2019-20	54	174	54	28	10	51,734	9
2020-21	53	130	53	22	4	43,676	24
2021-22	52	95	52	30	5	2,69,738	22

2022.23	42	177	42	14	1	2,646	17
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17. For illegal felling of trees in September, 2021, disciplinary action was initiated against four officials i.e. one Forester and three Forest Guards, which is pending enquiry. Response of respondent 2 further detailed the activities it proposed to take up for preventing illegal felling of trees/mining in vulnerable areas of Yamuna Nagar, as under:-

“e. Activities proposed by Forest Department for preventing illegal felling / mining

The following activities are proposed by the Forest Department for preventing the illegal felling / mining in the vulnerable areas of Yamuna Nagar District.

- (i) *Intensifying patrolling during the vulnerable period, including night patrolling.*
- (ii) *Providing the contact numbers of officers concerned, to the local public and environmentalists, to receive any complaint of illegal felling of trees or mining activities.*
- (iii) *Proceeding against the violators in the Court.*
- (iv) *Creating awareness among the villagers on the environmental degradation due to such illegal mining and felling thereby seeking their cooperation for protection of the environment.”*

18. On behalf of respondents 1 and 3, a reply dated 22.03.2023 has been filed which states that out of five stone crushers/screening plants, three were found closed i.e. Devbhumi Screening Plant, Jai Maa Laxmi Screening Plant and Jai Maa Santoshi Screening Plant. Only remaining two i.e. Jai Shree Ram Screening Plant and Shivalik Stone Crusher were found operating. Further, with regard to sporadic incidents of illegal mining by local villagers, reports were lodged but no organized illegal mining incident was reported. Details of individual cases registered are as under:-

SR No	FIR No.	Dated	U/s	Complaint for FIR given by	Remarks
1	46	14.04.2017	379 IPC 21.4 (1) Mining Act	Mining Department	
2	73	24.05.2017	379 IPC 21.4 (1) Mining Act	Mining Department	
3	80	06.06.2017	379 IPC 21.4 (1) Mining Act	Mining Department	
4	125	15.08.2017	21.4 (1) Mining Act	Mining Department	
5	126	15.08.2017	21.4 (1) Mining Act	Mining Department	
6	130	20.08.2017	21.4 (1) Mining Act	Mining Department	
7	136	24.08.2017	21.4 (1) Mining Act	BDPO	
8	180	11.10.2017	21.4 (1) Mining Act	Mining Department	On complaint of BDPO
9	181	12.10.2017	21.4 (1) Mining Act	Mining Department	On complaint of BDPO
10	15	17.02.2018	21.4 (1) Mining Act	Mining Department	On complaint of BDPO
11	19	26.02.2018	379 IPC 21.4 (1) Mining Act	Mining Department	
12	88	29.05.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
13	89	29.05.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
14	90	30.05.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
15	102	08.06.2018	379 IPC 21.4 (1) Mining Act	Mining Department	
16	121	15.07.2018	379 IPC 21.4 (1) Mining Act	Mining Department	
17	166	20.09.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
18	180	22.10.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
19	184	25.10.2018	379 IPC 21.4 (1) Mining Act	Mining Department	On complaint of BDPO
20	25	23.02.2019	379 IPC 21.4 (1) Mining Act	BDPO	

21	105	16.08.2019	186,353,379 IPC 21.4(1)	Mining Department	
22	162	25.11.2019	186,353,379 IPC 21.4(1) Mining Act	BDPO	

19. It is also said that mining of minor minerals was sanctioned in June, 2015 but presently all the said leases have been terminated.

Details of these leases are given as under:-

Sr No	Blocks Name	Area (In Hect.)	Annuaal Capacity in Lac. MT	Date of Lol	Date of Start Mining	Status
1	Bhood Kalan Block YNR B19	12.62	2.59	19.06.2015	16.06.2016 Now start on 25.02.2019	Terminated Dt. 14.07.2022
2	Bhood Majra Block YNR B20	9.95	2.00	19.06.2015	12.08.2016 Now start on 25.02.2019	Terminated Dt. 14.07.2022
3	Kohliwala Block YNR B21 & 22	13.59	2.50	19.06.2015	11.08.2016	Terminated Dt. 10.12.2021

20. It is further stated that 1615 vehicles were seized in illegal mining and illegal transportation from August, 2019 to February 28, 2023 and for release of the vehicle, a sum of Rs. 17,90,65,142/- was realized as environmental compensation; Rs. 1,45,59,880/- as Royalty, price of mineral and fine and a total of 145 FIRs were registered from August, 2019 till February 28, 2023. State Government has also constituted a District Level Task Force Committee headed by Chairman-cum-Deputy Commissioner of District concerned and a State Level Task Force Committee headed by Chief Secretary, Government of Haryana to review actions taken against incidents of illegal mining. Regular meeting of these Committees are being held to review status of mining in District Yamuna Nagar.

21. By order dated 23.03.2023 after considering the above responses, Tribunal impleaded following five Proponents as respondents 7 to 11:

- (7) M/s Jai Shree Ram Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar,
- (8) M/s Dev Bhoomi Enterprises, Village Kohliwala, Tehsil Chhachhrauli, Yamuna Nagar,
- (9) M/s Jai Mahaluxmi Screening Plant, Village Kohliwala, Yamuna Nagar,
- (10) M/s Jai Santoshi Maa Screening Plant, Village Kohliwala, Khizrabad, Yamuna Nagar and
- (11) M/s Shivalik Stone Crusher, Village Doiwala, Yamuna Nagar

22. Respondent 6 filed further reply dated 29.01.2024 giving details of 22 reports registered under various provisions of the Mining Act during 2017-2019 and status of trial as under:-

Sr. NO.	FIR NO.	Dated	u/s	STATUS
1.	46	14.04.2017	379 IPC 21.4(1) Mining Act	Untraced
2.	73	24.05.2017	379 IPC 21.4(1) Mining Act	Cancelled
3.	80	06.06.2017	379 IPC 21.4(1) Mining Act	Acquitted
4.	125	15.08.2017	21.4(1) Mining Act	Acquitted
5.	126	15.08.2017	21.4(1) Mining Act	Untraced
6.	130	20.08.2017	21.4(1) Mining Act	Under Trial
7.	136	24.08.2017	21.4(1) Mining Act	Under Trial
8.	180	11.10.2017	21.4(1) Mining Act	Under Trial
9.	181	12.10.2017	21.4(1) Mining Act	Under Trial
10.	15	17.02.2018	21.4(1) Mining Act	Under Trial
11.	19	26.02.2018	379 IPC 21.4(1) Mining Act	Under Trial
12.	88	29.05.2018	379 IPC 21.4(1) Mining Act	Untraced
13.	89	29.05.2018	379 IPC 21.4(1) Mining Act	Cancelled

14.	90	30.05.2018	379 IPC 21.4(1) Mining Act	Under Trial
15.	102	08.06.2018	379 IPC 21.4(1) Mining Act	Under Trial
16.	121	15-07-2018	379 IPC 21.4(1) Mining Act	Cancelled
17.	166	20-09-2018	379 IPC 21.4(1) Mining Act	Cancelled
18.	180	22.10.2018	379 IPC 21.4(1) Mining Act	Cancelled
19.	184	25-10-2018	379 IPC 21.4(1) Mining Act	Cancelled
20.	25	23-02-2019	379 IPC 21.4(1) Mining Act	Cancelled
21.	105	16-08-2019	186,353,379 IPC21.4(1) Mining Act	Cancelled
22.	162	25-11-2019	186,379 IPC 21.4(1) Mining Act	Under Trial

23. Vide order dated 08.11.2023, Tribunal impleaded Gram Panchayat, Bhudkala through its Sarpanch and District Development and Panchayat Officer, Yamuna Nagar as respondents 12 and 13.

24. Respondent 12 and 13 filed their response dated 30.01.2024 giving status of First Information Report registered, which was already contained in reply submitted by respondent 6 and therefore, we are not repeating the same. It is also said that in 5 hectares land of village Kolhiwala, Forest Department has already carried out plantation and a proposal for other land for afforestation has been sent to District Forest Officer, Yamuna Nagar vide letter dated 05.05.2023.

25. Respondent no. 3 also filed its status report dated 30.01.2024 wherein it gave information with regard to status of five Proponents and their FIRs which we have already discussed above, hence not repeating.

26. Individuals replies have also been filed by respondents 7 and 11 vide e-mail dated 18.04.2024 wherein they have stated in brief that they are complying with statutory norms and environmental laws and there is no violation.

27. Respondent 8 has filed its reply dated 18.04.2024 stating that it has already closed.

28. We also find from record that with regard to Shamlat/Panchayati land in village Panchayat Bhudkala, a proposal has been made vide letter dated 12.06.2024 of Sarpanch Gram Panchayat for developing a Bio-diversity Park thereon and it is pending consideration before Deputy Commissioner, Yamuna Nagar pursuant to Deputy Forest Conservator Yamuna Nagar's letter dated 18.06.2024.

29. Tribunal on 19.04.2024 considered the material on record and directed respondent no. 1, State of UP to submit its response giving details of (i) steps taken for prevention of illegal mining; (ii) reclamation of illegally mined land; (iii) utilization of common land vesting in Gram Panchayat, Bhudkala, (iv) Status of all Khasra numbers of land with details regarding encroachment made, steps taken for removal of encroachment, (v) litigations pending regarding the same with all relevant details of present status/pendency of litigation and (vi) details regarding criminal cases pending with present status. HSPCB was also directed to look into the question of imposition and realization of environmental compensation from violators against whom first information reports were lodged and also reclamation/restoration and appropriate utilization of land illegally mined.

30. HSPCB has submitted its response dated 02.07.2024 annexing therewith a copy of letter dated 28.06.2024 of Block Development and Panchayat Officer, Pratapnagar who has submitted its report in respect to information sought by Tribunal from respondents 1 and 3 as under:-

“उक्त मामले बारे आप द्वारा मांगी गई वांछित सूचना निम्नानुसार आपकी सेवा में भेजी जाती है:-

1. ग्राम पंचायत की कुल 344 एकड़ 5 कनाल 10 मरले भूमि में से 129 एकड़ 6 कनाल 16 मरले भूमि में गैर मुमकिन रास्ते, हड्डा रोड़ी, गड्ढा खाद, बरसाती पानी की निकासी, स्कूल, शमशानघाट व कब्रिस्तान इत्यादि हेतु रिजर्व है तथा ग्राम पंचायत द्वारा 6 एकड़ 2 मरले भूमि को खेती हेतु पट्टा पर दिया जा रहा है व 12 एकड़ 4 कनाल 6 मरले भूमि पर वन विभाग के माध्यम से पौधा रोपण करवाया गया है तथा ग्राम पंचायत द्वारा प्रस्ताव न० 01 दिनांक 12.06.2024 के माध्यम से पंचायती भूमि जिस पर पुराने खदान दर्ज है पर पौधा रोपण या बायोंडाई-वरस्ती पार्क बनाने बारे प्रस्ताव पारित कर वन विभाग को भेजा गया है।
2. यूटिलाईजेशन प्लान की प्रति इस पत्र के साथ सलग्न करके आपकी सेवा में भेजी जा रही है।
3. ग्राम पंचायत की 116 एकड़ 1 कनाल 10 मरले भूमि पर नाजायज कब्जा है जिसमें से 111 एकड़ 3 कनाल 9 मरले पर लोगों द्वारा खेती की जा रही है व 4 एकड़ 6 कनाल 2 मरले पर झुग्गी झोपडियां आदि बनी हुई है। जिसमें ग्राम पंचायत भूडकला के गांव माण्डेवाला के खसरा न० 23//9, 17//13, 9//17, 16//8, 24//3, 8//11, 9//15/23/1,23/2, 23, 16//18/6, 9//16/1, 16/2, 24//3, 16//18/2, 24, 17//4, 24//2, 6//5/3, 23//8, 17//18, 31, 7//10, 11, 9//18/2, 23//22, 2//1, 2, 10/1, 19//1, 2, 24//10, 25//5, 6//5/2, 5/3, 6, 16//3/2, 4, 5, 6, 23//20/1, 20/2, 21, 16//18/3, 16//18/5, 3//25, 6//5/1, 5/2, 5/3, 7//1/1.7//1/2, 22//15, 23//11, 9//24, 25/1, 25/2, 24//13, 1//22, 23//18, 2//9, 10, 11, 3//15, 24//8, 6//15, 23//19, 16//18/8, 16//18/7, 13//5, 6, 7, 14//1, 16//7, 23//12, 12, 13, 17//12, 17//13, 19, 22, 19//10, 11/1, 23//9, 10, 9//24, 25/2, 25/3, 23//23, 9//17, 23//22, 2//20, 21, 3//16, 24//9, 6//16, 17, 24, 25, 7//11, 20, 21, 8//1, 9//4, 5, 17//23, 19//2, 3/1, 9/2, 23//1/1, 23//1/2, 2, 3, 16//17/1, 24, 24//1, 20//5/2, 23//19, 16//18/4, 16//13, 14, 15/1, 15/2, 22//6, 23//3, 11, 16//17/2, 18/1 लोगों के कब्जा में है। गांव बेलीभूड के खसरा (बेचिराग मौजा) न० 20//14/3, 15/1, 23/2, 24/2, 25/2, 18//12, 18/2, 19, 21, 22, 23, 26, 19//1, 8/2, 9, 10, 25, 20//5/2, 6/1, 24//2/2, 3/1, 4, 5, 6, 7, 8/2, 14/1, 18/1, 19/2, 22/2, 25//1/1, 2/1, 3/1, 18/1, 23/1, 29//11/1, 23//15/2, 20//5/1 लोगों के कब्जा में है। ग्राम पंचायत भूडकला के गांव कोहलीवाला के खसरा न० 13//12/2, 13, 14, 16, 17, 18 व खसरा न० 13//11, 12/1, 19, 20, 14//15, 16 लोगों के कब्जा में है। उक्त भूमि जो लोगो के कब्जा में है उनका कब्जा हटवाने के लिए कोर्ट केस विभिन्न न्यायालयों में दायर किये गये है।

न्यायालय का नाम	एरिया A-K-M	रिमाकर्स
सुप्रीम कोर्ट ऑफ इण्डिया, न्यू दिल्ली	71-4-1	केस दिनांक 23.08.2024 के लिए सुनवाई हेतु निश्चित है।
आयुक्त, अम्बाला मण्डल, अम्बाला	10-6-6	यह केस ग्राम पंचायत के विरुद्ध दिनांक 05.03.2024 को हो गया है। इस बारे सरपंच ग्राम पंचायत को अपील करने के निर्देश दे दिए गए है।

सहायक कलेक्टर प्रथम श्रेणी, यमुनानगर	31-6-16	केस दिनांक 17.07.2024 के लिए सुनवाई हेतु निश्चित है।
	114-1-3	

4. ग्राम पंचायत की पंचायती भूमि पर पिछले दो वर्षों से कोई अवैध खनन नहीं हुआ है और समयसमय पर ग्राम पंचायत द्वारा पंचायती भूमि में अवैध खनन को रोकने के लिए - पंचायती भूमि में जाने वाले रास्तों पर खाईयां खोद कर रास्ता को अवरूद्ध किया गया है - (फोटो संलग्न 1)। इसके अतिरिक्त पूर्व में जो पंचायती भूमि में अवैध खनन बारे शिकायत मिलती थी उस पर ग्राम पंचायत द्वारा तुरन्त प्रस्ताव पारित कर नियमानुसार कार्यवाही हेतु खनन व पुलिस विभाग से पत्राचार किया गया है।
5. ग्राम पंचायत भूडकलां द्वारा प्रस्ताव पारित कर वन विभाग को पौधा रोपण हेतु लिखा गया था, जिसमें वन विभाग द्वारा ग्राम पंचायत की खदान वाली भूमि में 12 एकड़ 4 कनाल 6 मरले भूमि पर पौधा रोपण किया हुआ है तथा अब ग्राम पंचायत द्वारा प्रस्ताव न० 01 दिनांक 12.06.2024 (प्रति संलग्न-2) के माध्यम से पंचायती भूमि जिस पर पुराने खदान दर्ज है पर पौधा रोपण या बायोडाईवर्सिटी पार्क बनाने बारे प्रस्ताव पारित कर वन विभाग - को भेजा गया है, (प्रति संलग्न-3)। इसके अतिरिक्त 6 एकड़ 2 मरले भूमि को ग्राम पंचायत द्वारा पट्टा पर दिया जा रहा है जिस पर पट्टेदार द्वारा फसल की बिजाई कर खेती की जा रही है।

यहां यह भी व्यक्त किया जाता है कि गांव कोहलीवाला की पंचायती शामलात भूमि बारे एक / अपील नम्बर 73/2019 माननीय न्यायालय मण्डल आयुक्त अम्बाला मण्डल में दायर की गई थी जिसका फैसला दिनांक 05.03.2024 को ग्राम पंचायत के विरुद्ध आया है और अब सरपंच ग्राम पंचायत भूडकला को इस कार्यालय के पत्र क्रमांक 5293 दिनांक 11.06.2024 के माध्यम से माननीय न्यायालय से सम्पूर्ण केस की नकल लेकर माननीय FCR Haryana में उक्त फैसले के विरुद्ध अपील दायर करने बारे लिखा गया है - (प्रति संलग्न 5)।”

“The desired information sought by you regarding the above matter is as follows:-

1. Out of the total 344 acres 5Kanal 10Marla land of the Gram Panchayat, 129 acres 6Kanal 16Marla land is reserved for non-motorable paths, bone road, pit manure, drainage of rainwater, school, cremation ground and cemetery etc. and 6 acres 2Marla land is being leased by the Gram Panchayat for cultivation and plantation has been done on 12 acres 4Kanal 6Marla land through the Forest Department and through proposal no. 01 dated 12.06.2024, the Gram Panchayat has passed a proposal to plant trees or make a bio-diversity park on the Panchayat land on which old mine is registered and sent it to the Forest Department.
2. A copy) enclosed(of the Utilization Plan is being sent to you with this letter.
3. There is illegal occupation on 116 acres 1kanal 10marla land of the Gram Panchayat, out of which 111 acres 3kanal 9marla is being

used for agriculture and slums have been built on 4acres 6kanal 2 marla. In which Khasra Nos. 23//9, 17//13, 9//17, 16//8, 24//3, 8//11, 9//15/23/1,23/2, 23, 16//18/6, 9//16/1, 16//2, 24//3, 16//18/2, 24, 17//4, 24//2, 6//5/3, 23//8, 17//18, 31, 7//10, 11, 9//18/2, 23//22, 2//1, 2, 10/1, 19//1, 2, 24//10, 25//5, 6//5/2, 5/3, 6, 16//3/2, 4, 5/6, 23//20/1, 20/2, 21//18/3, 16//18/5, 3//25, 6//5/1, 5/2, 5/3, 7//1/1.7//1/2, 22//15, 23//11, 9//24, 25/ 1, 25/2, 24//13, 1//22, 23//18, 2//9, 10, 11, 3//15, 24//8, 6//15, 23//19, 16//18/8, 16//18/7, 13//5, 6, 7, 14//1, 16//7, 23//12, 12, 13, 17//12, 17//13, 19//10, 11/1, 23//9, 10, 9//24, 25//23, 9//17, 23//22, 2//20, 21// 16, 24//9, 6//16, 17, 24, 25, 7//11, 20, 21, 8//1, 9//4, 5, 17//23, 19//2, 3/1, 9/2, 23//1/1, 23//1/2, 2, 3, 16//17/1, 24, 24//1, 20//5/2, 23//19, 16//18/4, 16//13, 14, 15/1, 15/2, 22//6, 23//3, 11, 16//17/2, 18/1 of Vill. Mandewala of Gram Panchayat Bhudkalan are in the illegal possession of people. Khasra No. 20//14/3, 15/1, 23/2, 24/2, 25/2, 18//12, 18/2, 19, 21, 22, 23, 26, 19//1, 8/2, 9, 10, 25, 20//5/2, 6/1, 24//2/2, 3/1, 4, 5, 6, 7, 8/2, 14/1, 18/1, 19/2, 22/2, 25//1/1, 2/1, 3/1, 18/1, 23/1, 29//11/1, 23//15/2, 20//5/ 1are in the illegal possession of people. Khasra No. 13//12/2, 13, 14, 16, 17, 18and Khasra No. 13//11, 12/1, 19, 20, 14//15, 16of village Kohliwala of Gram Panchayat Bhudkalan are in the illegal possession of people. Court cases have been filed in various courts to remove the illegal possession of the said land.

Name of Court	Area A-K-M	Remarks
Supreme Court of India, New Delhi	71-4-1	The case is fixed for hearing on 23.08.2024.
Commissioner, Ambala Division, Ambala	10-6-6	This case has been filed against the Gram Panchayat on 05.03.2024. Instructions have been given to the Sarpanch Gram Panchayat to file an appeal in this regard.
Assistant Collector Class-I, Yamunanagar	31-6-16	The case is fixed for hearing on 17.07.2024.
	114-1-3	

- There has been no illegal mining on the Panchayat land of the Gram Panchayat for the last two years and from time to time the Gram Panchayat has dug ditches on the roads leading to the Panchayat land to prevent illegal mining in the Panchayat land and blocked the roads (Photo attached-1). Apart from this, on the complaints received earlier about illegal mining in the Panchayat land, the Gram Panchayat immediately passed a resolution and wrote a letter to the mining and police department for taking action as per the rules.

5. *Gram Panchayat Bhudkalan had passed a resolution and written to the Forest Department for plantation of trees, in which the Forest Department has planted trees on 12 acres 4 Kanal 6 Marla land in the quarry land of the Gram Panchayat and now the Gram Panchayat has passed a resolution through proposal no. 01 dated 12.06.2024 (copy enclosed-2) to plant trees or make a bio-diversity park on the Panchayat land on which the old quarry is registered and sent it to the Forest Department, (copy enclosed-3). Apart from this, 6 acres 2 marla land is being leased by the Gram Panchayat, on which the lessee is sowing crops and doing farming.*

It is also stated here that an appeal number 73/2019 was filed in the Hon'ble Court of Divisional Commissioner, Ambala Division regarding the Panchayat / Shamlat land of village Kohliwala, whose decision has come against the Gram Panchayat on 05.03.2024 and now the Sarpanch Gram Panchayat Bhudkala has been written to take a copy of the entire case from the Hon'ble Court vide letter number 5293 dated 11.06.2024 and file an appeal against the said decision in the Hon'ble FCR Haryana (copy attached-5)."

31. On points number 1 and 6, mentioned in Tribunal's order dated 19.04.2024, status report has been given by Mining Officer vide letter dated 20.06.2024 as under:-

“(1) Point 1.: Steps taken for prevention of illegal mining:-

- a) *The department has launched a new e-Rawaana portal i.e., Haryana Mines & Geology Information System (HMGIS) for monitoring the sale/purchase record of all the mining contractors, screening plants and stone crushers. In this system weighbridge, vehicle and buyer mapping is mandatory for all the units and e-Rawaana is allowed to generate from any weighbridge only with CCTV photographs.*
- b) *It is mandatory to all the vehicles to obtained mineral transport permit (MTP) for transporting minerals in the state. The transportation of minerals from one place to another will be done only after the procurement of valid transit pass i.e. e-Rawaana from the source whose authenticity can be verified online through <https://mis.minesharyana.gov.in>.*
- c) *Wherever a mineral loaded vehicle is found to be transporting any mineral, in whatever form, without a valid mineral transit pass/e-Rawaana and excess mineral, it would be seized as per State Mining Rules, 2012 (Rule 102) in respective Police Stations of the district.*

- d) *Further, independent teams of Chief Minister Flying Squads, District Level Task Force Committee, mining and police department also keep regular check on illegal mining through surprise visits either during day or night time. In this regard that mining department has taken action under the relevant Acts/State Mining Rules, 2012 gets initiated to seize the vehicles and with the filing of a complaint by the team that has detected illegal mining during inspection/field checking with the Police Station. The complaint gets registered as a First Information Report and thereafter the Investigation Officer has to carry out investigation for collection of evidence before filing the Final Report/charge sheet before the concerned Court against the persons found to be involved in the act of illegal mining. Thereafter the prosecution is conducted by the Public Prosecutor and the cases are decided by the Hon'ble Court after considering the evidences produced.*
- e) *Regular monthly meetings of the District Level Task force Committee (DLTFC) headed by Chairman cum Deputy Commissioner, Yamuna Nagar is held to review the status of legal mines and illegal mining in the district Yamuna Nagar. Similarly, State Level Task Force Committee (SLTFC) meetings are held quarterly under the chairmanship of the W/Chief Secretary of Haryana.*
- f) *Recently, the State Government has formed the Haryana State Enforcement Bureau to curb the incidence of illegal mining and illegal transportation.*
- g) *The police post is opened in sensitive areas like Kohliwala Belgarh, particularly to curb the incidence of illegal mining and illegal transportation.*

(2) Point 6.: Details regarding the criminal cases pending with present status:-

The present status of all the lodged FIR's sent by the SHO, P. S. Partap Nagar vide e-Mail dated 25.06.2024 is attached herewith."

32. The documents appended in respect of point no. 6 give details of 22 FIRs which we have already taken note from reply of respondent no. 6, hence not repeating.

33. On the question of imposition of environmental compensation, HSPCB has stated that Standard Operative Procedure for imposition and

realization of environmental damage/compensation from units/persons involved in illegal mining has been revised. Vide order dated 30.04.2024 issued by Chairman, HSPCB, however, nothing was stated about computation or assessment of environmental compensation.

34. Tribunal considered matter on 19.07.2024 and observed that HSPCB has not taken any action under Environmental (Protection) Act, 1986 (hereinafter referred to as '**EP Act, 1986**') and other environmental statutes. Neither any punitive action by initiating criminal action was taken under provisions of environmental statutes nor any environmental compensation was imposed upon violators. Tribunal, therefore, made serious observations against HSPCB and directed Chief Secretary, Haryana to look into the matter and ensure appropriate action against erring officials.

35. Thereafter, a status report dated 22.09.2024 has been filed by Member Secretary, HSPCB giving details of computation of environmental compensation against certain violators found indulged in illegal mining as under:-

Sr No	Name of Violators	Amount of Environmental Compensation	Environmental Compensation Order No. and date
1	Sh. Om Parkash S/o Sh. Ranjit	Rs 6329664/-	HSPCB/YR/2024/15 49-1552 Dated 18.09.2024
2	Sh Ajay Kumar S/o Sh. Raj Kumar, Village Dekriwala, Sub-Tehsil Partapnagar, District Yamuna Nagar	Rs 1798200/-	HSPCB/YR/2024/15 44-1548 Dated 18.09.2024
3	M/s Gauri Shankar Screening Plant, Village Kohliwala, District	Rs 1798200/-	HSPCB/YR/2024/15 44-1548 Dated

	<i>Yamuna Nagar</i>		<i>18.09.2024</i>
<i>4</i>	<i>Sh. Mange Ram S/o Sh. Prem Chand , Village Kohliwala/Mandew ala, Sub Tehsil Partap Nagar, District Yamuna Nagar</i>	<i>Rs 39960/-</i>	<i>HSPCB/YR/2024/15 60-1564 Dated 18.09.2024</i>
<i>5</i>	<i>Sh. Suresh Kumar S/o Sh. Surta Ram, Village Kohliwala/Mandew ala, Sub Tehsil Partap Nagar, District Yamuna Nagar</i>	<i>Rs 39960/-</i>	<i>HSPCB/YR/2024/15 60-1564 Dated 18.09.2024</i>
<i>6</i>	<i>Sh. Mahavir Singh S/o Sh. Bhagwan Singh, Village Kohliwala/Mandew ala, Sub-Tehsil Partap Nagar, District Yamunanagar</i>	<i>Rs 3045951/-</i>	<i>HSPCB/YR/2024/15 53-1559 Dated 18.09.2024</i>
<i>7</i>	<i>. Sh. Mohit S/o Sh. Naresh Kumar, Village Kohliwala/Mandew ala, Sub-Tehsil Partap Nagar, District Yamunanagar</i>	<i>Rs 3045951/-</i>	<i>HSPCB/YR/2024/15 53-1559 Dated 18.09.2024</i>
<i>8</i>	<i>Sh. Balwinder Singh S/o Sh. Lakhi Ram Village Kohliwala, Sub Tehsil Partapnagar, District Yamuna Nagar</i>	<i>Rs 6797196/-</i>	<i>HSPCB/YR/2024/15 39-1543 Dated 18.09.2024</i>
<i>9</i>	<i>Sh. Bhopal S/o Sh. Lakhi Ram, Village Kohliwala, Sub Tehsil Partapnagar, District Yamuna Nagar</i>	<i>Rs 6797196/-</i>	<i>HSPCB/YR/2024/15 39-1543 Dated 18.09.2024</i>

36. Chief Secretary, Haryana has also filed its reply dated 23.09.2024 stating that observations made by Tribunal in its order dated 19.07.2024 were examined seriously and four erstwhile Regional Officers and four Assistant Environmental Engineers have been charge sheeted and departmental enquiries are pending against them. Further, Mining Department has also informed that disciplinary action against Rajeev, Jagdish, Gurdish, Bhupender and Ashok, Mining Officers and Sanjay, Assistant Mining Officer are pending.

37. Learned Counsel appearing for respondents, in view of the above, stated that since 2010, no mining activities were allowed in areas in

question and wherever any illegal mining was noticed, action has been taken. Only in 2015, some mining leases were granted but they have also been terminated and presently, no mining leases are operating in area in question. State is taking all possible steps for restraining illegal mining activities in the area in question and wherever any otherwise action has been found, stringent action has been taken.

38. Learned Counsel for HSPCB also stated that environmental compensation has already been imposed against violators/persons who were found engaged in illegal mining to the extent information and identification of those persons could be received by HSPCB; process of recovery of environmental compensation is under consideration; and appropriate steps shall be taken for expeditious recovery in coordination with Deputy Commissioner.

39. In these facts and circumstances, we are of view that no further monitoring or supervision is required in matter except that HSPCB in coordination with Deputy Commissioner, Yamuna Nagar shall take steps for recovery of Environmental Compensation, details whereof are already noted above, in accordance with law. State Authorities shall continue to ensure that no illegal mining is carried out in the area in question, particularly, in Reserved Forest area.

40. With regard to Panchayati land/Shamlat land in respect whereof Gram Panchayat Bhudkala has proposed development of Biodiversity Park, expeditious decision shall be taken by authorities concerned as such development will protect land from any possible illegal mining or felling of trees in area concerned.

41. We are also informed that a Biodiversity Board is operating in State of Haryana and land in question, proposed to be developed as Biodiversity Park, is a huge land, therefore, for its development, if a decision is taken in favour of development of said land as Biodiversity Park, involvement of Biodiversity Board shall also be made and further action may be taken in consultation thereof.

42. The Original Application is accordingly disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 24, 2024
Original Application No.446/2022
SN