

Item No. 07

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 174/2023(CZ)

Suo Moto Action on the News Paper Article Published in Dainik Bhaskar
Daily, Dated 27.11.2023 regarding illegal sand mining and killing of official on
duty in Shahadol, District of Madhya Pradesh

Vs.

State of Madhya Pradesh & Ors.

....Suo Moto

Date of Hearing: **06.09.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant (s): .

For Respondent(s): Mr. Mehul Bhardwaj, Adv.
Mr. Gauvanvit Jain, Adv.

ORDER

1. Learned Counsel for the State Mr. Prashant M. Harne by filing the reply on behalf of State of MP has submitted that on 25.11.2023 in Village Gopalpur, Tehsil Byohaari, District Shahol the Patwari Shri Prasnaan Singh was deputed and being retired army personnel was doing his duty from more than three days to control the illegal mining during day and night and when he saw the transportation of sand mining by a tractor, he tried to stop the vehicle but the driver of the vehicle crushed him and he died on the spot.

2. Thereafter First Information Report dated 26.11.2023 was registered in Police Station Devlod, District Shahdol against driver of the Tractor. That upon investigation 5 accused were identified and were duly arrested and further that the tractor was also seized.
3. It is further submitted that an amount of leave compensation to tune of Rs. 1,32,267/- and computation Rs. 55,552/- was paid to the family members of the deceased, according to the calculation made by the Tehsildar concerned. This tribunal vide order 05.12.2023 has observed as follows :

“The high handedness of sand mafias in the District Sahadol of Madhya Pradesh was highlighted by the newspaper article published in Dainik Bhaskar Daily dated 27.11.2023 regarding illegal sand mining and killing of official on duty named Mr. Prasanna Singh working as Patwari, Vyohari Sahadol MP, who was a retired army personnel and later on was appointed as Patwari and was deputed by the District Administration to control the illegal sand mining and transportation.

2. The deceased being Patwari and deputed to work and being retired army personnel was doing his duty from more than three days to control the illegal mining during day and night and when he saw the transportation of sand mining by a tractor, he tried to stop the vehicle but the driver of the vehicle crushed him and he died on the spot.

3. It is reported that there are repeated violations of environmental rules and illegal sand minings and the officers who are involved in the control of sand minings are crushed brutally by the sand mafias and necessary actions are not being initiated by the administration.

4. In light of the facts and the amount paid to the family of the deceased this Tribunal again on 08.04.2024 observed as follows :

“1. The District Magistrate under whom he was working has not taken due care about the penalty of Rs. 5,625/- against the sand mafia and further causing death of official on public duty.

2. It is mockery of the death and mockery of the system. District Magistrate, Shahdol is directed to examine the matter personally and to take necessary action against the sand mafias involved in sand mining without any authority.

3 The gratuity, pension, emoluments which are required to be paid by the Government to the deceased employee was according to prevalent rule but that does not mean that the person who joined the service is meant to be killed while on duty. A punitive action must be initiated against the violators and substantial amount of compensation not less than the amount calculated according to the parameter laid down in the Sarla Verma case (known for the parameter of payment of compensation) and it should be paid initially from the mining department for whose cause deceased laid his life.

4.. Mining department may recover the amount from the concerned person. District magistrate is directed to personally monitor this case, examine the matter and submit the report.

5. Compensation to the family members of the deceased who sacrificed his life to protect the interest of the State from the sand mafia should be reasonable and should be actual compensation. A reasonable compensation is required to be paid to members of the deceased. In the case of M.C. Mehta vs. Union of India (1987) 1 SCC, 395 Hon'ble the Supreme Court has held that we cannot adopt a hyper technical approach which could defeat the interest of justice. This Tribunal has on numerous occasions pointed out where

there is violation of fundamental or other legal right of a person or class of person who by reason of poverty or its availability or socially or economically this advantaged position can not approach a court of law for justice, it would be open to any public spirited individual or social action group to bring an action for vindication of the fundamental or other legal rights of such individual or class of individual. This can be done not only by filing a regular writ petition but also addressing a letter to the court. Coming to the quantum of compensation in exercise of summary jurisdiction and applying rule of thumb and on the principle to Sarla Verma (2009) 6 SCC 121 read with Pranay Sethi (2017) 16 SCC 680 and Uphar Tragedy (2014) 14 SCC 481 loss of income can be calculated on the basis of a monthly salary, pay, remuneration and multiplier which is applicable and on the above principle a minimum compensation to the tune of 15,00,000/- is required to be paid to the members of the deceased family/wife from the state mining department for whom the Parwari a retired Army Personnel sacrificed his life. Accordingly, District Magistrate is directed to proceed in accordance with law and submit the report within two weeks.

List it on **17th October, 2024.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

6th September 2024
O.A. No. 174/2023 (CZ)
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