

Item No.3

**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: **17.10.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL,, EXPERT MEMBER**

For Applicant (s): None

For Respondent(s): Mr. Prashant M. Harne, Adv.
 Ms. Parul Bhadoria, Adv.
 Mr. Om Shankar Shrivastav, Adv.

ORDER

1. 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. The matter was taken up by this tribunal and a committee was constituted to submit the factual and action taken report. In compliance thereof the members of the committee visited the site and submitted the report as follows :

“ Present Status of Sand Mining:-

Presently there is no sand mining activity occurring in Gopalpur village since many days. No sand mines have been allotted in this region because this land comes under the jurisdiction of Son Ghadiyal Wildlife Sanctuary & is a protected forest land up to the hillocks on the both side of Son River. For this area neither 'mining lease for sand mining is allotted by Collectorate Shandol nor CTE/CTO is issued by MPPCB,.Shandol.

Status of Soil Erosion:-

Soil erosion in general occurs when rains are heavy & flow of water through the field with high velocity. At the time of joint inspection, it is found that there is no soil erosion happened neither any conditions of soil erosion are found prevailing. The mining activity was not seen during inspection. The river bed of Son River is full of sands.

Status of the Roads:-

The road connecting from the village road to the inspection site was a Kachchii road. Two trenches were dug by the Mining Department to stop the movement of tractor trolleys transporting illegally mined sand. After unfortunate incident on 25.11.2023.

No machinery and vehicles for transportation were found in the area during joint inspection.

Status of Ground Water:-

Ground water level is at satisfactory level & water availability for the village is sufficient due to presence of Son River & availability of conduits from Bansagar Darn. No depletion of ground water table has been observed.

Status of Agricultural Crops:-

The agriculture crops in the village Gopalpur area mainly categorized as Khariff and Rabi Crops. Rice, wheat, is the main agricultural food crop and mustard, Gram, Dal, Peas also .cultivated. The sediment in the form of river bed material i.e. sand has deposited in the last many years as a process of sedimentation. Sand beds have been formed at various places hindering the flow of water and excess deposition had changed the shape of river. Because of this, during monsoon season, the water may rise above the high flood level causing water from River Son to enter into nearby agricultural fields. Such disasters may damage large tracts of land laying on the banks of the river especially the agricultural land. No adverse impact on agriculture field due to illegal mining is envisaged.

Status Regarding Deforestation:-

There was no sign of cutting of any type of trees, vegetation etc. found on the site or near the site. No trees Stumps were found on the site. Well grown trees of various native variety ex.- Khamar, Plash, Babul etc. were seen on both sides of the river.

Status of Pollution in the area:-

In the nearby areas of the mining spot no spillage or collection of any type of chemical waste & oil waste was found. During inspection no adverse effect on neither environment or any sign of pollution be it air pollution, water pollution or noise pollution was seen. Since water is not used in process of sand mining hence no waste water is generated for the process and also because no use of fossil fuel in sand mining process, there is no

emission of gases like CO₂, NO, SO₂ etc in mining activities. No scope of river water pollution was found as the spot of mining was far from the stream of river about 75-100 meters. No change in shape of river bed has occurred/observed due to the illegal mining activity. The air quality around the area was good. No traces of any type of harm to environment were found,

Action Taken by Mining Department of Shandol:-

- i. Director, Sanjay Gandhi Tiger Reserve,. Sidhi was requested to take strict action to stop illegal sand mining and transportation being carried out in protected forest land - under Son Ghadiyal Wildlife Sanctuary vide Letter No. 645 dated 14.09.2023,
- ii. Task Force Committee Meeting was scheduled by Mining Officer, Shandol regarding the matter of illegal sand mining activities in the district vide Letter No. 695 dated 06.10.2023.
- iii. Director, Sanjay Gandhi Tiger Reserve, Sidhi (Son Ghadiyal), was requested to take strict action to stop illegal sand mining and transportation being carried out in protected forest land under Son Ghadiyal Wildlife Sanctuary vide Letter No. 884 dated 22.11.2023.
- iv. Director, Sanjay Gandhi Tiger Reserve, Sidhi (Son Ghadiyal), was directed to take strict action against people involved in illegal sand mining in Son Ghadiyal Sanctuary area vide Letter No. 887 dated 27.11.2023. [Annexure-81
- v. Section 144 of IPC was imposed in the affected area vide Order No, 847 dated 06.12.2023.
- vi. The Regional Head; Directorate of Geology & Mining, Regional Office, Rewa was instructed for continuous monitoring by flying squad in-charge Rewa/Shandol to prevent illegal excavation/ transportation vide Letter No. 917 dated 08.12.2023.
- vii. Two check posts installed with CCTV cameras are established one in Sukhad (before Son River Bridge) & other

in Bairihayi (before Bridge on Banas River). Executive order No. 918 dated 09.12.2023 was issued to ensure its establishment and operation.

- viii. Two trenches were excavated obstructing the path to stop movement of tractor trolley from the excavations site.
- ix. A proposal for imposing penalty and environmental compensation has been presented to the Collector, Shandol by the Mining Inspector, Shandol, Copy of the proposal is enclosed.
- x. Various vehicles involved in transportation of illegally excavated sand have been seized & penalty & environmental compensation has been imposed & the penalty amount has been collected

The family of the Late Shri Prassanna Singh was taken care off with swift actions as follow:-

- i. An Ex-gratuity amount of Rs. 50000.00/- (Fifty Thousand Rupees Only) was granted to legal heir/nominee Shrimati Gunja Singh wife of Late Shri Prassanna Singh by the concerned Tehsildar of Tehsil Beohari vide order no. 539 dated 27.11.2023.
- ii. Total amount of Rs. 187879.00/- (One Lakh Eighty Seven Thousand Eight Hundred & Seventy Nine Only) for 155 days of Earned Leaves was sanctioned by concerned Tehsildar of Tehsil Beohari vide order no. 559 dated 28.12.2023.
- iii. Legal heir nominee Shrimati Gunja Singh was granted the insurance amount of Rs. 250000.00/- (Two Lakh Fifty Thousand Rupees Only) under M.P. Government Service (Employees Insurance Cum-Saving Scheme) by concerned Tehsildar of Tehsil Beohari vide order no. 539 dated 27.11 .2023.
- iv. Nominated Beneficiary Shrimati Gunja Singh wife of Late Shri Prassanna Singh was granted the benefits of Rs. 10198.00/- (Ten Thousand One Hundred Ninety Eight

Rupees Only) as per Sah Awadhi Sah Beerna Yojana 2003 run by MP Government by concerned Tehsildar of Tehsil Beohari vide order no. 561 dated 28.12.2023.

The Action taken by MPPCB to stop/halt illegal mining happening in the District Shandol is as follows:-

- i. District Mining Officer was requested to take action against illegal sand mining occurring in the District vide Letter No, 3330 dated 20.11.2023.
- ii. District Mining Officer, Shaikh)! was requested to provide details of the cases registered and action taken against illegal sand mining incidents vide Letter No. 3463 dated 04.11.2023.
- iii. Superintendent of Police of all the districts in Shandol Division were intimated to take action against illegal sand mafias to discourage any further illegal activities related to sand mining in district vide Letter No. 3541 dated 07.12.2023.
- iv. Environmental Compensation notice was written to Mr. Narayan Singh,, Maihar (Owner of Tractor used for illegal sand mining) & Mr. Shubham (Driver of tractor used for illegal sand mining) vide Letter No. 3539 dated 07.12.2023 & Letter No. 3553 dated 08.12.2023 through. concerned police station.
- v. Environmental Compensation proposal was submitted to H.O., MPPCB, Bhopal via letter No 3769 dated 02.01.2024. fAnnexure-221

Conclusion:-

- i. No damage was done to the surrounding environment near the spot of crime.
- ii. No traces of pollution were found in the surrounding areas,
- iii. The illegal excavation 'of sand was done but the extent of excavation was not to huge so as to cause any major environmental damages or major loss in revenue due to this activity.
- iv. Regular steps have been taken by the competent authorities to curb the illegal excavation of sand in term of increased surveillance, establishment of check posts and construction of trench along approach roads.

Recommendations:-

- I A common police chowki should be sanctioned for all the related districts Shandol, Satna & Sidhi in the buffer zone where the illegally operated vehicles can be parked after seizing them for further processing.
 2. Son Ghadiyal Sanctuary Management to deploy patrols in their protected areas which are quite far from general population.
 3. Regular patrolling shall be done by forest department in areas which comes under protected forest land & local police & mining department in the revenue land.
 4. Local Police administration & RTO shall be vigilant to stop & sein any vehicle transporting sand without proper transit pass.
 5. Full fledged police station should be established in nearby town Budhwa to effectively control illegal mining in on Ghariyal Wildlife Sanctuary area related to Shandol District.
5. The matter was again taken on 09.02.2024 and on the issue of compensation and penalty for the lease of vehicles involved in the illegal mining was discussed as follows :

“The issues with regard to the seizure and the release of vehicles involved in the illegal mining and parameter for assessment of environmental compensation was taken up by Principle Bench of this Tribunal in Original Application No. 360 of 2015. Relevant paras are quoted below:

“Seizure and Release of vehicles involved in illegal mining

“8. Another issue bearing on the enforcement mechanism is the action against the vehicles used in illegal sand mining. Seizure of such vehicles is required and release of seized vehicles lightly defeats the purpose of the coercive measures. Since the vehicles are in a way weapon of offence, the same cannot be dealt with in the manner disputed property is dealt with under section 451 Cr.PC. by releasing the same in favour of the ostensible owner by taking an entrustment/indemnity bond/sapurdginama. In Sujit Kumar Rana, (2004) 4 SCC 129 and order dated 26.03.2019 in Cr. A. 524/2019, State of Madhya Pradesh v. Uday Singh, it was held that special procedure for seizure and release of such vehicles prevails over the

procedure under Section 451 Cr.P.C. This Tribunal earlier directed, in the case of illegal mining in Meghalaya that such vehicles should be released only on the payment of 50% of the showroom value. The same was affirmed by the Hon'ble Supreme Court in 2019 (8) SCC 177. Similar order was passed by the Tribunal on 10.01.2019 in O.A. No. 670/2018, Atul Chouhan v. State of U.P., which stands affirmed by the Hon'ble Supreme Court vide order dated 07.05.2019 in C.A. No. 1590/2019. Thus, the procedure under Cr.P.C. for release of vehicles on superdari without stringent conditions would not apply in respect of action taken for enforcement of Sustainable Guidelines issued under the Environment (Protection) Act, 1986 (EP Act) and for enforcement of orders of this Tribunal under Section 15 of the National Green Tribunal Act, 2010 (NGT Act). However, having regard to the difficulty expressed by the State that requirement to pay 50% of the showroom value of the vehicle was resulting in vehicles not being released at all, the earlier order was modified on 19.02.2020 to the effect that following scale of amount be recovered for release of the seized vehicles:-

Sr. No.	Category of Vehicle	Penalty Amount
1	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	Rs. 4 lacs
2	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	Rs. 3 lacs
3	For the remaining Vehicles older than 10 years/Equipments/Excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	Rs. 2 lacs
Note – I: On repetition of the offence by the same vehicle/ equipment, Order dated 05.04.2019 will be applicable. Note – II: The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.		

9. Following further directions were issued :-

“6. The State may issue an appropriate Office Order/Rule to the above effect and publish the same. Needless to say that any private contract between a financier and a debtor cannot affect the States’ sovereign power to protect the environment and take incidental coercive measure for enforcement of rule of law. Lien of the State will override any private interest. The above compensation regime will be over and above any existing Rules or provisions. The amount collected

may be remitted to the State PCBs/PCCs for being utilized for restoration of the environment.

7. The above course of action will be permissible to all the States at their option.”

Scale of compensation for violations on polluter pays principle

10. *Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020. On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment. CPCB did the exercise by constituting an expert Committee.*

Interaction for Effective enforcement

25. *The above discussion shows that the problem has defied solution and unless tackled seriously, damage to the environment will continue. Clear road map is thus required with effective monitoring mechanism. Report of the Oversight Committee for UP and affidavit of the State of MP, the report from Rajasthan and some other States also show that effective mechanism is lacking. For clarity on all issues, periodic interaction of stake holders, particularly the enforcement authorities is required. This will also facilitate engagement of accredited agencies/experts for preparing DSRs/replenishment*

studies. In the Central Government, the concerned authorities include Mining Ministry, Environment Ministry, Jalshakti Ministry and CPCB. In States, Departments of Mining, Environment, SEIAA, PCB and District Magistrates.

6. Notices were also issued to the respondents and respondent no. 2/MPPCB has filed the reply as follows :

“Reply on merit wrt to the application by MPPCB (Respondent No. 4):-

- i. As per the observation of Joint Committee constituted by Hon'ble NGT no traces of pollution were found on the scene of crime. Presence of no chemical accumulation of garbage/solid waste etc.
- ii. There is no use of water in process of sand mining hence no waste water generated from the process of sand mining and also because no use of fossil fuel in sand mining process, there is no emission of gases like CO₂, NO, SO₂ etc.
- iii. As per the observation of Joint Committee constituted by Hon'ble NGT Son River is a perennial river. Presently the flow of water in Son River near Gopalpur Village, Beohari Block is observed to be usual. Illegal mining done is limited to shallow depth which has not disturbed ground water table. No depletion of Ground Water table has observed.
- iv. As per the observation of Joint Committee constituted by Hon'ble NGT soil erosion in general when rains are heavy and water flows through the field with high velocity. Short duration of mining in the month of November (Non Monsoon Season), where no rain happens does not seems to have impacted soil erosion. At the time of Joint Inspection it was found that there is no soil erosion happening neither any condition of soil erosion is found. No illegal mining activity was found to be in operation during Joint Inspection. The river bed of Son River is found to be full of sand.

v. The area in question comes under the jurisdiction of Son Ghariyal Wildlife Sanctuary as per Gazette Notification S.O.4030(E) dated 13 December 2016.

2. The action taken by MPPCB to stop/halt illegal mining happening in the District Shahdol are as follows:-

i. District Mining Officer was requested to take action against illegal sand mining occurring in the District vide Letter No. 3330 dated 20.11.2023.

ii. District Mining Officer, Shahdol was requested to provide details of the cases registered and action taken against illegal sand mining incidents vide Letter No. 3463 dated 04.12.2023.

iii. Superintendent of Police of all the districts in Shahdol Division were intimated to take action against illegal sand mafias to discourage any further illegal activities related to sand mining in district vide Letter No. 3541 dated 07.12.2023.

iv. Environmental Compensation notice was written to Mr. Narayan Singh, Maihar (Owner of Tractor used for illegal sand mining) & Mr. Shubham (Driver of tractor used for illegal sand mining) vide Letter No. 3539 dated 07.12.2023 & Letter No. 3553 dated 08.12.2023 through concerned police station.

v. Environmental Compensation proposal was submitted to H.O., MPPCB, Bhopal via letter No 3769 dated 02.01.2024.

3. In District Shahdol allotment of Sand Mines to various contractors is done through online tendering process. It is carried out by Madhya Pradesh State Mining Corporation Limited. The delay in allotment of sand mines to contractors occurred due to conflict in price for tender & due to implementation of Model Code of Conduct for the upcoming M.P. Vidhansabha Elections 2023. Due to this delay and increasing demand of sand for various construction purposes, the Sand Mafia gained an opportunity to take advantage of this situation and may be indulged in illegal sand mining which led to the death of Government Official on duty Shri Prasanna Singh working as a Patwari, in Beohari, District Shahdol (M.P.).

4. That it is necessary to mention that with regards to illegal sand mining the authority and powers to stop, take action against illegal sand mining lies with the administration or mining department. The related clauses in various acts containing the information regarding power distribution to stop illegal mining, take actions etc. are as follows :-

A. Power of seizing machine, tools machinery wrt illegal Mining

i. Collector or Officer authorized for this purpose as per Para 2

Section 20 (1) of Madhya Pradesh Sand (Mining, Transportation, Storage & Trading) Rule, 2019 "Provided that if penalty amount imposed is not deposited by the illegal extractor, then Collector or Officer authorized for this purpose may confiscate and auction the seized mineral, vehicle, machines and tools".

ii. The Collector or any Officer authorized for this purpose as per Para 1 Section 53 (2) of Madhya Pradesh Minor Mineral Rules, 1996 "Whenever any person is found extracting or transporting mineral in contravention of the provisions of these rules the Collector/Additional Collector/ Joint Director/Deputy Director/Mining Officer/Assistant Mining Officer, or any Officer authorized by him or Zila/Janpad/Gram Sabha] may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence".

B. Power of Releasing/Forfeiting Machinery engaged/involved in illegal mining

i. The Collector or any Officer authorized for this purpose as per Para 1 Section 20 (1) of Madhya Pradesh Sand (Mining, Transportation, Storage & Trading) Rule, 2019 "On receipt of information about illegal mining, the Collector or Officer authorized for this purpose, shall seize mineral, vehicle, machine, tools etc. and case shall be submitted, before the Collector. During the pendency or before taking final decision of the registered case, if any application for compounding the case is received, the Collector may dispose of the case after applicant depositing an amount equal to 25 times of royalty of the excavated mineral. During this period, if application/consent is not received, Collector shall impose penalty, 50 times of the royalty of mineral excavated. On deposit of compounding amount or penalty amount, the seized mineral, vehicle, machines, tools, may be released".

ii. **The Collector or any Officer authorized for this purpose as per Para 1 Section 53 (4) of Madhya Pradesh Minor Mineral Rules, 1996** "The property so seized under sub-rule (2) may be released by the officer who seized such property on execution of a bond to the satisfaction of the officer by the persons from whose possession such property was seized. It shall be produced at the time and at the place when such production is asked for by such officer: Provided that where a report has been made to the Magistrate under sub rule (3) then the seized property shall be released only under the orders of such Magistrate"

C. Power of confiscating illegal mine material

i. Collector or Officer authorized for this purpose as per Para 2 Section 20 (1) of Madhya Pradesh Sand (Mining, Transportation, Storage & Trading) Rule, 2019 "Provided that if penalty amount imposed is not deposited by the illegal extractor, then Collector or Officer authorized for this purpose may confiscate and auction the seized mineral, vehicle, machines and tools".

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Collector/Additional Collector/ Joint Director/Deputy Director/Mining Officer/Assistant Mining Officer, or any Officer authorized by him or Zila/Janpad/Gram Sabha] may seize the minor minerals and its products together with all tools, equipments and vehicles used in committing such offence"

iii. Under the Section 102 of CrPC Act, "Power of police officer to seize certain property.—(1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence".

iv. Therefore respondent no.-04 humbly requests the inclusion of The Police Department as a potential respondent, considering their role in addressing any unlawful activities within the jurisdiction of the respective Police Station, Deolond, under whose jurisdiction Gopalpur Village and nearby town Budhwa exist. Given the unfortunate incident involving the government employee, this issue pertains primarily to matters of law and order. Additionally, we propose the inclusion of the Field Director of the Son Ghariyal Sanctuary as a respondent, given their territorial jurisdiction, which could aid in monitoring and play important role in preventing incidents of unauthorized mining in the area.

7. Considering the reply submitted by the State PCB, this Tribunal vide order dated 08.04.2024 directed the authorities as follows :

“4.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 meant 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 has life.

5. 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.”

8. Learned Counsel for the State of Madhya Pradesh has filed the reply and submitted that Patwari Shri Prasanna 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. 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. Thereafter paid leave compensation amounting Rs. 1,32,267/- and computation of inflation amounting Rs. 55,552/- was paid to the family of the deceased Patwari vide order dated 28.12.2023 of Tehsildar Beohari District Shahdol. Furthermore, computation of insurance under Saavadhi Sahbeema Yojna 2003 amounting to Rs. 10,198/- was paid to the family of the deceased Patwari vide order dated 28.12.2023 of Tehsildar Beohari District Shahdol. after the demise of late Patwari, a compassionate appointment is to be made of deceased Patwari's wife Mrs. Gunja Singh. On Mrs. Gunja Singh's request to be posted in Satna, the proceedings for compassionate appointment are pending before the Collector office, Satna. The said illegal mining occurred in prohibited area of Son River at Son Ghadiyal Sanctuary Rampurnaikin which comes under the authority of Collector Shahdol.

9. In view of above reply, the Tribunal considered the matter and passed the order on 06.09.2024 as follows :

“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 :

“1. 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. 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 4 O.A. 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. 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.

10. In compliance of the above order the Learned Counsel for the State Mr. Prashant M. Harne has filed the action taken report with the report of District Magistrate Shahdol and submitted that District Collector, Shahdol vide letter No. 19/Mining/2024/1121 dated 17.09.2024 has sanctioned a minimum compensation of INR 15,00,000/- to the family /wife of the deceased Patwari. The District Collector, Shahdol vide Letter No. 19/Mining/2024/1120 dated 17.09.2024 has sought opinion from the Standing Counsel, National Green Tribunal, State of Madhya Pradesh for the exact quantum of compensation to be paid to the family /wife of the observed the same shall be duly paid to the family /wife of the deceased Patwari
11. We have gone through the records a reasonable compensation of rs. 15,00,000/- has been paid to the family members of the deceased and the Collector has initiated to provide the employment thus matter with

regard to payment of compensation is closed. However, District Magistrate is directed to ensure the payment of compensation and compensate appointment. We direct the State department and mining department to implement the recommendation of the committee and to ensure with regard to establishment of police chowki in the buffer zone of District Shahdol, Satna and Sidhi to control the illegal operation, protection of mines. Son Ghadiyal Sanctuary Management is directed to deploy staff in their protected areas which are quite far from general population. There should be regular patrolling by the forest department in the areas which comes under protected forest land and the local police and mining department in the revenue land. Local Police Administration and RTO Shall be vigilant to stop any vehicle transporting sand without proper transit pass. The Senior Superintendant of Police, Shahdol is directed to ensure establishment of full fledged police station in nearby town Budhawa to control the illegal mining in Son Ghariay Wildlife Sanctuary in District Shahdol.

12. With these observations the O.A. No. 174/2023 (CZ) stands **disposed** of.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

17th October 2024
OA. No. 174/2023(CZ)
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