

Item No. 6

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

Original Application No. 136/2023(CZ)

Gaur Singh Nishad & Anr.

Applicant(s)

Vs

State of Chattisgarh & Ors.

Respondent(s)

Date of Hearing: **06.02.2024**

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

For Applicant(s):

None.

For Respondent(s):

Ms. Parul Bhadoria, Adv.

ORDER

1. This letter petition has been filed by Gaur Singh Nishad S/o Lt. Dhruvram Nishad and Bhokhan Lal Sahu S/o Tannuram Sahu, resident of village Sialdeep, Tehsil-Kurud, District, Dhamtari, Chhattisgarh with the facts that illegal sand mining is being done by the violators of law and respondents named in the application from the Mahanadi in the village Sialdeep by using JCB and dumping the sand on the roads and using it for commercial purposes.
2. The matter was taken up by this Tribunal on 11.10.2023 and the report was called from the joint committee consisting Collector, District - Dhamtari, Chhattisgarh and one representative from State Pollution Control Board.
3. In compliance thereof, the joint committee has submitted the report with the facts :-

- i. "That on 13.12.2023 an on-site inspection was conducted by the Joint Committee in the presence of the complainant and a Panchnama dated 13.12.2023 was*

prepared. It is pertinent to note here that neither any illegal sand mining nor illegal storage of sand was observed at the complaint site in the village of Sialdeep.

- ii. The Tehsildar, Kurud, District-Dhamtari (Chhattisgarh), vide letter dated 20.12.2023, conducted demarcation and sent the report to the Office of the Collector (Mining Department), District-Dhamtari (Chhattisgarh) wherein, the government land bearing Khasra number 939, with an area of 70.69 hectares, located in the village Saildeep, is recorded in the revenue records as submerged under water (Mahandi River). Additionally, it has been noted in the report that there is no evidence of unauthorized sand excavation in the aforementioned area.*
- iii. That the Joint Committee reviewed the information presented vide letter dated 26.12.2023, issued by the Office of the Collector (Mining Department), District-Dhamtari (Chhattisgarh). Wherein it was recorded that from the period of 17.10.2018 to 14.06.2019, a sand mining lease was granted to the village Saildeep, at Khasra number 939, with a total area of 70.69 hectares, out of which 5.00 hectares were approved for sand excavation. The operation of the mine was carried out by the Gram Panchayat Saildeep and amount of 17,00,000/- INR was received by the Gram Panchayat as revenue from the mining operation. Furthermore, in the village Saildeep, permission for sand storage has been granted to the resident of Paragbade at Khasra number 154/1.2, covering an area of 0.86 hectares, for a duration from 27.05.2021 to 26.05.2024, encompassing 14790 cubic meters.*
- iv. In the light of the above facts, the Joint Committee is of the opinion that no evidence of illegal sand excavation or unauthorized sand storage has been found in village Saildeep and therefore, no other action is proposed in relation to the case.”*

4. The report is attached with the signature of more than 12 persons of the village supporting the report.
5. In view of the above facts and the report submitted by the State Pollution Control Board no illegal mining has been reported. Action has been taken by the authorities concerned. No further action is required at present by this Tribunal.
6. The **Original Application No. 136/2023 stands disposed of** accordingly.

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

06th February, 2024
O.A. No. 136/2023 (CZ)
PN