

Item No.2

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

Original Application No.196/2023(CZ)

Gaur Singh Nishad

Applicant(s)

Vs.

State of Chhattisgarh & Ors.

Respondent(s)

Date of Hearing: **03.01.2024**

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

For Applicant(s): None

For Respondent(s):

ORDER

1. By means of filing this petition the applicant has raised the issue of illegal sand mining and violation of EC guidelines regarding excavation and mining of sand by the respondent in gram Saildeep, Kurud, Dhamatri, Chhattisgarh. It is alleged that the contractor Sunil Kumar Kandeliya is involved in illegal sand mining and excavating the sand mining beyond the permissible limits and against the prescribed guideline. He has permission of excavating sand from Khasra No. 409 admeasuring 4.9 hectare upto the limit 1.5 meters depth and only upto the extent of 73.500 m³ every year but excavation is done three times more than the prescribed limit and adversely affecting the plantation near the area. It is further alleged that the Khasra No. 410, 411, 415 & 416 is also being used for sand mining and excavation without any authority by use of heavy JCB machines adversely affecting the environment.
2. A substantial issue of environment has been raised.

3. In view of the above following persons should be made as respondents
 - i. State of Chhattisgarh through District Magistrate, Dhamtari (Chhattisgarh)
 - ii. Mining Officer, Dhamtari, (Chhattisgarh)
 - iii. Sunil Kumar Kandeliya, (Through Mining Officers), Van Kareli, Chhoti sand mine, Sivari Narayan Road, Akaltara, District District Jangir, Chhapa(Chhattisgarh)
 - iv. Rishi Sahu, S/o Khorbahra Ram Sahu (Through Mining Officers)
 - v. Roshan Sahu S/o Purshotam Sahu (Through Mining Officers)
 - vi. Bharat Bhushan S/o Maniram Sahu, (Through Mining Officers), District Dhamtari, Chhattisgarh
 - vii. Pushplata Sahu, Sarpanch, (Through Mining Officers) District Dhamtari, Chhattisgarh
 - viii. Chhattisgarh Environment Conservation Board, Raipur (Chhattisgarh) through Member Secretary,
4. Issue notice to the respondents. Returnable within four weeks.
5. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
6. Respondents are directed to submit their reply within six weeks through e-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
7. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:-
 - (i) One representative of Dhamtari, Collector, (Chhattisgarh)
 - (ii) One representative from the Chhattisgarh Environment Conservation Board, (Chhattisgarh)
 - (iii) One representative from the Central Pollution Control Board,(Chhattisgarh)
8. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The CECB will be the nodal agency for coordination and logistic support.

9. Applicant is directed to supply the required documents and copy of the application to the committee and respondents within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served on the committee and respondents.
10. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
List it on **20th February, 2024**.

Sheo Kumar Singh, JM

Dr. Satyagopal Korlapati, EM

3rd January, 2024
O.A. No. 196/2023 (CZ)
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