

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

Original Application No. 494/2024

News item titled "Baalu Khanan joro par" appearing in SBN Live dated 27.02.2024

Date of hearing: 03.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Vikrant Pachnanda, Adv. for CPCB (Through VC)

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "Baalu Khanan joro par" appearing in 'SBN Live' dated 27.02.2024.

2. The news item relates to alleged illegal sand mining on the banks of Kanhar River and Malia River in Sonbhadra District of Uttar Pradesh. As per the article, a tractor transporting illegally mined sand from Kanhar River near Deodhi Gram Panchayat was caught from the foothills of Jatajua hills. The news item also contains the feedback of local residents that as soon as the evening falls, rumbling of tractors can be heard in the areas situated along the rivers throughout the night making it difficult for them to sleep. This shows the extent of illegal mining which is in progress in that area.

3. The news item raises substantial issue relating to compliance of environmental norms.

4. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. On advance notice, the report on behalf of the District Magistrate, Sonbhadra has been filed which encloses the report of the Committee comprising of Tehsildar, Duddhi, Mining Inspector, Sonbhadra, Mining Surveyor and Regional Accountant appears to have been constituted by the District Magistrate and on that basis, it has been stated that on the Kanhar and Malia Rivers, small pits at several places were seen but, there were no sign of recent mining. It is difficult to believe such a report because the news item itself states that the matter was brought to the notice of the administrative authorities several times.

6. We are of the view that if the illegal sand mining has been done then the Uttar Pradesh Pollution Control Board (UPPCB) must ascertain the extent of environmental damage caused by such illegal sand mining and take appropriate action for levy of environmental compensation upon the person responsible for the same.

7. Hence, we dispose of the OA by directing the Member Secretary, UPPCB to take appropriate action in accordance with the observations made about within three months and file action taken report before the Registrar General of the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed for consideration before the Bench.

8. The OA is accordingly disposed of.

9. A copy of this order be forwarded to the Member Secretary, UPPCB by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 03, 2024
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