

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

**Original Application No. 403 of 2017
(M.A. No. 762 of 2017 & M.A. No. 763 of 2017)**

**Jai Prakash
Vs.**

Ministry of Environment, Forest and Climate Change & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER**

**Present: Applicant: Mr. Pinaki Mishra, Sr. Adv. along with Mr. Suraj
Prakash Singh, Adv.
Respondent No.1: Mr. Krishna Kumar Singh, Adv. for MoEF
Mr. Daleep Kr Dhyani, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No. 02 June 16, 2017 R	<p style="text-align: center;"><u>M.A. No. 763 of 2017</u></p> <p>English translation of annexure A-1 to A-4 shall be filed by the applicant before the next date of hearing.</p> <p>M.A. No. 763 of 2017 stands disposed of accordingly.</p> <p style="text-align: center;"><u>Original Application No. 403 of 2017</u></p> <p>Heard. Perused record.</p> <p>A prima facie case of illegal sand mining with the unauthorized use of mechanical implements namely JCBs in the river bed of Yamuna in Khand No. 3, 4 and 5 of Village Daulatpur, Tehsil Bhognipur, District Kanpur Dehat, UP has been vividly made out before us with the pleadings and the photographs annexed to the application at annexure A-6.</p> <p>The applicant avers that he learnt about issuance of Environmental Clearance to the Respondent No. 10 and 11 without following the procedure of District Survey Report and procedure in question of the cluster in contravention of the Notification dated 15.01.2016 issued by the Respondent No. 1 MoEF & CC, but the same do not</p>

	<p>Item No. 02</p> <p>June 16, 2017 R</p>	<p>appear in public domain.</p> <p>Admit. Issue notice to the respondents by registered post/acknowledgment due and dasti as well. Service of notice is waived by the Respondent No. 1 MoEF & CC. Copies of the application along with the annexures thereto shall be furnished to the Learned Counsel appearing for the Respondent No. 1 forthwith.</p> <p>Respondent No. 2 State of UP/ District Magistrate, Kanpur, Dehat, are directed to upload a copy of the Environmental Clearances, if granted as contended by the Applicant, on their website</p> <p>Learned Counsel for the Applicant submitted that the Tribunal has prohibited mechanized sand mining in the river bed in the entire State of UP and Haryana vide order dated 23.12.2015 passed in O.A. No. 517 of 2015 which is pending before the Principal Bench of the Tribunal, and the same needs to be reiterated in the present case. We, therefore, reiterate that there shall be no mechanized sand mining in river bed areas.</p> <p>Notice made returnable on the Original application as well as on M.A. No. 762 of 2017 on 6th July, 2017.</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Prof. (Dr.) P.C. Mishra)</p>
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