

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

**M.A. No. 896 of 2013, M.A. No. 1025 of 2013, M.A. No. 1126 of 2013,  
M.A. No. 18 of 2014 in M.A. No. 1126 of 2013**

**In**

**Original Application No. 301 of 2013**

**Ram Babu Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:** **Applicant:** Mr. Rahul Choudhary, Advocate  
**Respondent No.1:** Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates  
**Respondent No. 2, 3, 5 to 11:** Mr. Raman Yadav and Mr. Manish Tiwari, Advocates  
**Respondent No. 4:** Mr. Pradeep Misra, and Mr. Daleep Kr. Dhyani, Advocates.  
Mr. T. Mahipal, Advocate for Noticee Brijendra Singh  
Mr. Sudhir Kulshrestha, Adv. for Noticees : Mr. Sushil Kumar, Mr. S. Singh and Mr. Shashank Yadav

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 13</b> <b>August 4, 2014</b>	<p style="text-align: center;"><b><u>Original Application No. 301 of 2013</u></b></p> <p>M.A. No. 1126 of 2013 has been filed by the Applicant stating that there was a gross violation of the Orders of the Tribunal and therefore action in terms of Section 28 of the NGT Act read with Order 39 Rule 2(a) of the CPC be taken against the Respondents. Along with this Application the Applicant had filed photographs showing illegal, unauthorized and unscientific mining going on at village Kharka in District Hamirpur. The District Hamirpur was sought to be corrected and substituted by using the word "District Jalaun". In these photographs JCBs, large number of trucks and trains have been show extracting sand right from the middle of the river. Again the Applicant has filed an additional affidavit wherein he annexed more photographs showing illegal mining going on in village Karona and village Kharka of Jalaun. On behalf of the State</p>

some doubt was expressed with regard to the genuineness of the Applicant himself.

The Applicant was directed to be produced before the Learned Registrar General of NGT who appeared and proved his identity and genuineness of filing the present Application.

On behalf of the State what is being stated is that both these photographs are tampered photographs and are not of the site existing either in village Karona and Kharka.

Learned counsel appearing for the State has said so upon instructions from the Mining Officer, who is present before the Tribunal and his statement in part is recorded and to come up for recording of further statement of the said witness on 04<sup>th</sup> September, 2014.

We direct the Mr. Anand Kumar, ADM to be present before the Tribunal on the next date of hearing.

The ADM shall also bring with him the vehicle Log Books of the vehicles allotted to him.

In the meanwhile, we appoint Mr. Narender Pal Singh, as a Local Commissioner to visit the site in question to submit a report to the Tribunal whether the photographs at page no. 100 as well as annexed with the additional Affidavit filed by the Applicant are photographs of the site which match the site at village Karona and Kharka.

Initially we fix the fee of Learned Local Commissioner at Rs. 25,000/- subject to enhancement depending upon his work and time devoted. At the first instance the fee shall be payable by the State Government. However, it will be subject to further Orders of the Tribunal.

List this case on 04<sup>th</sup> September, 2014.

.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Dr. R.C. Trivedi)



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Statement of PW – 1 - Mr. R.K. Sangam, S/o Mr. Shitalu aged about 49 years, r/o Officer Colony, Orai, Uttar Pradesh, Mines Officer.

On SA

Dated 04<sup>th</sup> August, 2014

Stated that I have seen the photographs mark – A at page no. 100 of M.A. No. 1126 of 2013 and these photographs are not of village Karona because upon inspection the area did not match. I had gone at site on 24<sup>th</sup> July, 2014 and these photographs are not of the site.

I have seen the photographs at page no. 194 of M.A. No. 1126 of 2013 the photograph at mark B only at the bottom right hand side is the photograph at Kharka village district Jalaun, rest of the photographs are not of that area at least I cannot make out. (This witness was confronted with photographs at top of this page no. 194 i.e. other photograph of the same place and the witness identify the photograph is of the place Kharka by him. He agrees that even the photographs on the top of the right side is also of that area).

Stated that I had taken action with regard truck, JCBs and Crane shown at page no. 100 of M.A. No. 1126 of 2013. A Committee was constituted by the Dist. Magistrate.

The photographs at page no. 100 of M.A. No. 1126 of 2013 which I had taken with me was show to one Mr. Hargovind who were there at the site and he told me that these JCBs and vehicles is in the photographs do not operate in that area.

The photograph that has been shown today is absolutely freshly taken photocopy and does not have any signs that it is a paper as old as 14<sup>th</sup> July, 2014 that is nearly a month back and the papers had changed hands with various people including villagers who were present.

(We have no doubt in observing that this witness is with holding correct facts and even telling lies. However, we will defer the initiation of proceedings against this witness to a later stage.)

The site is nearly 4 Kms. away from the village.

I had not prepared any report of the site however after coming to the Office on 30<sup>th</sup> July, 2014 I had made out the report.

The site reports which were prepared roughly are not available on the record. Both documents I have submitted today being Exhibit X and Y respectively were prepared in the Office by me.

Nothing I have mentioned today has been noticed in either of these reports.

My Officer is in Orai District Headquarters.

All the signatories to the reports sit in that Office.

We had gone in 4 Jeeps.

The distance is 40 kms. and the road is appearing bad.

Mr. Anand Kumar, ADM has also accompanied and he was with me all the time. (It took us nearly 6 hours on that date).

The Log Book for 3 vehicles except surveyor vehicle is being maintained.

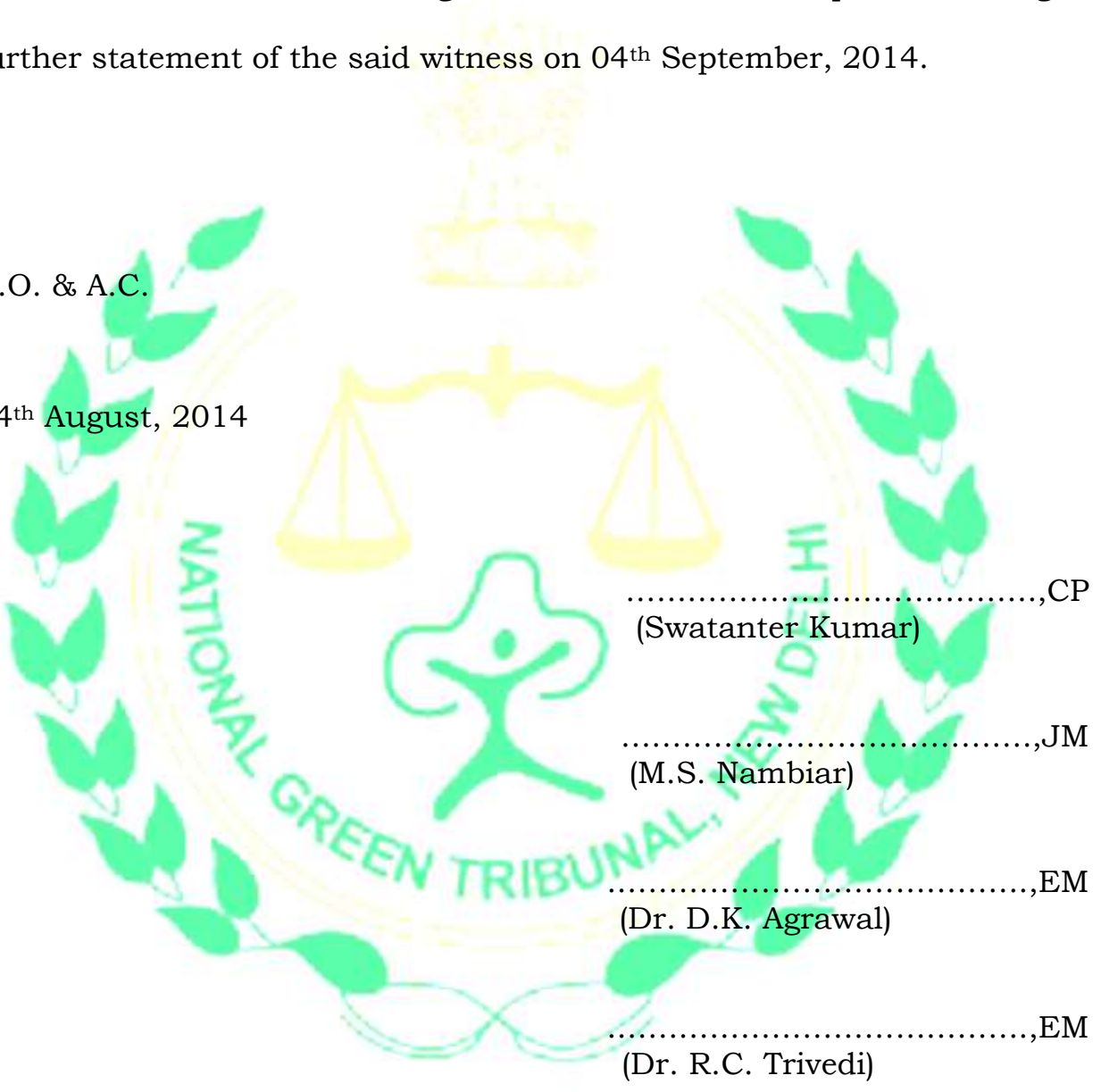
All the trips made in relation to Government work are duly entered upon the Log Book. I have not bought the Log Book today

Further examination of this witness is deferred and he is directed to produce the Log Book.

Part statement of Mr. R.K. Sangam is recorded to come up for recording of further statement of the said witness on 04<sup>th</sup> September, 2014.

R.O. & A.C.

04<sup>th</sup> August, 2014



.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
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