

2011/WP/2023  
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Date: 28.08.2023

To,  
The Hon'ble Mr. Justice Prakash Shrivastava,  
Hon'ble Chairperson, National Green Tribunal,  
Faridkot House, Copernicus Marg, New Delhi - 110 001

Sub: Grievance regarding illegal Sand Mining at Bhatimunda Sand Quarry over an area of 12.34 acres at village Bhatimunda, TahasilTangi- Choudwar, District- Cuttack, Odisha.

Ref: 1. Letter No.2409/SEIAA (File No.SEIAA-1404/02-2021) dated 31.08.2021.

2. Letter No. 4038/SEIAA (File No.SIA/OR/MIN/255215/2022) dated 22.02.2022.

Respected Sir,

This is to bring to your urgent attention regarding ongoing illegal sand mining activities at the Bhatimunda Sand Quarry under Tahasil Tangi- Choudwar, Dist-Cuttack, Odisha, as follows:

1. That SEIAA had issued Environment Clearance (EC) with respect to the said quarry in favour of Tahasildar, Tangi- Choudwar Mr.Pragyananda Das vide Letter No.2409/SEIAA dated 31.08.2021 which shall be coterminous with the expiry of lease period.
2. That subsequently on application by Tahasildar, the EC was transferred to Sri Sachin Kumar Sahoo, lessee vide Letter No. 4038/SEIAA dated 22.02.2022 containing the same terms & conditions as the prior EC granted in favour of Tahsildar.
3. That, it has been clearly stated in the EC dated 22.02.2022, "Pending carrying out of the study & submission of the report, this clearance is being granted in an ad-hoc manner and is liable to be revoked after one year i.e: 31<sup>st</sup> December, 2022. The project proponent is allowed to extract provisionally 2000 CuM of sand in the first year"
4. That it is pertinent to mention here that, the EC has expired on December 31<sup>st</sup>, 2022. However, in spite of that, Mr. Sachin has been carrying out illegal extraction of sand by dredging water from river bed consistently which is causing significant harm to the environment and violating legal regulations. More than 100 HYVAs are engaged on a daily basis, illegally extracting sand from the river bed, which is depleting at an increasing rate.
5. That, this illegal activity is being carried out in full support of the local MLA Mr. Prasant Behera, and the Tahasildar Mr. Praqyananda Das as they have a vested interest in running the sand quarry. The local MLA receives Rs.5 lakhs per month to provide protection to Mr. Sachin Sahoo (Lease holder of sand Quarry) from any kind of restraint by villagers and local authorities.

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6. That they have been illegally mining sand beyond the permitted quantity of 2000 CUM per year, without fresh EC, CTO (Consent to Operate), and CTE (Consent to Establish). As per credible sources, they have been extracting sand around a radius of 3-5 km beyond the quarry limits. The reckless extraction of sand has the potential to disrupt local ecosystems, degrade water quality, and exacerbate the risk of flooding in the area.
  7. That, as per stipulated conditions the Tahasildar, is the lease granting authority that is responsible for strict compliance of the conditions of the lease grant by the lessee. This has been clearly violated by the Tahasildar as there was no restraint from his end to the illegal mining that has been going on for the past 8 months. These unauthorized operations are depriving the Government of much-needed revenue that could be utilized for community development projects.
  8. That, we made a representation earlier on 07.08.2023 to 5T Secretary with a copy to your good office complaining about the involvement of Mr. Pragyanda Das in illegal mining at Bhatimunda Sand Quarry. However, to date, there has been no action from the concerned authorities.
  9. That, it is also pertinent to mention that the Transit permit is required to be issued by the Tahasildar for carrying out the extraction of sand. However, it is completely unknown as to how the extraction is being carried out without a valid Transit Permit.

In order to address this issue effectively, we suggest the following actions be taken:

1. Issue a **cease and desist order** to immediately **stop all mining activities** at the quarry until a proper investigation is completed.
2. Collaborate with relevant authorities, including the Department of Mines and Geology, to ensure that the **necessary legal actions** are taken against the responsible parties.
3. **Impose appropriate penalties and fines** as per the law to deter future instances of illegal mining in the region.

We kindly request your urgent attention to this matter and ask for appropriate action to be taken. It is imperative that the **illegal mining activities be halted immediately**, and necessary penalties and legal actions be enforced against the lessee, **Sri Sachin Kumar Sahoo**, and other concerned authorities.

Thank you for your attention to this matter. We look forward to hearing about the steps taken to address this issue.

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For kind information and necessary action:

1. Honble Chief Secretary, Govt. of Odisha, Bhubaneswar.
2. The Collector & DM, Cuttack, Odisha.
3. Additional Chief Secretary, Forests & Environment Dept., Govt. of Odisha.
4. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118 Nilakantha Nagar, Unit-8, Bhubaneswar, Odisha.
5. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar, Odisha.
6. Deputy D.G. Forest, Regional Office (EZ), Ministry of Environment & Forests, A-31 Chandrasekharpur, Bhubaneswar, Odisha.
7. Addl. Chief Secretary, Revenue & DM Department, Govt. of Odisha, Bhubaneswar.

Bhatimunda village residents:

1. Subhagya Ranjan Dash  
S/o Ranjan Chandra Dash  
A/Po - Bhatimunda, Tangi, Cuttack  
pin - 754022 - mob - no - 9777963667
2. Mahendra Sahu  
S/o Late Gurusoni Sahu  
Bhatimunda P.S. Tangi DM Cuttack  
pin - 754022. m. - 9372169961
3. Brijendra Kumar Das  
S/o Late Brijendra Kumar Das  
Bhatimunda P.S. Tangi DM Cuttack  
pin - 754022 - m - 9777092862
4. Late Siba Prasad Sahu  
S/o Late Siba Prasad Sahu  
Bhatimunda P.S. Tangi DM Cuttack  
pin - 754022 m - 9348188262
5. Bishnu Charan Sahu  
S/o Late Hrudananda Sahu  
Bhatimunda P.S. Tangi, DM Cuttack  
754022  
Mo No - 9938477088
6. Laxmi Kumar Sahu  
S/o Late Subarna Sahu  
A/Po - Bhatimunda, P.S. - Tangi DM Cuttack  
Pin - 754022 mob - 8249691812

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Jubhina dekhon sany.

Je-ga-math Sanyo

ଅକ୍ଷୟ ସାହୁ

Prasanta K. Sanyo

ସୁମିତ୍ରା ଦେବୀ

ଉତ୍ତମ ସାହୁ

Bidyadhar Sanyo

ଅନନ୍ତ ସାହୁ

Sunil Kumar Sanyo

Siddhar Sanyo

Ranjan Kumar Sanyo

Bijay Kumar Sanyo

ଚିତ୍ରା ଶ୍ରୀମତୀ ଦାସୀ

ନିତ୍ୟା ଶ୍ରୀମତୀ ଦାସୀ

Dhaneswar Prusty

Jayaram Sanyo

Unesh chandra Sanyo

ଅମିତା ଦାସୀ

Trilochan Sanyo

Santosh Kandi

Ganesh Sanyo

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Item No.4

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 140/2024

Soubhagya Ranjan & Ors.

...Applicant

Versus

State of Odisha & Ors.

...Respondents

Date of hearing: 19.04.2024

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

Applicant: None for the applicants.

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. Mr. Soubhagya Ranjan Das and others have sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 140/2024.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

“ X X X X

*This is to bring to your urgent attention regarding ongoing illegal sand mining activities at the Bhatimunda Sand Quarry under Tahasil Tangi-Choudwar, Dist-Cuttack, Odisha, as follows:*

- 1. That SEIAA had issued Environment Clearance (EC) with respect to the said quarry in favour of Tahasildar, Tangi- Choudwar Mr.Pragyananda Das vide Letter No.2409/SEIAA dated 31.08.2021 which shall be coterminous with the expiry of lease period.*
- 2. That, subsequently on application by Tahasildar, the EC was transferred to Sri Sachin Kumar Sahoo, lessee vide Letter No. 4038/SEIAA dated 22.02.2022 containing the same terms & conditions as the prior EC granted in favour of Tahsildar.*

3. That, it has been clearly stated in the EC dated 22.02:2022, "Pending carrying out of the study & submission of the report, this clearance is being granted in an ad-hoc manner and is liable to be revoked after one year i.e; 31st December, 2022. The project proponent is allowed to extract provisionally 2000 CuM of sand in the first year"
4. That it is pertinent to mention here that, the EC has expired on December 31s, 2022. However, in spite of that, Mr. Sachin has been carrying out illegal extraction of sand by dredging water from river bed consistently which is causing significant harm to the environment and violating legal regulations. More than 100 HYVAs are engaged on a daily basis, illegally extracting sand from the river bed, which is depleting at an increasing rate.
5. That, this illegal activity is being carried out in full support of the local MLA Mr. Prasant Behera and the Tahasildar Mr. Pragyanda Das as they have a vested interest in running the sand quarry. The local MLA receives Rs.5 lakhs per month to provide protection to Mr. Sachin Sahoo (Lease holder of sand Quarry) from any kind of restraint by villagers and local authorities.
6. That they have been illegally mining sand beyond the permitted quantity of 2000 CUM per year, without fresh EC, CTO (Consent to Operate), and CTE (Consent to Establish). As per credible sources, they have been extracting sand around a radius of 3-5 km beyond the quarry limits. The reckless extraction of sand has the potential to disrupt local ecosystems, degrade water quality, and exacerbate the risk of flooding in the area.
7. That, as per stipulated conditions the Tahasildar, is the lease granting authority that is responsible for strict compliance of the conditions of the lease grant by the lessee. This has been clearly violated by the Tahasildar as there was no restraint from his end to the illegal mining that has been going on for the past 8 months. These unauthorized operations are depriving the Government of much-needed revenue that could be utilized for community development projects.
8. That, we made a representation earlier on 07.08.2023 to 5T Secretary with a copy to your good office complaining about the involvement of Mr.Pragyananda Das in illegal mining at Bhatimunda Sand Quarry. However, to date, there has been no action from the concerned authorities.
9. That, it-is also pertinent to mention that the Transit permit is required to be issued by the Tahasildar for carrying out the extraction of sand. However, it is completely unknown as to how the extraction is being carried out without a valid Transit Permit.

In order to address this issue effectively, we suggest the following actions be taken:

1. Issue a cease and desist order to immediately stop all mining activities at the quarry until a proper investigation is completed.
2. Collaborate with relevant authorities, including the Department of Mines and Geology, to ensure that the necessary legal actions are taken against the responsible parties.
3. Impose appropriate penalties and fines as per the law to deter future instances of illegal mining in the region.

We kindly request your urgent attention to this matter and ask for appropriate action to be taken. It is imperative that the illegal mining activities be halted immediately, and necessary penalties and legal actions be enforced against the lessee, Sri Sachin Kumar Sahoo, and other concerned authorities.

X

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X"

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of Odisha State Pollution Control Board (OSPCB), Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bhubaneswar and District Magistrate, Cuttack and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The Odisha State Pollution Control Board (OSPCB) will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

6. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 24.05.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report by the Joint Committee be filed within one month before the Eastern Zone Bench of this Tribunal at Kolkata by email to [ngtjudicial-kolkata@gov.in](mailto:ngtjudicial-kolkata@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be sent to the State Pollution Control Board (OSPCB) and Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bhubaneswar and the District Magistrate, Cuttack, Odisha by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 19<sup>th</sup>2024  
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