

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

**M.A. No.864 of 2013
In
Original Application No. 292 of 2013**

Brij Mohan Yadav. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: **Applicant:** Mr. Rahul Choudhary, Adv.
Respondent No. 1: Mr. Vikas Malhotra and Mr. M.P. Sahay,
Advocates
Respondent No.2,3,5&6 : Mr. Savitri Pandey, Advocate
Respondent No. 4 : Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani,
Advocates
Mr. S.P. Singh, Sr. Adv. and Mr. P.V. Singh,
Advs for Noticee Sabir Khan

Date and Remarks	Orders of the Tribunal
Item No. 12 February 11, 2015	<p>Learned counsel appearing for Noticee Sabir Khan has filed the Reply to the Notice. The same is taken on record. Liberty is granted to the applicant to file the rejoinder to this reply within two weeks from today. The State Government shall also file its rejoinder to this reply within two weeks from today.</p> <p>In the meanwhile we direct the State Government to clear and remove all the stones and soil that has been dumped right in the middle of the water body as seen in pages 136 and 137 of the Local Commissioner's report (picture nos. 47 to 49). It is in the Ken River, Naraini Block & Tehsil, Banda District. Both Madhya Pradesh and Uttar Pradesh Government shall collectively carry out this exercise. The photographs of the same site after the entire soil and stone from the river have been removed shall be filed before this Tribunal .</p>

The State of Uttar Pradesh shall also file a complete list of the Noticees to whom the Notices have been issued for illegal and unauthorized mining in these areas as well as status of all these Noticees. Today no other Noticee is present. Fresh Notice be issued to all of them. Service should be completed before the next date of hearing.

Registry is also directed to issue Notices to these Noticees.

The SDM of State of Madhya Pradesh shall be present on the next date of hearing.

Till the next date of hearing no sand should be removed from the riverbed of the river Ken except the removal in the middle of the water body referred to above.

The fee of Local Commissioner and the expenses should be borne by the State of Uttar Pradesh at the first instance. However if the Noticees are found to be carrying on illegal and unauthorised mining activity they will have to bear such expenses ultimately.

.....,CP
(Swatanter Kumar)

.....,JM
(Dr. P. Jyothimani)

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

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(B.S. Sajwan)