

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

**Original Application No. 78/2015 (CZ)
Medha Patkar Vs. State of MP & 8 Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**PRESENT : Applicant: Ms. Medha Patkar
Respondent State/Mining Corp: Shri Sachin K.Verma, Adv.
Respondent No. 2: Shri Vivek Patwa, Adv.
Respondent No. 3: Shri Ravi Goyal, Adv.
MoEF&CC: Shri Om S.Shrivastav, Adv.**

Date and Remarks	Order of the Tribunal
Order No.1 22nd September, 2015	<p>Service is complete.</p> <p>From the order dated 21.07.2015, we find that the Hon'ble High Court while dealing with the aforesaid issue framed two questions for consideration :</p> <p>(i) With regard to grant of lease of the State Government and its authority in respect of the land which is already vested now with NVDA and whether the State Government and its authority can grant mining leases in the said mines vested with the NVDA.</p> <p>(ii) Second issue pertains to the environmental issues arising out of carrying out the mining activities particularly of the sand in sub-merged area.</p> <p>The Hon'ble High Court felt that, as far as the first question is concerned, the same shall be dealt with by the Hon'ble High Court and the second issue pertaining to environment was referred to this Tribunal taking cognizance of the fact that this Tribunal had already taken cognizance of similar issues and passed interim orders banning the mining operations.</p> <p>The Applicant who is present in person also drew our attention to the fact that despite interim orders having been issued by the Hon'ble High Court, the injunction orders of the Hon'ble High Court were flouted and mining operations are going on without any restrictions or checking</p>

by the authorities. We also find that in the order of 21.07.2015, the issue with regard to contempt of the order of the Hon'ble High Court was noticed by the Hon'ble High Court and it has been observed "*as far as the present petition is concerned, it shall proceed for considering the first issue as indicated hereinabove and the question of contempt involved in the matter. The question of contempt is said to be committed during the pendency of this matter before this court in pursuance of the interim orders passed shall be considered in connection with the contempt application No. 843/2015.*"

In that view of the matter as far as the grievance of the Applicant for non-compliance of the injunction order passed by the Hon'ble High Court is concerned, since the Hon'ble High Court has itself directed that the same shall be covered and dealt with in Contempt Application No. 843/2015, we are of the opinion that the Applicant is free to approach the Hon'ble High Court for the said purpose.

Be that as it may, this Tribunal has already in the case of *Amarkant Mishra V/s State of MP & Ors.* in Original Application No. 49/2015 passed an order restraining the river sand mining in terms of Condition No. 5 of the EC granted by SEIAA in 61 cases of mining leases of river sand and had made this condition applicable in the case of remaining 63 cases also thereby asking that all the 124 mining leases shall not operate during the monsoon period in terms of Condition No. 5 of the EC imposed by SEIAA between 1st June to 31st October. Learned Counsel appearing for the State assured us that the aforesaid directions contained in the *Amarkant Mishra V/s State of MP & Ors.* case are being implemented.

While dealing with the aforesaid, we brought it to the notice of the Applicant that the MoEF&CC, Government of India has itself on 15.09.2015 circulated draft guidelines by way of policy documents for mining which includes issues of river sand mining and invited suggestions / objections by putting the same in public domain from all interested

persons. The proposed guidelines for the river sand mining may take care of the issues involved in river sand mining and its environmental impact which is the issue referred to this Tribunal by the Hon'ble High Court. We would expect the Applicant and all parties to go through the said guidelines so as to make their valuable contribution by way of suggestion / objections before the MoEF&CC which is considering the same.

We also direct the Respondents to file the affidavit with regard to the steps taken by the Respondents for implementation of the directions issued by the Hon'ble High Court for restraining the river sand mining as also in terms of the compliance of the directions issued by this Tribunal in *Amarkant Mishra V/s State of MP & Ors.*

The aforesaid affidavit be filed on behalf of the Secretary (Mines), Government of MP.

List on **12th October, 2015.**

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)