

**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 SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : **Applicant:** None
State of MP/Mining Corp: Shri Sachin K.Verma, Adv.
Respondent /MPPCB/SEIAA: Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
MoEF&CC: Shri Om S.Shrivastav, Adv.
Commissioners: Shri Dharamvir Sharma, Advocate
Applicant in M.A.: Shri Anhad Tiwari, Advocate

Date and Remarks	Order of the Tribunal
Order No.8 26th February, 2016	<p>As recorded in our order dated 03.02.2016 the Court Commissioners have submitted their report. In pursuance thereto the District Collectors of all the four districts namely Dhar, Alirajpur, Badwani and Khargone were required to respond with specific averments made against each of the four districts and the areas and villages noticed by the Commissioners. The Collectors have today filed the response in the form of objections and submissions. The same is taken on record. The Applicant is shall respond within a week.</p> <p>Before we apart today, we deem it essential to observe that the Commissioners have given a seriously adverse report. The State no doubt has sought to clarify by filing the objections and submissions today through District Collectors as already noted above. We are, however, deeply concerned by the scale of illegality as would be reflected by the report and the photographs attached thereto. We, therefore, direct the State Respondent to take stringent measures against the offenders the list of which the State would have, both under the IPC as well as the other environment statutory provisions. It is informed by Mr. Sachin K.Verma Learned Counsel for the State that they have registered as many as 18 FIRs against individuals. We will expect that the appropriate authority will take the FIRs seriously and pursue it to ensure that the process of investigation is expedited and report under Section 173 CRPC filed within a reasonable time. As regards the other offenders we naturally expect that the steps as required under law would be</p>

instituted without delay. The objections and submissions submitted in response to the Commissioner's report filed on behalf of the concerned District Collectors do not indicate the steps that are required to be taken to prevent or restrict illegal sand mining. In the above circumstances, we direct , the State Respondent to furnish the following :-

- (i) Report in respect of 18 FIRs filed and the stage at which those have reached.
- (ii) Information as to the number of other FIRs lodged and the names and particulars of the offenders besides the 18 FIRs referred to in (i) above.
- (iii) The preventive measures put in place to restrict illegal mining.

The above information shall be furnished to us on the next date.

M.A. No. 12/16 to 14/16, 100/16 to 109/16, 137/16 to 139/16

In view of the fact that the tractors were used for illegal mining as reflected in our order dated 11.12.2015, we are not inclined to modify the order and the prohibition in the removal of tractors shall continue.

The M.As stand dismissed.

List this case on **18th March, 2016.**

.....JM
(SONAM PHINTSO WANGDI)

.....EM
(Dr. S.S. GARBYAL)