

strength of the Press Reports from time to time that indiscriminate illegal unauthorized mining has been going on in Gautam Budh Nagar, NOIDA, State of Uttar Pradesh.

Learned counsel appearing for the State of Uttar Pradesh upon instructions from the Officer present before the Tribunal submits that no permission whatsoever have been granted by SIEAA for carrying on any mining activity in Gautam Budh Nagar, NOIDA, State of Uttar Pradesh. It is thus evidently clear that indiscriminate sand mining is going on in Gautam Budh Nagar, NOIDA, State of Uttar Pradesh.

We would have expected from the Deputy Commissioner and Superintendent of Police to ensure compliance of the Order to the Tribunal as well as compliance of the Orders of the Hon'ble Supreme Court of India which in our considered opinion both have miserably failed to implement. Let the Deputy Commissioner and Superintendent of Police, Gautam Budh Nagar, NOIDA, State of Uttar Pradesh be present on the next date and show cause as to why appropriate action be not taken against them for not ensuring that no illegal sand mining was carried out in that area.

Similarly, illegal mining is stated to be going on in different parts of other States as well. Particular reference has been made to the State of Tamil Nadu and the State of Kerala. It is stated that around 2,30,000 tonnes beach sand mineral has been quarried in Vaippar village without permission of any Government Authority. Let Chief Secretary of State of Tamil Nadu and State of Kerala file their personal Affidavits before the next date of hearing, in regard to the facts stated in this Order.

Since other States are not represented despite the fact that Notices were sent to them, we direct all the Respondents to be served through Resident Commissioners of the respective States located in New Delhi. Notices shall be sent by the Registry by email, addressed to the Chief Secretaries personally as well as through the Resident Commissioners of the respective States in New Delhi by email as well as Dasti given to the Applicant to serve on the Resident Commissioners in Delhi.

We direct all the States to file their respective Affidavits *inter alia* on the following issues:-

1. What steps each of the concerned States have taken in furtherance to judgment of the Hon'ble Supreme Court in the case of Deepak Kumar Vs. State of Haryana (supra), have they framed any rules, have they ensured regulated mining in the various parts of their States;
2. Besides above every State will submit as to how many persons have been granted permission by MoEF and SIEAA for carrying on mining activity including the extent and quantum which they were permitted under the said permissions;
3. What is the role played by each of the Pollution Control Boards of the respective States in this behalf;
4. All the Learned counsel appearing for the States and particularly Learned counsel appearing for the MoEF would inform us on the next date of hearing as to which of the Experts can be included in the Committee that the Tribunal proposes to constitute for carrying on various directions of the Tribunal as well as place Expert Report before the Tribunal.
5. This Committee shall make a comprehensive study of all the zones/belts where mining activity can be permitted and the extent to which it should be permitted without adversely affecting the environment or causing irreparable ecological loss and the Committee would also suggest all the alternatives to sand available for construction purposes and the measures that had to be taken in recharging the zones belts giving due consideration to the recharging capacity of the river after extraction of sand and minerals.
6. Each State shall also state in its Affidavit how many cases of illegal mining were caught by the different wings/departments of the States and what action has been taken and if any action has been taken what is the result thereof; and whether any conviction is being obtained for illegal mining from the Courts of competent jurisdictions.

7. We direct all the States to place the names of all the persons who are caught carrying on illegal mining activities in any part of the country on the next date of hearing positively.

We grant liberty to any Advocate of the Tribunal or even public at large to duly bring to the notice of the Tribunal particulars of any person carrying on illegal mining activity and if the Order of the Tribunal is violated.

Let Affidavits be filed in terms of this Order within two weeks by the Deputy Commissioner/ District Magistrate.

Learned counsel appearing for the State of Uttar Pradesh upon instructions from the Officer present in Court states that they would file an Application bringing out the names and details of the persons carrying on illegal mining after Order dated 05th August, 2013 passed by the Tribunal within two working days from today.

After hearing the Applicant we also prohibit illegal and unauthorized sand and minerals mining without leave of MoEF/ SIEAA on the beaches or on other coastal areas.

List on 29th August, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,JM
(S.N. Hussain)

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

.....,EM
(Ranjan Chatterjee)