

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

**Original Application No. 92/2015 (CZ)
Mukesh Purve Vs. State of Rajasthan & 4 Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE PROF. A.R.YOUSUF, EXPERT MEMBER**

**PRESENT : Applicant: Shri Shrey Raj Saxena, Advocate
Respondents: Shri Sachin K.Verma, Advocate**

Date and Remarks	Order of the Tribunal
Order No. 5 6th November, 2015	<p>Reply on behalf of the Respondent No. 1 to 4 has been filed today.</p> <p>In this Application primarily the issue which has been raised is with regard to river sand mining and for which the State Mining Department has issued notice inviting bids by way of e-auction on the river Tapti for allotment of mining leases for the purposes of river sand mining. The primary concern shown by the Applicant is that even in the revenue record the Khasra which has been filed in Annexure P/6 for the year 2014-15 areas which have been marked as submerged (<i>bhujal</i>) have been ordered to be put for the e-auction of mining leases which is totally contrary to all environmental norms and should not have been done. He has also inter-alia alleged that though there are no valid mining leases, mining operations on the river Tapti are going on with people taking their vehicles, tractors, trolleys etc. for collection of sand from the banks of the river as is evident from the photographs annexed to the Application which are available at page 95 onwards and these photographs are said to be of recent period that is 20.09.2015.</p> <p>Based upon the above notices were ordered to be issued on 23.09.2015.</p> <p>When the matter came up for hearing on 06.10.2015, we had declined the grant of stay on the e-auction as prayed by the Applicant observing that till now the auction has not been commenced and further</p>

that even if there is any successful bid and the same is accepted by the Respondent, the successful bidder cannot start operation without necessary consent from SEIAA which are to be obtained pursuant to the appraisal by SEAC and only on such recommendation from SEAC, the successful bidder can be permitted to carry out the mining operations of sand on the mining lease area on the basis of EC granted by SEIAA.

Reply has been filed today, copy of which has been furnished to the Applicant. The State Government has said that all environmental safeguards as per the memorandum, notification and guidelines provided by the MoEF have been taken into consideration and as such in-stream mining is prohibited in the State of M.P and further the sand mining beyond the three meter depth is also prohibited under M.P Minor Mineral Rules, 1996.

We take note of the aforesaid submission made by the State in their reply along with the affidavit filed by the Assistant Mining Officer and Collector (Mining) Branch Burhanpur.

In view of the same we dispose of this Application with the directions that the State shall take sincere efforts to ensure that all those areas for which e-auction has been ordered and for which objection has been raised by the Applicant on account of the fact that they are submerged and classified as *bhujal* in the revenue records shall not be allowed to be mined by any person including the successful bidder till the time the water recedes from the area completely and in accordance with any permission given pursuant to the recommendations made by SEIAA and approved by the SEIAA and in accordance with any EC that may be granted post the aforesaid exercise. As has been submitted before us that till such time as there is no appraisal by SEAC and recommendation in favour of such areas being permitted to be mined by the successful bidders in accordance with the EC that may be granted by SEIAA we dispose of this Application with

the aforesaid directions.

In addition to the above we would direct that these areas which have been mentioned in Annexure P/6 as *bhujal* to be patrolled regularly and check-post be set up with sufficient personnel to ensure that no person including any successful bidder is allowed to carry out any mining in the submerged area notwithstanding the EC till such time the water has not receded from that area completely and the said plot dries up. The compliance be reported on the next date of hearing including whether or not persons whose bids have been accepted have approached the SEIAA for the grant of EC and whether such areas which have been marked as *bhujal* in the Annexure P/6 and for which bids were called for have now become suitable for sand mining after the said areas are no more submerged.

Let the matter be listed on **22nd December, 2015.**

.....JM
(DALIP SINGH)

.....EM
(PROF. A.R.YOUSUF)

