

Item No.1 & 2:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

**Original Application No.30 of 2023 (SZ) &
I.A. No.43 of 2023 (SZ)**

AND

**Original Application No.31 of 2023 (SZ) &
I.A. No.44 of 2023 (SZ)**

IN THE MATTER OF:

Manjunath Poojari
Udupi District, Karnataka

...Applicant(s)

Versus

Union of India
Through its Secretary
Ministry of Environment, Forests and Climate Change
New Delhi and Ors.

...Respondent(s)

Date of hearing: 29.03.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

(In both cases)

For Applicant(s): Mr. G. Stanly Hebzon Singh.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. Darpan K.M. for R2, R4 & R5.
Mr. Vasanth H.K. for R3.

ORDER

1. The application is filed for a direction to the official respondents to stop the large scale illegal sand mining carried out by the 6th respondent, based on the Environmental Clearance (EC) granted on 26.07.2019.
2. The Environmental Clearance (EC) was granted under “*B2 - Category*”, for which, mining should be mandatorily done ‘*Manually*’. Now, it is alleged that the 6th respondent is doing mining with the ‘*semi-mechanized and mechanized*’ methods. According to the applicant, the project proponent is doing mining even outside the areas permitted and they are using more than 60 boats every day and lifting a large quantity of sand.
3. It is also stated that the lease area is not demarcated with geo-fencing and geo-coordinates. As per the Environmental Clearance (EC) condition, no in-stream mining shall be undertaken. However, the pictures furnished by the applicant show that the river is full of water and boats carrying sand are seen which are uploaded in lorries.
4. As the project proponent has already been carrying on his business, before we restrain him, let notice be issued to all the respondents (in both cases) through the Tribunal as well as privately.

5. The learned counsel Mr. Darpan K.M. accepts notice on behalf of respondents Nos.2, 4 and 5 and Mr. H.K. Vasanth accepts notice on behalf of the 3rd respondent in both cases.
6. Since the violations alleged are quite serious, we direct the State Environmental Impact Assessment Authority (SEIAA) - Karnataka to inspect the site referred and then file a detailed report with reference to the allegations made in the application. We also direct the Department of Mines and Geology to file a report and state whether any periodical report as contemplated in the Environmental Clearance (EC) conditions is being furnished to the SEIAA / MoEF&CC.
7. In the event, respondents Nos.3 and 4 find that the Project Proponent/6th respondent has violated the conditions, it is open to the authorities to take appropriate legal action and report the same also before this Tribunal.
8. Post the matter on 28.04.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

**O. A. No.30/2023 (SZ)
I.A. No.43/2023 (SZ) &
O.A. No.31/2023 (SZ)
I.A. No.44/2023 (SZ) &
29th March 2023. Mn.**