

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Wednesday the 18th day of October, 2023.

Original Application No. 157 of 2023 (SZ)
(Through Video Conference)

IN THE MATTER OF

1. Sarvabhoom Bagali,

S/o Late Satagouda,
R/o Kachari Road,
Opp. Head Post office, Indi,
Vijayapur district, Karnataka- 586101.

...Applicant(s)

Versus

1. State of Karnataka,

Through its Chief Secretary,
Room No. 320, III Floor,
Vidhana Soudha, Bengaluru- 560001.

2. State of Karnataka,

Through its Director,
Department of Mines and Geology,
49 Khanija Bhawan,
Race Course Road, Bengaluru- 560001.

3. Karnataka State Pollution Control Board,

Through its Member Secretary,
"PARISARA BHAVANA" No. 49, Church Street,
Bengaluru- 560001.

**4. Karnataka State Environment Impact Assessment Authority,
(SEIAA)**

Through its Member Secretary,
Room No. 709, VII Floor, IV Gate, M.S. Building,
Bengaluru- 560001.

5. Deputy Commissioner- Kalaburgi District

Office of Deputy Commissioner,
Vikas Bhavan, Mini Vidhana Soudha,
Kalaburgi, Karnataka- 585101.

6. Deputy Commissioner- Vijayapura District,

Deputy Commissioner's Office,
Vijayapura (Dist.), Karnataka- 586101.

...Respondent(s)

For Applicant(s): Mr. Aagney Sail.

For Respondent(s): NA

Judgement Reserved on: 11th October, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The applicant has come up with a peculiar prayer in the application seeking:

- (i) A direction to the State of Karnataka to conduct an enquiry in the death of Head Constable on 15.06.2023 in Jevargi Talu, Kalaburagi District, Karnataka to ascertain the guilty persons responsible for the same;
- (ii) Direction to the State of Karnataka to implement the procedure prescribed in Appendix-XII of the EIA Notification, 2006 and submit a compliance report;
- (iii) Direction to the State of Karnataka to constitute District Level Task Force for monitoring of sand mining activities;
- (iv) The State Government to submit a report on the feasibility of investing 05% from the total royalty/revenue earned from sand mining in establishing sufficient number of check posts and
- (v) Direct the State of Karnataka to consider the amendment to the Karnataka Minor Mineral Concession Rules, 1994.

2. Though the applicant had filed the application seeking the above directions with bonafide intention to have check on the sand mining, the prayers sought for cannot be entertained by this Tribunal.

3. A head constable was mowed down by a sand laden tractor while he was trying to stop the same. This Tribunal is not empowered to

enquire the above case as already appropriate criminal case should have been taken and the National Human Rights Commission would also have initiated appropriate action.

4. Regarding the other prayers, it goes without saying that the State of Karnataka is mandated to follow the procedures prescribed in the EIA Notification, 2006 and effect amendment wherever required in Karnataka Minor Mineral Concession Rules, 1994. The investment of 5% from the revenue earned from sand mining for establishing the check posts are within the domain of the Government which is a public policy and this Tribunal need not pass any order.

5. So, none of the prayers sought for by the applicant are entertainable by this Tribunal. However, considering the prayers which are sought for in the interest of the public, let a representation be made once again to the Chief Secretary, State of Karnataka by the applicant and the Department of Mines and Geology, who may appropriately consider the same and give suitable reply to the applicant.

6. With the above observation, the Original Application is dismissed.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)

Internet – Yes/No
All India NGT Reporter – Yes/No

O.A. No.157/2023(SZ)
18th October, 2023. (AM)

**Before the National Green
Tribunal
Southern Zone (Chennai)**

O.A. No. 157 of 2023

Sarvabhoom Bagali

Vs.

State of Karnataka & Ors.



O.A No. 157/2023(SZ)
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