

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 108/2015/EZ**

**NIRANJAN SHARMA & ORS
Vs
MINISTRY OF ENVIRONMENT, FOREST & ORS.**

CORAM: Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Kallol Basu, Advocate
Mr. Debasish Sarkar, Advocate
Mr. Nilanjan Pal, Advocate
Respondent No.1 : None
Respondent Nos. 2 to 5: Mr. Binod Kumar Gupta, Advocate
Ms. Aishwarya Rajyashree, Advocate
Respondent No. 6 : Mr. Bhanu Kumar, Advocate
Respondent Nos. 7 & 8 : None

Date & Remarks	Orders of the Tribunal
Item No. 05 5 th February, 2016.	<p>Heard Id. Counsel appearing for the applicants and the respondents present today.</p> <p>Ld. Counsel appearing for Respondent Nos. 2 to 5 is further directed to file supplementary affidavit answering the point whether in terms of the judgment passed in Deepak Kumar Vs. State of Haryana and Ors., reported in 2012(4)SSC 629 which is the law of the land under Article 141 of the Constitution of India, the concerned Minor Mineral Rules of the State of Jharkhand have been amended incorporating the provision relating to sand mining of any area holding that even if the</p>

lease area falls below 5 hectares Environmental Clearance is required for sand mining operation in the State of Jharkhand as per EIA Notification 2006.

Mr. Kallol Basu, Id. Counsel appearing for the applicants prays for leave to file rejoinder against the opposition filed by Respondent Nos. 2 to 5. Let such rejoinder be filed in the registry upon proper pagination. Id. Counsel submits that the copies of the rejoinder have been served upon the concerned respondents. Reply, if any, thereof be filed within three weeks. Leave is also granted to the applicant to add Jharkhand State Pollution Control Board as party respondent in this proceeding. Registry is directed to amend the cause title accordingly. The applicant is directed to serve a copy of the original application upon the Jharkhand State PCB forthwith along with notice of the Registry. The State PCB is directed to submit the affidavit and status report relating to the issue in question answering the points as to whether the mining operation of minor minerals as alleged in this application is under the consent administration of the PCB or not. Mr. Surender Kumar, Id. Counsel undertakes to appear on behalf of the Jharkhand State Pollution Control Board. He undertakes to file vakalatnama, status report and action taken report on behalf of State PCB on the issue.

Having regard to the respective affidavits and considering the rampant illegal sand mining in the State of Jharkhand there will be an order of injunction restraining operation of sand mining of any nature in respect of any unit in the State of Jharkhand without valid consent to operate from State Board and without environmental clearance. The Chief Secretary, Govt. of Jharkhand is directed to take steps and measures to implement this order in the State. The District Magistrate and the Superintendent of Police of Godda District are directed to take steps and measures to implement the interim order as passed today and shall ensure that no sand mining is allowed without EC by SEEIA & consent to operate from Pollution Control Board. Registry is directed to communicate this order to the Chief Secretary of the State, DM, Godda District, Jharkhand and the S.P. Godda District forthwith.

Matter is posted on 07.03.2016.

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Justice Pratap Kumar Ray, JM

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Prof. (Dr.) P. C. Mishra, EM