

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 116/2013 (THC) (CZ)

Netyendra Manav Vs. State of Rajasthan & Ors.

**CORAM : HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Dharamvir Sharma, Advocate
Respondent RPCB : Mr. Rohit Sharma, Adv. for Sh. Sandeep Singh, Advocate
Respondent, NHAI : Shri Om S. Srivastav, Advocate**

Date and Remarks	Orders of the Tribunal
Order no. 7 22nd July, 2014	<p>Heard. Perused.</p> <p>This Tribunal had impleaded National Highway Authority of India and Rajasthan State Highway Authority as Respondent Nos. 13 and 14 vide order dated 29th May, 2014 while allowing M.A. No. 283/2014 in order to get the details regarding the movement of vehicles carrying illegally mined sand/bajri across the areas stated in the Application in the State of Rajasthan. Directions were issued to the National Highway Authority of India, State Highway Authority and the State Government to collect the information regarding the number of trucks carrying mineral sand/bajri, masonry stone and other excavated minerals plying on highways and other major roads in the month of June, 2014 with the help of the contractors/staff deputed at toll booths.</p> <p>Learned counsel appearing for the National Highway Authority of India submitted that some time is required for collection of the requisite information for the Month of June, 2014 and the information that could be made available is likely to show the number of trucks crossing the toll booths but may not show the type of material transported by such trucks as staff at toll booths have no authority to check the material with which only the law</p>

enforcement authorities are armed. Nonetheless, it is pointed out by the Applicant that the toll booths are necessarily equipped with CCTV Cameras which are likely to record the material carried in the open trucks.

In response, learned counsel for the NHAI fairly submitted that effort would be made by the authority to get the information which can be collected from the scrutiny of the CCTV footage for the month of June, 2014.

None is present on behalf of the State Highway Authority to respond to our directions dated 29th May, 2014 passed in Original Application No. 116/2013. It is also the grievance of the Applicant that the mischief of trafficking of illegally mined sand/bajri still persists and the persons involved therein are likely to re-use the machinery and the vehicles seized in the raids conducted by the State Government and later on released. However, we do not find the particulars in that regard before us by resorting to which one can come to a definite conclusion about the continued illegal extraction of sand and other minerals with the use of the seized and released machinery and vehicles.

In the circumstances, we pass the following directions : -

- (i) As nobody is present on behalf of the Rajasthan State Highway Authority; in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, we issue bailable warrants for the presence of the Chairman, Rajasthan State Highway Authority in the sum of Rs. 10,000/- to the satisfaction of the arresting Officer. Bailable warrants made returnable on 8th August, 2014

(ii) The NHAI shall submit the information regarding the number of trucks plying through the toll booths on highways or other major roads in the area under the control of the Authority and shall scrutinise the CCTV footage to ascertain as to how many the total number of trucks carrying minerals sand/bajri masonry stone etc. out of the trucks enumerated for the month of June, 2014 ply through toll booths under their control.

(iii) The State Government shall furnish the details of machinery and vehicles seized from the persons who were found indulging in illegal sand mining and other minor minerals like bajri, masonry stone etc. and the machinery and vehicles so released subsequent thereto. The aforesaid details shall be communicated to the Applicant expeditiously.

(iv) The Applicant shall furnish the particulars of the places where actual illegal mining is going on. The Applicant shall be at liberty to communicate such information to the concerned officials in order to check such activities. Liberty is granted to the Applicant to videograph the activity of illegal mining.

List on **8th August, 2014.**

.....JM
(U. D. SALVI)

.....EM
(P.S.RAO)