

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

**M.A.No. 627/2014, 640/2014, 641/2014, 642/2014,
681/2014, 682/2014, 711/2014, 712/2014 & 713/2014**

in

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 RSPCB & RRDC : Shri Rohit Sharma, Advocate for
Shri Sandeep Singh, Advocate
Respondent State of Rajasthan: Shri Sachin K. Verma, Advocate
Applicants in M.A. : Shri Ayush Dev Bajpai, Advocate Shri
Shrey Raj Saxena, Advocate**

Date and Remarks	Orders of the Tribunal
Order no. 10 16th January, 2015	<p><u>M.A.No. 627/2014, 640/2014, 641/2014, 642/2014, 681/2014, 682/2014, 711/2014, 712/2014 & 713/2014</u></p> <p>These applications have been filed by the applicants for the release of their trucks and trolleys which were found carrying sand (<i>bajri</i>). According to the Applicants, they have been prosecuted in the Court of Chief Judicial Magistrate, Kotputli, Jaipur, Rajasthan under the provision of the 379 IPC Sections 21 MMDR Act, 3PDPP Act; and the Learned Chief Judicial Magistrate was pleased to reject their applications for release of trucks and trolleys in the light of the order passed by us on 13.10.2014. The Applicants submit that they earn their bread and butter with the use of said trucks & trolleys and impounding of their vehicles have resulted in great hardships.</p> <p>We were constrained to pass the order for impounding the vehicles in order to check illegal mining and transportation of mineral in violation of law. <i>Prima facie</i> we saw that there has been loss caused to the environment as a result of illegal mining activities. We had, therefore, directed the State of Rajasthan to submit before this Tribunal an estimate of the extent of loss caused</p>

to the environment as a result of such illegal mining activities. We, therefore, feel it essential that the State of Rajasthan responds to these applications with *prima facie* quantification of the damage which has occurred to the environment as a result of the involvement of the said trucks and trolleys in illegal mining activities, more particularly the value of the mineral found transported/excavated.

Learned Counsel appearing on behalf of the State submits that considering the hardships caused to the truck and trolley owners, the State will make every endeavour to place its response on record at the earliest.

By mutual consent, list the matter on **22nd January, 2015**.

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

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