

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

APPLICATION NO.34(THC)/2013 (WZ)

Awaaz Foundation & Anr Vs. State of Maharashtra & Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present: Applicant/ Appellant

**: Asim Sarode Adv
Vikas Shinde Adv
Pallavi Talware Adv**

Respondent Nos.2, 3

**: D.M.Gupte w/ Supriya
Dangare Adv**

Respondent No.4

: S.Srivastav Adv

Respondent No.10

:Suresh Pawar ACP Navi Mumbai

Date and Remarks	Orders of the Tribunal
Item No.4 February 4, 2014 Order No.3	<p>We have heard learned Counsel Mr Asim Saorde for the Applicants, learned Counsel for Respondent No.4, learned Counsel Mr Gupte for the MCZMA and the MPCB. Mr. Suresh Pawar appears for the Respondent No.10. he has filed affidavit.</p> <p>The affidavit of Shri. Suresh Pawar shows that so far 57 cases have been registered. The affidavit, however, does not give details of quantity of sand which came to be seized and the places from which sand was extracted.</p> <p>From the record, it is difficult to gather as to from which places of coastal area extraction of sand is being done, and what kind of monitoring is being ensured.</p> <p>We may mention here that no sand mining is permissible in the coastal under the CRZ Notification except and save small quantity as permissible to the traditional fishermen community under the specific licenes issued by the Collector for short duration and that too for extraction of sand manually, in view of Notification dated 8th November, 2011, issued by the MoEF. There is nothing on record to show that any particular licence have been issues to the traditional community by the Collector, Alibagh or other areas.</p> <p>The photographs placed on record on the other hand <i>prima facie</i> show that there was grazing, heavy activity of sand extraction from the coastal area. It <i>prima facie</i> appears, therefore, that monitoring activity is not effectively carried out, so as to arrest illegal extraction of sand from the coastal zone area.</p> <p>We cannot overlook the fact that there is regular abusive use of sand for construction activities, which are growing manifold. The result,</p>

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prima facie appears to be that the sand Mafias are also increasing in number.

Taking pragmatic view of the matter, we deem it proper to direct that all the Collectors and the Police Commissioners of the Coastal Zone areas/districts in the State of Maharashtra, Gujarat as well as Goa, shall give instructions to the Coastal Police Stations to take immediate steps to have regular vigil in the coastal areas and to effectively arrest illegal sand mining in the area, which falls within the CRZ area.

By way of Ad-interim measures relief in term of amended prayers (I) and (J), is granted till next order.

The MCZMA, the Collectors as well as the Commissioners of all the Coastal Zones and districts shall submit status reports and shall take stern actions against all the sand Mafias as well as those responsible for illegal extraction of sand in the Coastal Zone. They may take help of local fishermen/ community members, Home-guards and Social Organizations to comply with the directions. The details of status report along with cases registered, sand seized, etc. shall be filed on or before the next date. The State Govt. may, if so required, depute Home-guards to assist the Coastal Police Force (CPF) to monitor the activities of keeping vigil and registering the cases against sand Mafias. The Applicants also should point out and identify those who are dealing in murky business of illegal sand mining and extraction.

The Respondents to file reply affidavits and compliance reports by next date.

Stand over to 11th March, 2014.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr.Ajay A. Deshpande)