

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-OCW-205-2020****IN****PILWP No. 14-2018**

The Goa River Sand Protectors
Network Petitioners
Versus
Shri Parimal Rai and Others Respondents

Ms. Norma Alvares, Advocate as Amicus Curiae.

Mr. Devidas Pangam, Advocate General with Mr. Geetesh Shetye, Additional Government Advocate for the State.

**Coram:- M.S. SONAK &
M.S. JAWALKAR, JJ.**

Date:- 9th December, 2020

P.C.

Heard Ms. Alvares, the learned Counsel for the petitioners.

2. At least, *prima facie*, we find that our orders in relation to sand mining are not being complied with. The material placed on record, at least, *prima facie*, indicates that illegal sand mining has returned with vengeance and the Authorities, who, in the past had done commendable work in preventing it, appear to have let down the guard.

3. In the said circumstances, we are constrained to issue notice to the respondents to show cause as to why action under the Contempt of Courts Act be not initiated against them. In addition, we now direct the respondent no. 1 to personally ensure that our orders in relation to illegal sand mining are complied with in letter and spirit, not only by him, but, also by the Authorities who were directed to take specific steps to prevent the sand mining or in any case, this rampant illegal sand mining.

4. Ms. Alvares pointed out that it is necessary in the present circumstances to reiterate that the concerned Authorities are required to act in terms of direction nos. (b) and (j) of our order dated 18.12.2019. These directions read as follows:

(b) The canoes and boats used for illegal extraction of the sand shall be seized by the flying squads and thereafter confiscated. The registration of such canoes/boats used for illegal sand mining shall be cancelled by the Captain of Ports. The canoes/boats operating without registration shall be dealt with as per notification dated 29.03.2016 issued by the Director of Mines and Geology and the circular dated 25.02.2019 issued by the Captain of Ports.

(j) The petitioners have pointed out certain routes on which illegal transportation of sand and gravel, again illegally mined, is carried out. These routes are referred to in paragraph 34 of this Judgment and Order. Accordingly, we direct the State, through its police machinery as well as transport department to regularly patrol these areas and check the transport vehicles carrying sand to verify whether the same is backed by valid permissions and authorizations. If the transporters are unable to indicate the source from where such sand or gravel is mined and to produce necessary permissions/authorizations for transportation, the police and transport authorities to take stern action, including but not restricted to confiscation of trucks and material therein. The police should also consider, in such cases, to launch prosecution under the relevant sections of the IPC as well as MMDR Act.

5. Although, there should be no reason for us to re-issue a mandamus, we only point out to the Authorities, who are required to comply with the aforesaid directions that if, there is no compliance hereafter, then, this might be regarded as an aggravating circumstance.

6. Though the personal presence of the respondents is dispensed with, for the present, the respondents to file their responses on or before 11.01.2021, without seeking any extension of time. For any reason, if the responses cannot be filed by 11.01.2021 by any of the respondents, then, such respondents to personally remain present to submit their say in the matter.

7. Further, we expect all the respondents to this Petition to treat this matter with utmost seriousness, since, the issue is just not relating to the compliance of the directions of this Court, but, the issue concerns serious environment hazards, which will haunt us, if rampant illegal sand mining is allowed to continue.

8. At this stage, the learned Advocate General submits that action has already been commenced and the Authorities are taking action to stop the illegal sand mining. He submits that the impression that the petitioners want to create that no action is being taken is not correct.

9. If the action has already commenced, then, that is commendable. However, this statement will have to be made

good by the respondents by continuing their action to prevent and control the illegal sand mining. Accordingly, all the respondents, who are said to have been taking steps, to indicate the same in the reply to be filed in this matter. The affidavits to provide details of cancellation of registration of canoes/boats, trucks, arrests, seizures, confiscations, fines or other steps that may have been taken.

10. Stand over to 11.01.2021.

11. The Registry to ensure that the notices along with the order are served upon the respondents in this Petition personally as early as possible.

M.S. JAWALKAR, J.

M.S. SONAK, J.

EV