



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 111 of 2024

In The Matter Of Suo Moto Public Interest Litigation

Versus

Union Of India & Others

Order-Sheet

09/01/2025.	This is an office reference. Matter relates to illegal mining of muroom from the land belonging to the Army. Heard Ms. Anmol Sharma, learned Standing Counsel for the Union of India, Mr. Y.S.Thakur, learned Additional Advocate General, Mr. Manoj Paranjpe alongwith Shri Ankit Singhal and Mr. Anshul Tiwari, learned counsel for the respective respondents. Mr. Thakur submits that notices were issued to the builders and colonizers and two of the builders have submitted their reply before the District Mining Officer, Bilaspur. Mr. Thakur further submits that in view of the order passed by this Court on 26.12.2024, the respondent No. 3

i.e. Secretary, Government of Chhattisgarh, Department of Mines & Minerals, has also filed his affidavit on 08.01.2025, which is on record.

The relevant portion of the affidavit filed by the Secretary, Department of Mines & Minerals, Government of Chhattisgarh, dated 07.01.2025 reads as under:

“2. That, after being apprised about the issue involved in present matter and direction of this Hon'ble Court, the Collector-Bilaspur, was directed to examine the issue relating to alleged illegal extraction of Murum and its illegal use as reported in the daily newspaper. As already brought before this Hon'ble Court that, the proprietor of M/s Fortune Element Shri. Pawan Agrawal, had already been issued a notice on 25/12/2024. The response of notice was submitted by the aforesaid person, wherein source of Murum was disclosed. Copy of the notice dated 25/12/2024 issued by the Mining Officer to M/s Fortune Element, Proprietor Shri. Pawan Agrawal, is filed as ANNEXURE A-1

3. That, it is further humbly submitted that, the proprietor of M/s Fortune Element Shri. Pawan Agrawal, with his reply dated 02/01/2025 submitted the relevant document and transit pass. However, the colony where the Murum has been utilized was inspected by the Mining Inspector and a report was submitted by him stating that total 6,626 cubic meter Murum has been used in the colony by M/s Fortune Element. However, Royalty-Slip of total 6,372 cubic meter Murum was presented. The submitted

Royalty-Slip do not pertain to Chakarbhata Telsara area. However, to cross-check the Royalty-Slips, communication has been sent to the issuing persons/ firm.

4. It is further humbly submitted that, similar notice was issued on 26/12/2024 to the proprietor of three other business units namely; Shri Shailesh Agrawal, who is owner of Indu Imperia, Indu Imigica and Jagdish Plant. On 01/01/2025, the reply to the notice dated 26/12/2024 was submitted alongwith transit pass and other relevant documents. The Murum used by Shri. Shailesh Agrawal, was also physically examined by the Mining Inspector and a report was submitted to the effect that the Murum used is different from the Murum of Chakarbhata, Telsara area. However, since the noticee failed to satisfy legal procurement of used Murum, therefore a penalty of Rs. 6,88,848/- under Section 21(5) & 23(A) of Mines & Mineral (Development & Regulation) Act, 1957 was imposed and recovery letter has been issued.

5. That, taking serious note of the concern expressed by this Hon'ble Court by way of taking cognizance of illegal extraction of minerals, urgent instructions were issued and on 26/12/2024 itself, order was issued by the Sub Divisional Magistrate of the concerned area constituting the team for regular patrolling in the area to prevent incidence of illegal extraction of minerals. Such team are consisting of the Officers from the Police Department, Mining Department and Revenue Department. Copy of the order dated 26/12/2024 is filed herewith as

ANNEXURE A-2. Further, to ensure that the illegal extraction of mineral from the area concerned is prevented effectively, the office of the respondent no. 6/Collector, Bilaspur, has issued order for establishing temporary Check-Post for effective monitoring. It has been directed for deploying Police Constable and Nagar Sainik in the Check-Post. Copy of the letter dated 30/12/2024 is filed herewith as ANNEXURE A-3.

6. It is further humbly submitted that, for effective monitoring of use of Minor Minerals in the construction of colonies and commercial buildings, a letter has been issued on 06/01/2025 by the respondent no 6 to the officers of the concerned departments/body directing them to enquire about the source of minor minerals used in such projects. Copy of the letter dated 06/01/2025 is filed herewith as ANNEXURE A-4

7. It is further respectfully submitted that, a report has been prepared about the action taken. On the issue involved in present Public Interest Litigation. In this report prepared by three officers of the Mining Department, in a chart it has been shown as to how many cases of illegal excavation and illegal transportation of Murum / Mitti were registered and penalty amounts were realized. In the report, submission has been made as regard to the compliance of directions to ensure effective check on illegal mining, transportation and storage of minor mineral. Copy of the report dated 06/01/2025 is filed herewith as ANNEXURE A-5.

8. That, the humble deponent shall ensure that, the measures taken to check the illegal mining of minor mineral from the area concerned are effectively implemented. Any direction, which this Hon'ble Court deems fit and appropriate shall also be complied with in letter and spirit.

9. That, the deponent herein is conscious of the gravity of the order passed by this Hon'ble Court and he respectfully submits that he has immense respect for the orders passed by this Hon'ble Court and he is duty-bound to comply the orders in its letter and spirit.”

Mr. Manoj Paranjpe, learned counsel appears on behalf of the respondent No. 10 i.e. Fortune Element Colony. He submits that the respondent No. 10 has received a notice from the respondent No. 3 and response has also been submitted to the said authority. He further submits that a news item was published on 14.12.2024 in Bilaspur Bhaskar stating that there are 54 colonies in the Tifra and Chakarbhata area where the unauthorisedly mined muroom have been utilized. Another news item was also published on 25.12.2024 in which certain names were highlighted including the respondent No. 10 and other persons but only the respondent No. 10 has been issued notice by the respondent authorities.

There is yet another news report dated 31.12.2024 published in Dainik Bhaskar, Bilaspur, with a heading “रक्षा विभाग की जमीन पर मुरूम

खनन रोकने के बजाय रायल्टी बुक दे दिया, बांधा तालाब के पास खनन की मंजूरी और दूसरी जगह कर रहे खुदाई” and the said news report goes to show that the authorities of the Mining Department and the Gram Panchayat are hand in glove and their role is suspicious.

In view of the above, the Secretary, Mines & Minerals, Government of Chhattisgarh is directed to issue notices to all such colonizers who are alleged to have utilized the muroom excavated from the land in question and also to explain as to what is the mode and mechanism adopted by the authorities to determine/ascertain that the muroom excavated from the land in question and the muroom utilized by the colonizers are different. He shall also file a fresh affidavit in this regard before the next date.

Let the matter be listed on **3rd February, 2025.**

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Padma / Amit

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by AMIT KUMAR
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