

W.P. No.27356 of 2019
and W.M.P.Nos.13292, 13294, 35572,
30346, 36994 and 37000 of 2024

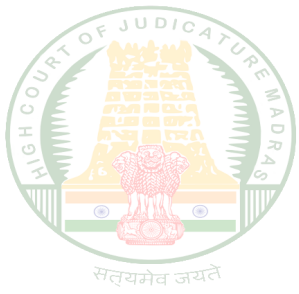
N.SATHISH KUMAR, J.,
&
D.BHARATHA CHAKRAVARTHY, J.,

On the last occasion, upon the report being filed by the learned District Judge / Chairman, Permanent Lok Adalat, Coimbatore, we directed furnishing of copies for all concerned, including the Government authorities, so that they can come up with their response.

2. Today, the learned Special Government Pleader submits that he needs some more time to file his response to the report.

3. On a cursory reading of the report, one is shocked to note that huge extent of devastation of forest and nature has been done. The Learned District Judge, himself in page No.112 of the report has stated that he is pained to record what he has witnessed in the area. It is his observation that *“it is not an exaggeration and that the inspection team was totally shocked to see the rampant sand mining in such a vast area. It is nothing but a man made disaster of natural resource for continuous period. The miscreants have done the act without an iota of guilt as if they are not part of the Society.”*

4. It can also be seen that the quarrying activity is done in the very vicinity of the reserve forest area. Further, in page No.152, the Inspecting authority has categorically mentioned the dis-figuration of the forest and paragraph No.18 reads as follows:-



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“18.From the overall inspection conducted by me I submit that the patta lands near the western ghats were miserably abused both by the land owners themselves or by other miscredients with or without the knowledge of the land owners. This rampant sand mining has been carried in these areas in a wide spread manner without even sparing the Government Poramboke lands.”

5. It is further concluded by the Inspection team that *prima facie* it seems that a part of the soil has also made its way to the brick kilns which are stated to be closed. In several of the brick kilns, wet bricks, fresh soil etc., were seen and in some brick kilns an aroma of the brick burning was also felt. It was also pointed out that brick kiln activities are going on. At the same stretch, the Inspecting authority has categorically mentioned that vast amount of earth has been quarried, thus, it would not suffice to hold the brick kilns alone responsible. Apart from the top soil, the earth is quarried upto 12 meters depth in some places. Thus the gravel has been quarried. It has to be unearthed as to where all the gravel earth quarried have gone. The authority states the ground reality would require continuous monitoring by this Court. The photographs which are all placed throughout the report affect one's conscience and will not allow any normal person with the slightest concern about the environment to sleep. Even river streams have also been excavated and a bridge has been constructed to facilitate transporting of the illegal mineral.

6. To top it all, one of the activists who accompanied the inspection was



thrashed by some miscreants, was seriously injured and is now being treated in the hospital. It is the contention of the learned counsel appearing on behalf of the 66th respondent – activist that it was a planned action whereby the activist was informed to come to a particular place on the guise that some illegal activities are going on and that the police would also reach the said place immediately. When the activist reached there, he was thrashed by the miscreants. However, there was no sign of the police until he was seriously injured and was thrashed completely. He would submit that to top it all, a counter case was also registered against the activist. Therefore, though we are inclined to accept the prayer of the learned Special Government Pleader to file a comprehensive response, let the response be very clear and categorical as to :

(i) why when such huge mining to an extent of several acres in several places causing disappearance of many hills were taking place, absolutely no inspection at all was made by the Assistant Director of Mines and his Department;

(ii) Why inspite of the inspection by the District Judge along with the District Collector and a report has also been placed before this Court, till today, the police is able to identify even a single accused involved in the mining;

(iii) Whether any case has been registered with respect to each and every site of illegal quarry which is now pointed out in the report;

(iv) Whether the quantum of earth which has been illegally removed has now been calculated by the Mining Department, so that upon identification of the accused, the fine amount can be imposed;

(v) What are the other mitigating measures taken/proposed to be taken to restore this part of the earth which is thoroughly devastated and destroyed and what are the further action will be undertaken;

(vi) What are the mitigating measures, the Government is proposing to take,



firstly, to prevent quarrying and secondly, to immediately get notified about any illegal quarrying and to stop the culprits at the threshold itself;

(vii) When the learned District Judge has instructed that with his manpower and efforts he could only get the tip of the ice-berg and now, what are the other measures which are taken now to inspect other areas, to get to the bottom of the ice-berg especially to quantify how much illegal quarrying has taken place and collect the entire data as to how many acres of private / Government / forest lands illegal quarrying has taken place;

(viii) With respect of each and every tract of land which has now become a deep mines and trenches, how the elephants and wild animals will move in their corridor /habitat;

(ix) Whether these illegal mining activities have been notified to the Assistant Director of Geology and Mines by the Forest Department and if so, what action has been taken so far;

(x) If any officials are also found to be erring, what action is proposed to be taken against them.

7. Only considering the request made by the learned Special Government Pleader we are inclined to grant one more opportunity. **Hence, post the matter on 06.12.2024** and on the said date of hearing, let the Commissioner, Department of Geology and Mining, Chennai as well as the Superintendent of Police, Coimbatore, be present before this Court.

8. The Parties as well as the learned *amici curiae* shall also file their response, as to what action needs be taken on the report of the learned District Judge. It goes without saying that appropriate care be given to the 66th respondent /



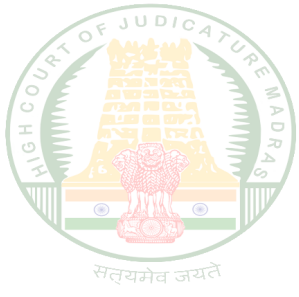
injured in the hospital and the treatment be continued to him.

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9. It is also made clear that the attack on the 66th respondent should see its logical end and the police shall also file a report in this regard.

(N.S.K., J.) (D.B.C., J.)
27.11.2024

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