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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 1328/2023**

RAVINDER ..... Petitioner

Through: Mr. D.S. Patial, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. .... Respondents

Through: Mr Avishkar Singhvi, Mr Vivek  
Kumar, Mr. Naved, Advocates with  
Ahmed Insp.Rajiv Kumar And SI  
Sachin Kumar.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **27.03.2023**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed seeking appropriate directions to stop sand mining at the Yamuna River bank area near Village- Hiranki, Delhi where according to the Petitioner, illegal sand mining is taking place near the marginal embankment along River Yamuna by deployment of Hydraulic Excavator and Dumpers as mentioned in the prayer.
3. Ld. counsel for the Respondent submits that an FIR no. 182/23 dated 29<sup>th</sup> January 2023, has been lodged and the investigation is at the nascent stage. The Petitioner in this case has made representations to a large number of authorities in respect of the said illegal sand mining.
4. Considering the allegations in the writ petition, on 2<sup>nd</sup> February, 2023, a Status Report was called for in this matter by the Assistant Commissioner of Police ('ACP') on behalf of Respondent Nos.1 & 2. Today, a Status Report dated 22<sup>nd</sup> March 2023 has been filed which reads as under:

“2. *That before the filing of this writ petition, a*

*case vide FIR no 182/23 U/s-379 IPC & 21 (4) of Mines and Minerals Act & 5/15 Environment Act dated 29/01/23 has already been registered on the statement of beat staff HC Ashish batch no 1986/OND PS Alipur, the same is pending investigation.*

*3. It is submitted that the other side of Yamuna river as compared to the jurisdiction of PS Alipa, falls under the jurisdiction of U.P Police, Further it is submitted and during enquiry, it revealed that a lease deed was executed between DM GHAZIABAD and NEW PENTHER SICURITY GUARD SERVICES PROP BANI SING dated 08/10/21 in respect of which Sand Mining is being carried out by the use of hydraulic excavators and JCB machines on the U.P side of Yamuna River. The said information with respect to above mentioned fact has already been given to S.D.M/Alipur. A letter has also been sent to D.M Gaziabad and D. MBhagpat to verify the enclosed Lease agreement dated-08.10.2021. But the reply to the same (verification report) is still awaited. The copy of lease deed along with letter dated 08.10.2021 is enclosed herewith as **Annexure I**.*

*4. That, during special drive dated 14/03/23, 02 tractors and a trolley has been seized and a case FIR No 254/23 Us 379/411/34 IPC & 21.1 Environment Act has been registered in this regard and three persons namely 1. Amit s/o Naresh R/o H no 69 Tyagi mohalla Village Hiranki Delhi 2. Gaurav S/o Sunder Tyagi R/o H no 34 Tyagi Mohalla Village Hiranki Delhi and 3. Raja Kumar S/o Shiv Narayan R/o Muzaffarpur Bihar have been arrested in this case and were produced before Rohini Court. During interrogation, all three accused disclosed that they all are living in Village Hiranki and two of them are native to village Hiranki. Amit and Gaurav disclosed that their agricultural land falls near Yamuna River and while doing farming at their agricultural land, they secretly do illegal sand mining in late night hours.*

*5. That the Petitioner Ravinder has telephonically been*

*contacted several times concerning the present Petition however, to utter surprise, the Petitioner neither cooperate with the enquiry nor he has provided any name of the miscreants/sand mafia involved in the illegal activity of Sand mining.*

*6. That it is pertinent to mention here that apart from the present Petitioner, there is no any complaint of illegal sand mining received at PS Alipur from any other complainant. The Petitioner frequently makes PCR calls regarding illegal sand mining but he neither remains present at the time of PCR call nor help the Police in identifying the spot, as the area around Yamuna River Bank is huge. However, a permanent Police picket has been put on the Yamuna Pusta near Village Hiranki and night patrolling has already been to keep a check on illegal sand mining in the jurisdiction of Police Station Alipur (Photos enclosed) and as and when, any such thing is noticed, proper legal action is being taken and miscreants are booked under appropriate sections of law.”*

5. A perusal of the said status report would reveal that some portion of the Yamuna River bank area near Village- Hiranki, Delhi falls within the PS Alipur, Delhi which is under the concerned DCP, Outer North. Some part of the Yamuna Bank near Village-Hiranki is also stated to be falling within the jurisdiction of the U.P. Police.

6. In fact, paragraph 4 of the Status Report dated 22<sup>nd</sup> March 2023 shows on 14<sup>th</sup> March, 2023, two tractors and a trolley which were also seized which were involved in illegal sand mining. It is quite clear from the status report that illegal sand mining is continuing, and undue advantage is being taken of the fact that some part of the Yamuna River bank area affected by illegal sand mining falls within Delhi and other part falls within U.P. Some arrests have also been made in pursuance of FIR No. 254/23, of some of the persons who

were engaged in the illegal sand mining.

7. The matter is of great concern and emergency as there is large scale environmental impact due to illegal sand mining. The issues concerning illegal sand mining along Yamuna River bed was considered by the Supreme Court in *Deepak Kumar v. State of Haryana (2012) 4 SCC 629*. The Supreme Court observed as under:

*“25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive in-stream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.*

*26. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read*

with Article 21 of the Constitution.

*27. The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc., in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.”*

8. Moreover, what is of enormous concern to the Court, is the reference in paragraph 3 of the Status Report, to a lease-deed entered into between the District Magistrate, Ghaziabad and M/s New Penther Security Guard Services Prop Bani Sing, which is permitting use of hydraulic excavators and JCB machines.
9. In these circumstances, it is directed that the DCP of the concerned area of Outer North - Mr. Ravi Kumar Singh shall coordinate with the concerned SSP of the U.P. Police and constitute a Joint-Task Force to ensure that the illegal sand mining on the banks of Yamuna River is stopped.
10. The Joint Task Force shall regularly monitor the river banks and also ensure that proper pickets are also posted for stopping any kind of illegal sand mining.
11. Let a further status report in this regard be placed by the next date of hearing by the Respondents. A copy of this order be sent to SSP, Ghaziabad, U.P. for implementation of the same.
12. The Petitioner shall cooperate in the investigation. However, no threats

or coercive measures shall be taken against him for having filed this petition.

13. List on 21<sup>st</sup> July, 2023.

**PRATHIBA M. SINGH, J.**

**MARCH 27, 2023**

*Rahul/DN*