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W.P.No.12089 of 2020

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKESSAVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

Learned Advocate-General appearing for the State and the official respondents suggests that in view of the disparity between the two reports filed in court as noticed in the order dated August 12, 2021, the Principal Secretary of the State Level Environmental Impact Assessment Authority should accompany the tenth respondent Junior Engineer and the eighth respondent Assistant Director in-charge of the Geology and Mining department to inspect the particular spot and ascertain the exact extent of the mining operations being carried out thereat and as to whether the same is in accordance with the permission or licence obtained by the entity carrying out mining activities.

2. Let such exercise be carried out immediately and a status report filed by the Principal Secretary of the 11th respondent along with the eighth respondent Assistant Director in the Geology and

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Mining Department when the matter appears next, a fortnight hence.

3. It is also imperative that this matter may not be seen in isolation. There are other petitions pending in which allegations abound of illegal mining all over the State. Indeed, a drive down any major highway in this State would reveal the large scale mining operations undertaken and rocks and boulders are being broken and flattened all over the place.

4. It is necessary that the respondents, particularly the respondents deputed with the task of conducting an inquiry pursuant to this order, keep their eyes and ears open to take immediate appropriate steps in accordance with law to arrest illegal mining wherever or whenever it takes place anywhere in the State.

5. It is submitted on behalf of the 15th respondent that the 15th respondent has stopped all mining activities on September 3, 2020, pursuant to the orders of this court.

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6. However, as has been observed in similar matters, it will not do for the State to be satisfied with the illegal or impermissible mining activities being stopped. Any person who has indulged in illegal mining, where illegal mining would be when one operates without a licence or in excess of the terms granted by the licence, the person has to be made to pay. The State must assess the extent of illegal quarrying indulged in by a person and recover the money equivalent thereof together with the imposition of penalty. Unless a sense of fear is instilled in persons indulging in wanton illegal mining across the State, this malady may never be arrested. The State is requested to use the machinery at its command to come down heavily on illegal miners upon following the procedure established by law.

List on 21.10.2021.

(S.B., CJ.) (P.D.A., J.)
23.09.2021

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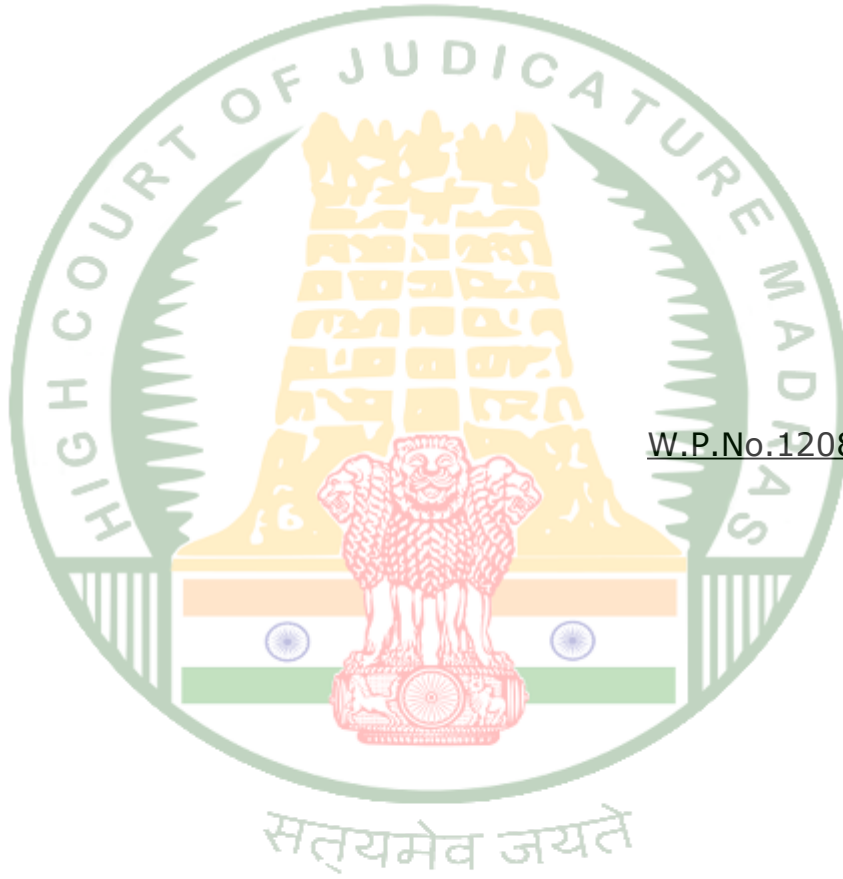
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