

115 CWP-14141-2020
BAKHSISH SINGH & ORS.
VS.
STATE OF PUNJAB & ORS.

Present: Mr.Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr.Sahil Sharma, DAG, Punjab.

This case has been taken up for hearing through video conferencing.

Notice of motion.

Mr.Sahil Sharma, DAG, Punjab, accepts notice on behalf of the State of Punjab. He prays for and is permitted to file written statement within three weeks.

Notice to the private respondents.

A question of grave public importance has been raised in this petition.

Learned counsel for the petitioners submits that large scale illegal mining activities are being carried out in their villages as well as on bed of the Sutlej river. Respondent no.6 was allotted block no.2 to excavate from the bed of Sutlej river passing through districts Nawanshahr, Ludhiana and Jalandhar. However, respondent no.6 is indulging in illegal mining. The heavy mining has changed even the course of the river at few places resulting in flooding.

Learned counsel for the petitioners further submits that heavy machinery is also deployed to excavate the sand from the river bed. The Statutory Authorities have not taken any action on the representations made by the petitioners to check the illegal mining in Block-2 cluster.

Accordingly, in the larger public interest to save the environment and ecology and also to regulate the sand mining, the Senior Superintendent of Police, Nawanshahr, Jalandhar and Ludhiana are directed to ensure that no illegal mining takes place in their jurisdiction. The deployment of heavy machinery like JCB etc. is prohibited for extraction of sand and gravel from river beds. The mining depth should be restricted upto three meters in river beds.

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The State Government is directed to take stern action against the erring officers / officials who have failed to check the illegal mining in their respective jurisdiction.

The excessive extraction of minerals poses grave threat to the bridges / National Highway, State Highway. The mining activities 1 kilometer from major bridges, and ½ kilometer from small bridges upstream and down-stream is prohibited. Similarly no mining activities shall take place 1 kilometer from the National Highways and ½ kilometer from State Highways in State of Punjab. The rivers have inherent right to flow without hindrance.

The Deputy Commissioners and the Senior Superintendents of Police are directed to constitute special Flying Squads in order to check the illegal mining activities in the State of Punjab within two weeks from today. The Flying Squads should comprise of officers / officials from mining department, revenue as well as police department. The State machinery shall also use UAV/drones to check the illegal mining and also undertake to carry out river audit including replenishment study within six months. The State should also evolve a method for procedure to monitor sale and purchase of sand.

The sand mining shall be strictly carried out in the State of Punjab as per the guidelines laid down by the Ministry of Environment, Forest Climate Change, from time to time as well as environmental law.

The Deputy Commissioners and the Senior Superintendents of Police, Nawanshahr, Ludhiana and Jalandhar shall file their status report on or before the next date of hearing.

List on 30.09.2020.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

September 11, 2020.

Davinder Kumar