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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
(1) PUBLIC INTEREST LITIGATION NO.15 OF 2016

Manoj Dadasaheb More

Petitioner

Versus

State of Maharashtra & another

Respondents

Mr.R.N.Dhorde, Senior Counsel i/by Mr.P.S.Dighe, advocate for the petitioner.

Mr. A.B.Girase, Government Pleader for Respondents No.1 & 2.

Mr.V.D.Hon, Senior Counsel i/by Mr.D.S.Mali, advocate for Respondent No.3-intervenor.

Mr.V.J.Dixit, Senior Counsel i/by Mr.B.K.Patil, advocate for intervenor. (Applicant in C.A. No.1880 of 2016)

Mr.D.S.Bagul, advocate for intervenor- applicant in C.A. No.1906 of 2016).

WITH

(2) WRIT PETITION NO.1901 OF 2016

Kunjal Constructions

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr.G.V.Wani, advocate for petitioner.

Mr.A.B.Girase, A.G.P. for Respondents.

WITH

(3) WRIT PETITION NO.1412 OF 2016

Jay Enterprises

Petitioner

Versus

State of Maharashtra & another

Respondents

Mr.K.B.Borde, advocate for the petitioner.

Mr. A.B.Girase, Government Pleader for Respondents.

WITH
(4) WRIT PETITION NO.1667 OF 2016

Sai Ganesh Building Material
Suppliers

Petitioner

Versus

State of Maharashtra & another

Respondents

Mr.L.V.Sangit, advocate for the petitioner.
Mr. A.B.Girase, Government Pleader for Respondents.

WITH
(5) WRIT PETITION NO.1902 OF 2016

Shri Balaji Minings,

Petitioner

Versus

State of Maharashtra & another

Respondents

Mr.D.P.Palodkar, advocate for the petitioner.
Mr.A.B.Girase, Government Pleader for Respondents.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 24th February, 2016**

PER COURT:

1 Petitioner in PIL No. 15 of 2016 is objecting to the communication dated 07.01.2016, issued by the Revenue and Forest Department, Mantralaya, Mumbai, permitting use of bar coded Receipt Books for the purposes of transportation of sand in the State of Maharashtra; and is seeking further direction to

operationalize SMAT System (Sand Mining Approval and Tracking System), introduced by the Government of Maharashtra under Government Resolution dated 26.12.2014 for transportation of sand in the State of Maharashtra.

2 It appears, on perusal of the impugned communication, that since the SMAT System was not operationalized, the State Government has decided to revert back to its previous practice of issuing bar coded receipts. It was also pointed out that the SMAT System was operationalized during the preceding year but requisite fees for operationalization of the said system was not deposited with the MahaOnline by the State Government.

3 Under the directions issued by this Court, the State Government has deposited the requisite amount with the MahaOnline and has decided to operationalize the said system until formalities for adopting the methodology, as directed by the Ministry of Environment, Forest and Climate Change, Government of India, under Notification dated 15.01.2016, are completed. The Notification dated 15.01.2016, issued by the Ministry of Environment, Forest and Climate Change, is placed on record, which directs the State to adopt the procedure in respect of sand mining or river bed mining, more specifically provided under Appendix-XII. The said Notification has been issued by the Ministry of Environment, Forest and Climate Change, in view of the directions issued by the Supreme Court on 27.02.2012 in SLP {C}No.19628 to 19629 of 2009, in the matter of **Deepak Kumar Vs. State of Haryana and others**, reported in (2012) 4 SCC 629; and

as such, it shall be obligatory on the part of the State Government to adhere to the directives contained in the order. The Ministry of Environment, Forest and Climate Change has also considered the order passed by the National Green Tribunal on 13.01.2015 in the matter relating to sand mining and issued directions while prescribing policy on environmental clearance for mining leases in cluster for minor minerals.

4 The State Government is bound to adopt the procedure prescribed by the Ministry of Environment, Forest and Climate Change, under the Notification referred to above. Until framework for operationalization of the methodology, as suggested by the Ministry of Environment, Forest and Claimant Change, is prepared, the State Government has decided to revert back to the SMAT System, which was adopted during preceding year. The communication is placed on record by the learned Government Pleader, issued by the State Government on 23.02.2016, informing that directions have been issued to continue the SMAT System till 31.03.2016 and if the State Government prepares the framework for adoption of methodology, as suggested by the Ministry of Environment, Forest and Climate Change, the said System will be implemented from 01.04.2016 onwards. However, in the event if the State Government fails to prepare the framework for adoption of said methodology, the SMAT System, would be continued.

5 It is not a matter of controversy that the SMAT System, which was adopted during preceding year, is also not free from any loopholes. As such, Ministry of Environment, Forest and Climate Change has issued directions for adoption of separate methodology

prescribing various checks and balances. It shall be obligatory on the part of the State Government to adopt the methodology, as suggested by the Ministry of Environment, Forest and Climate Change and observance of the SMAT System, for permitting excavation of sand, shall be merely a time gap arrangement.

6 We direct the State to continue with the SMAT System, as decided, only up to 31.03.2016 until necessary framework for adoption of guidelines suggested by the Ministry of Environment, Forest and Climate Change, is prepared and the State shall adopt the methodology and procedure prescribed under the Notification issued by the Ministry of Environment, Forest and Climate Change on 15.01.2016, on and after 01.04.2016.

7 In view of these directions, grievance raised by the petitioner, in the instant PIL, stands redressed. Public Interest Litigation No.15 of 2016 stands disposed of.

8 Interim relief granted by this Court shall stand vacated.

9 In view of disposal of PIL No. 15 of 2016, Writ Petitions No.1901/2016, 1412/2016, 1667/2016 and 1902/2016 stand disposed of. Pending Civil Applications do not survive and stand disposed of.

A.I.S.CHEEMA
JUDGE

R.M.BORDE
JUDGE

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