

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

4 PUBLIC INTEREST LITIGATION NO.117 OF 2012

GRAMPANCHAYAT AADGAON BK. TQ. & DIST.AURANGABAD
THROUGH ITS SARPANCH
VERSUS

THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Shri S.B. Gorde h/f Shri Sapkal
V.D.

Additional Solicitor General for respondent no.1: Shri
S.B. Deshpande

AGP for Respondent nos.2,4 & 5: Shri S.B. Yawalkar

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] By way of the instant petition filed in public interest, the Grampanchayat of village Aadgaon Tq. & Dist.Aurangabad prays to the Court that directions be issued to respondent Nos.2 to 5 to ensure that activity of illegal quarrying of stone from Gut No.146 which is Government land be stopped forthwith and penal action taken against the miscreants for causing environmental damage. Further prayer is that 12

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unauthorized quarries be also closed and penalty levied for causing environmental damage. Additionally it is prayed that the royalty be also recovered.

3] Response filed by District Mining Officer admits that upon complaints being received, illegal quarrying of stone from land Gut No.146 was detected. It is further admitted that after survey carried out illegal quarrying in the village was noted and, therefore, on 16.6.2009 notices were issued to seven persons who were involved in the offending excavation activity. The notices informed the royalty which was proposed to be recovered. The reply also admits that ten stone quarries and crushers which were illegally operating were sealed. The counter affidavit informs that by the G.R. dated 27.7.2010, District Level Committee was constituted which on 6.9.2010 issued directions to the Police authorities as well as transport authorities to ensure illegal quarrying being stopped forthwith. It is further informed that on 15.1.2003, the respondent No.5 served notices on the offenders as to why the amount mentioned in the notice be not recovered as arrears of land revenue.

4] Learned counsel for the petitioner submits that after the illegal quarries were sealed, the seals were broken and the miscreants once again

started the illegal excavation of stone.

5] In view of the reply filed, the only way found is to dispose of the petition issuing the following directions:-

[1] The machines at site used for quarrying would be seized and removed from the site and auctioned.

[2] The amount realized after auctioning would be set off against the royalties payable by the persons who have been found to be indulging in the illegal activity of quarrying.

[3] The Collector, Aurangabad, shall execute direction Nos. [1] and [2] within four weeks from today.

[4] The royalties held payable on account of illegal excavation of stone would be recovered by the Tahsildar issuing necessary order attaching the movable and immovable properties of the offenders and auctioning the same.

[5] Afore-noted directions by the Tahsildar shall be implemented within four weeks from today.

[6] The offenders who were illegally mining stone from the Government land would be proceeded against under the penal laws and FIRs for trespass and theft of Government property

would be lodged by the Tahsildar.

[7] Needless to state, the Police authorities then shall proceed in accordance with law pertaining to the FIRs registered.

[8] No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE