

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

SUO MOTU WP (PIL) No.1 of 2022

ORDER: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Initially the present petition was filed as a Public Interest Litigation (PIL). Subsequently, Court was informed that the PIL petitioner had expired. Therefore, *vide* order dated 16.11.2021, the PIL was converted into a *suo motu* writ petition (PIL).

2. Prayer made in the present writ petition is to order comprehensive probe into the alleged irregularities in fourteen sand quarries located in Manthani Assembly constituency in the districts of Peddapalli and Jayashankar Bhupalpalli.

3. Basic allegation is that while carrying out activities of the sand quarries, there has been indiscriminate excavation of sand leading to adverse consequences such as depletion of ground water level *etc.*

4. In the proceedings held on 14.06.2022, Court was informed that an original application on the same subject matter was moved

before the National Green Tribunal, Principal Bench, New Delhi (for short 'the NGT'). Accordingly, Court directed that a status report be filed.

5. Though status report has not been filed, nonetheless, Ms. Usha, learned Assistant Government Pleader for Mines and Geology appearing for respondents No.1 to 9 has placed before us a copy of order dated 14.02.2020 passed by the NGT in M.A.No.152 of 2019 in O.A.No.516 of 2015 (**Rela v. State of Andhra Pradesh**).

6. In the above original application pending before the NGT, the prayer is against mechanical sand mining, de-siltation and dredging in Godavari and Krishna river beds & its tributaries without obtaining environmental clearance from the statutory authorities and without conducting Environment Impact Assessment (EIA).

7. From a perusal of the order dated 14.02.2020, it is seen that a joint committee was constituted by the NGT comprising of

members belonging to the Central Pollution Control Board (CPCB), Telangana State Pollution Control Board and State Environment Impact Assessment Authority (SCIAA). After inspection, the joint committee submitted a report on 12.07.2019, which was considered by the NGT.

8. We further find that not satisfied with the said report, NGT had directed further study, whereafter Telangana State had filed an affidavit. Thereafter, NGT passed the following order:

“The above reports need to be independently evaluated and validated in view of conflicting versions. For this purpose, we constitute an Expert Committee comprising Members of Expert Appraisal Committee (EAC) on the subject of the MoEF&CC, nominees of the CPCB, IIT Roorkee and the Indian School of Mines, Dhanbad. The nodal agency will be the CPCB for coordination and compliance. The Committee will be entitled to seek assistance from any other expert or agency. The State PCB may also render such assistance as may be sought. The applicants will be free to give their view point/submissions to the CPCB within two weeks. The CPCB will provide all documents to the members of the Committee.”

9. From the above, it is evident that subject matter of the present *suo motu* writ petition is identical to the subject matter of the original application filed and pending before the NGT. Since NGT is an expert body and is monitoring the matter, we are of the view that further monitoring by the High Court may not be necessary.

10. That being the position, the present *suo motu* W.P.(PIL) is closed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

UJJAL BHUYAN, CJ

SUREPALLI NANDA, J

Date: 26.07.2022
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