



directions quashing the impugned District Survey report dated February 2023 (Annexure-P/1) pertaining to Distt. Rupnagar being prepared and finalized in complete derogation of enforcement and monitoring guidelines for sand mining 2020 (Annexure-P/3) and being prepared in a vague manner without application of mind and without conducting any replenishment study and prepared on the basis of wrong facts and figures and without publication in the general public and without calling of any objections from the inhabitants of mining effected villages.

b) And for quashing the impugned letter dated 29.09.2023 (Annexure-P/4) issued by respondent no.8 State Level environment impact assessment authority, Punjab vide which Mining department Punjab has been granted permission to undertake/start mining operations without obtaining prior environment clearance, which is totally against the guidelines as well as the decisions taken by the NGT as well as by the Hon'ble Supreme Court in I.A no.1213/2011 in SLP (C) no. 9628-29/2009 and Govt. standing order no.141(E) dated 15.01.2016 vide which prior environmental clearance is mandatory before conducting mining operations irrespective of area of mining lease."

4. In CWP-10386-2024 similar prayer has been made with respect to District Pathankot.

5. In substance, the petitioners claim that District Survey Reports (DSR) for the purpose of permitting mining of sand have been



prepared and finalized in complete derogation of Enforcement & Monitoring Guidelines for Sand Mining, 2020 and State Level Environmental Impact Assessment Authority, Punjab has erred in granting permission to start mining operation without obtaining prior environmental clearance. Respondent-State of Punjab has filed detailed reply while disclosing that amended DSR has already been approved on 17.08.2013.

6. Having heard learned counsel representing the parties, this Court is of the considered opinion that the petitioners have effective remedy of filing petition before the National Green Tribunal (hereinafter referred to as 'NGT') constituted under the National Green Tribunal Act, 2014 (hereinafter referred to as '2014 Act'). The jurisdiction of the NGT under Section 14 of 2014 Act includes civil cases where a substantial question relating to environment is involved and such question arises out of implementation of enactment specified in Schedule I. Substantially, the petitioners' apprehension is with respect to adverse impact on the environment on account of mining of sand in the rivers. The NGT, which consists of experts in the field, is better equipped to examine such matter. The scope of jurisdiction of NGT under Section 14 of the 2014 Act provides an effective alternative statutory remedy.

7. It is settled principle, in view of a string of judgments of Apex Court including in *Union of India vs. T.R.Varma* 1957 AIR 882 and *A.V.Venkateswaran, Collector of Custom vs. Ramchand Sobhraj Wadhwani & another* AIR 1961 SC 1506 that in the event of availability

of an alternative statutory remedy, the cause raised in a writ petition ought not be entertained unless the said remedy is exhausted.

8. Keeping in view the aforesaid discussion, the petitioners are relegated to the remedy before NGT.

9. With these observations, both the writ petitions stand disposed of.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

27.08.2024

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Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No