

VERDICTUM.IN

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	19.12.2022		<p>WPPIL No. 169 of 2022 <u>Sri Vipin Sanghi, C.J.</u> <u>Sri Ramesh Chandra Khulbe, J.</u></p> <p>Mr. Dushyant Mainali, learned counsel for the petitioner.</p> <p>Mr. Anil K. Bisht, learned Additional Chief Standing Counsel for the State-respondent nos.1 and 3.</p> <p>Mr. Lalit Sharma, learned Standing Counsel for the Union of India- respondent nos.2 and 5.</p> <p>Mr. V.K. Kapruwan, learned counsel for respondent no.4.</p> <p>Issue notice. Learned counsels appear and accept notice on behalf of the respondents.</p> <p>The petitioner has preferred this writ petition to seek a direction the State authorities to take immediate and effective steps to stop mechanized mining, in any form, in the rivers/ water bodies in the State of Uttarakhand, except for flood management, during rains. The petitioner is concerned about the rampant unscientific and unregulated mechanized river bed mining being done in the rivers of the State of Uttarakhand, and seeks stoppage of the same.</p> <p>The petitioner also points out that the royalty payable by respondent no.4, which is a State agency, and is legally doing manual mining on the river beds in the State, is much higher than the royalty paid by</p>

			<p>private lessees, thereby making the mining carried out by respondent no.4 financially unviable. He submits that respondent no.4 is being discriminated against, as the royalty payable by respondent no.4, is higher than the royalty payable by the private lessees, who are indulging in illegal mining in contravention of the relevant rules and norms.</p> <p>Mr. Mainali has referred to the decision taken by the Forest Advisory Committee of the Central Government which has permitted mining on the river beds, by only permitting manual means, i.e. by using hand tools in the State of Uttarakhand strictly, and without adoption of mechanical means and machinery.</p> <p>Though, respondent no.4 appears to be complying with the said direction, according to the petitioner, the private lessees are violating the said directions unabashedly.</p> <p>In the light of the aforesaid, we restrain all the lessees who are operating their respective mining lease in the State of Uttarakhand in river beds and other water bodies, from undertaking mining activities by resort to use of mechanical means.</p> <p>The District Magistrates in all the districts, who are the Chairpersons of the Mining Task Force, shall ensure that all mechanical equipments used for mining</p>
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in the river beds are removed forthwith from the site of the mining, and he shall keep strict vigil to ensure compliance of this direction.

The respondents should file their respective counter-affidavits, specifically disclosing the rationale for charging higher royalty from respondent no.4, when compared with the royalty charged from the private lessees. Let the same be filed within three weeks.

List on 12.01.2023.

(R.C. Khulbe, J.)
19.12.2022

(Vipin Sanghi, C.J.)
19.12.2022

NISHANT