

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No.194 of 2020 (SZ).

IN THE MATTER OF:

Sarvobhuma Bagali

..APPLICANT.

Versus

State of Karnataka & Ors .

..RESPONDENTS.

Next Date 25/07/2022.

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New Delhi  
Date 21/07/2022,

Filled By :-

  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****CHENNAI****Application No.194/2020****BETWEEN**

Sarvobhouma Bagali ... Applicant

**AND**

State of Karnataka &amp; Others ... Respondents

**Additional objection statements of the Dept. of  
Mines and Geology, Bengaluru, Karnataka**

It is submitted that detailed objections to the Application of the Applicant are already submitted by way of Counter Affidavit. In addition to above statements of objections the following issues were raised by the Hon'ble Tribunal.

- i) *Whether while releasing the vehicles seized, involved in illegal mining, the directions issued by the Principal Bench of National Green Tribunal in OA 360 of 2015 and earlier cases are being strictly adhered to*
- ii) *Whether any amounts have been realized from the persons who are involved in doing mining using heavy machineries against the provision of the mining laws in the state.*

With reference to issue No.1 it is submitted that the directions of the Hon'ble Tribunal regarding release of vehicles seized, the state has framed the following Rules in the KMMCR 1994 and they are strictly followed. Sand is the minor mineral as per schedule II-A and KMMCR is applicable. Relevant Rule 43 (5 to 11) and Rule 43A are as under:-

### **Rule 43 of KMMCR 1994**

"(5) The Officer in charge of the check post or the barrier or the authorised officer shall seize any minor mineral including the vehicle used for transit of such minor mineral, if the driver or person in charge of such vehicle fails to produce a valid permit.

[6] The Officer in charge of the check post or the barrier or the authorised officer after seizing any minor mineral along with the vehicle used for transit of such minor mineral under sub rule (5) shall give a receipt in **Form-VS (Vehicle Seized)** for having effected the seizure to the person from whose possession or control it is seized.

(7) Upon seizure as provided under sub rule (6) it shall be necessary for the officer referred to concerned officer under sub-rule (6) to make a report within a reasonable period of such seizure to the Competent Court having jurisdiction to try the offence on account of which seizure has been made.

(8) No release of the vehicle which shall however not include the minor mineral so seized shall be made unless there is an execution by the owner thereof, of security in the form of a renewable Bank Guarantee,

of an amount equal to double the value of such vehicle, before the Competent Court having jurisdiction to try the offence on account of which the seizure has been made:

Provided that where a report has been made to the Competent Court under sub-rule (7) the seized vehicle shall not be released except under the orders of such Court.

(9) Any seizure made under sub-rule (6), shall be liable for confiscation by an order of the court competent to take cognizance of the offence under sub-rule (1) and shall be disposed of in accordance with the provisions of these Rules.

(10) In addition to seizure under sub-rule (6), for failure to produce a valid permit, the officer in charge of the check post or barrier shall impose on the driver or the owner or person in charge of the vehicle a penalty equal to five times the amount of royalty payable as under Schedule-II.

(11) The authorities empowered to take action under this rule may request in writing for the help of the police and the police authorities shall render such assistance, as may be necessary, to enable the officer or official to exercise the powers conferred on them by these rules to stop the illegal movement of minerals."

**43A. Seizing of unlawful minor mineral, tool, equipment, vehicle etc.-** (1) Whenever any person raises or causes to be raised, or stored without any lawful authority. Any minor mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such minor mineral, tool, equipment, vehicle or any other things shall be liable

to be seized by an officer or authority specially empowered in this behalf.

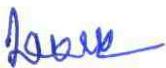
(2) The procedure prescribed under sub-rules (6), (7), (8), (9), (10) and (11) of rule 43 shall mutatis mutandis apply for seizure under sub-rule (1) of this rule and reference to officer or authority and items in the above sub-rules of rule 43 shall have reference to officer or authority and items referred to in sub-rule (1) of this rule and shall be construed accordingly.

It is submitted that regarding issue No.2. several cases were booked and penalty recovered for using heavy machineries during sand mining. A list of 35 such cases for 2021-22 is enclosed herewith for kind consideration of the Hon'ble Tribunal. 35 cases were booked, penalty of Rs.10,81,000/- was recovered in some cases and in other cases, complaints were lodged to Competent Courts. List

**Annexure-R3.**

Hence it is prayed to dismiss the Application.

**Bengaluru**  
**Date:20.07.2022**

  
**RESPONDENTS**  
Deputy Director (Min. Admn)  
Dept. of Mines & Geology  
Bangalore-560001

### Illegal Sand Mining Details (cases)

April -2021 till the end of March -2022

Sl. no	Sl. no	Districts	Taluk	Sand mining area (village /Survey no)	Seized Vehicles/Machinery	Penalty Collected	Case Booked	
							FIR No.	PCR / CC No.
1	1	Kolar	Mulabagilu	Budaderu	JCB KA-03-D-6334	50000	-	-
2	1	Shivamogga	Shivamogga		JCB	50000	-	-
	2		Shivamogga	Purale/ Benavanahalli	JCB	50000	-	-
	3		Hosanagara		JCB	50000	-	1111/2021
<b>Total</b>						<b>200000</b>	-	-
3	1	Mandya	Madduru	Bannahalli Sy.no.9	Lorry -1, JCB-01	123000	-	PCR NO:787/2021
	2		Madduru	Maraliga Sy.no.87/2	JCB KA-11- EF-3323	-	Besagarahalli Police Station	-
<b>Total</b>						<b>123000</b>	-	-
4	1	Udupi	Udupi	Kukkehalli	Mechanized boat-01 Hitachi-01	100000	-	-
	2		Udupi	Manipura	Dredging boat-01	20000	-	-
	3	Udupi	Kapu	Shirva	Hitachi-01 Lorry -01	88000	-	-
	4		Bainduru	Heranjalu	Mechanized boat-01	50000	-	-
	5		Bhrammavara	Cherkadi	Mechanized boat-01	-	-	PCR No 36/2021
<b>Total</b>						<b>258000</b>	-	-
5	1	Kodagu	Somavarapete	Manuganahalli	Lorry -01, Hitachi-01	-	-	51/2021
	2		Somavarapete	Kelakodli	Mechanized boat-01	-	-	/2021
	3		Somavarapete	Kelakodli	Hitachi -01	50000	-	-
	4		Somavarapete	Hampapura	Mechanized boat-01	50000	-	-
<b>Total</b>						<b>100000</b>	-	-

Sl. no	Sl. no	Districts	Taluk	Sand mining area (village /Survey no)	Seized Vehicles/Machinery	Penalty Collected	Case Booked	
							FIR No.	PCR / CC No.
6	1	Kalaburagi	Kalaburagi	Hasanapura	Hitachi-01	-	0041/2021	-
	2		Afajalapura	Ghattaraga/Bhima river bed	JCB-01	50000	-	1780/2021
<b>Total</b>						<b>50000</b>		
7	1	Raichuru	Devadurga	GUGAL	Hitichi	-	0045/2022	-
	2		Devadurga	KONACHAPPALI	Hitichi	-	0069/2022	-
	3		Devadurga	JOLADAHEDAGI	Hitichi	-	0071/2022	-
<b>Total</b>						<b>-</b>		
8	1	Yadagiri	Surapura	Krishna river surroundings	HITACHI S.NO. N604D00060	100000	-	-
	2		Surapura	Krishna river surroundings	KOBELCO S.NO. YQ1106782		-	-
	3	Yadagiri	Surapura	Hemmadagi Krishna river	HITACHI S.NO. 210 N633D011597	50000	-	-
<b>Total</b>						<b>150000</b>		
9	1	Belagavi	Ramdurga	Khanapet	Hitachi	50000		
	2		Ramdurga	Khanapet	Hitachi	50000		
<b>Total</b>						<b>100000</b>		
10	1	Bagalkote	Badami	Tapasakatti Sy. no. 84/9	Hitachi D-34 SANY SY Two 20 C/9	50000	-	-
<b>Total</b>						<b>50000</b>		
11	1	Uttara Kannda	Honnagara	Kasarakoda	Mechanized boat- No.1215	50000	-	-
	2		Honnagara	Hosapattana	Mechanized boat No. 1218	-	-	CC No.1996/2021
	3		Honnagara	Hosapattana	Mechanized boat No. 864	-	-	CC No.1995/2021
	4		Honnagara	Kalasinamute	Mechanized boat No. 831	-	-	CC No.1997/2021
	5		Honnagara	Hosada	Mechanized boat No. 792	-	-	CC No.2002/2021

Sl. no	Sl. no	Districts	Taluk	Sand mining area (village /Survey no)	Seized Vehicles/Machinery	Penalty Collected	Case Booked	
							FIR No.	PCR / CC No.
	6	Uttara Kannda	Honnagara	Kalasinamute	Mechanized boat No. 697	-	-	CC No.2001/2021
	7		Honnagara	Kalasinamute	Mechanized boat No.537	-	-	CC No.2000/2021
	8		Honnagara	Kalasinamute	Mechanized boat No.496	-	-	CC No.1999/2021
	9		Honnagara	Mandalakurva	Mechanized boat No. 482	-	-	CC No.1998/2021
<b>Total</b>						<b>50000</b>		
<b>Grand Total</b>						<b>1081000</b>		

  
 Deputy Director (Min. Admn)  
 Dept. of Mines & Geology  
 Bangalore-560001