

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 35/2024 (SZ)
EARLIER O.A. NO. 637/2023 (PB)**

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU
based on the news item in Daijiworld Dt.
26.10.2023 titled "**Mangalore: Illegal
stone quarry mining - Contractor
threatens local residents**"

Versus

Deputy Commissioner, Dakshina Kannada and Ors

...Respondents

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**Darpan KM
Standing Counsel
State of Karnataka
LGF, K-6
Lajpat Nagar – III, New Delhi – 110 024
darpan.advocate@gmail.com | +91 98991 25060**

Date: 19.07.2025

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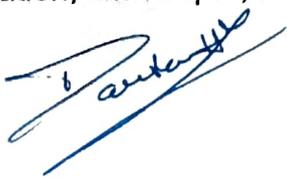
ACTION TAKEN REPORT ON BEHALF OF RESPONDENT NO. 1

MOST RESPECTFULLY SHOWETH:

1. That the instant report is being filed to bring on record the action taken by the answering Respondent against illegal stone quarrying activity in Bittupade, Mangalore.
2. It is submitted that the President, Badriya Jumma Masjid Bondil, Bittupade had made a complaint regarding illegal stone quarrying going on in private lands in Bittupade, Neerimarga Village, Mangaluru Taluk.
3. Following the complaint mentioned above, a site inspection was carried out on 25.10.2023 by the Junior Engineer, Department of Mines and Geology while the present and former Chair^aman of Badriya Jumma Masjid and local residents were also present.



4. According to the survey, illegal stone mining was being carried out in a private land belonging to one Kadandale Suresh Bhandary at Bittupade, and it was found that the stone was being mined in an area of about 0.50 acres. About 120 MT of building stone and 200 MT of boulders were found during the inspection. A yellow JCB vehicle used for mining in the area, a stone-crushing tractor compressor (bearing the registration no. KA-19-0647), an unloaded yellow 6-wheeled Eicher bearing the registration no. KA-19-AB-5054 vehicle and a stone-breaking machine have been seized and taken into possession by the answering department. The workers and the driver fled the scene. At the time of the inspection, the local residents who were present at the site said that the tiles of the mosque had been damaged due to the use of explosives and tractor compressors, and stone breaking activities. The walls and glass windows had been broken because of mining.
5. An empty earthen vehicle parked at the site of the mining was taken into custody as well. At the time of the inspection, it was established that the stone quarrying in the said area is unauthorised and is in violation of the Karnataka Minor Mineral Concession Rules, 1994. It is submitted that as per Rule 43 (6) of the Karnataka Minor Mineral Concession Rules, 1994 and Schedule I-A and II, a total amount of Rs. 5,70,000/- has been levied as reconciliation fee and a demand notice has accordingly been issued to the land owner, Shri Suresh Bhandari Family Charitable Trust, Vijaya Building, Near Railway Station, Ghatkopar, Mumbai-400086.



6. In reply to the notice issued by the Deputy Director, Department of Mines and Geology, Dakshina Kannada District One Mr. Mohandas Bhandari, on behalf of Mr. Suresh Bhandari, has paid Rs. 90,000/- to the Department of Mines and Geology as per Challan No: MG 1123085300000242/02-11-2023 for the release of JCB, Tractor Compressor, Stone Breaking Machine and an empty tipper vehicle: KA-19-AB-5054 which was found on the unauthorized mining area. Accordingly, the above vehicles have been released. Further Mr. Mohandas Bhandari on behalf of Mr. Suresh Bhandari, had also given an affidavit in writing stating that the remaining amount of Rs. 4,80,000/- would be paid to the Department by 30.11.2023.
7. Later, as the defaulter did not pay the balance penalty amount, several notices were served to the defaulter by the Department of Mines and Geology, i.e. on 11.12.2023, 27.12.2023, 26.02.2024, and on 22.03.2024. However, as the defaulter did not pay the penalty amount, a final notice was issued to Mr. Suresh Bhandari on 27.06.2024 stating that if the penalty amount was not paid, the same would be recovered as arrears of land revenue under the Revenue Act.
8. It is submitted that the Technical Officer had visited the said area on 23.07.2024 and had found that there was no mining carried out in the area, which has been covered under GI sheets and has been locked. True copy of report submitted by Deputy Director, Department of Mines and Geology, Mangaluru is annexed herewith as **Annexure R-1**.



9. Further, with respect to the realisation of environmental compensation, it is submitted that the land belonging to the said Mr. Suresh Bhandary has been forfeited by the Tahsildar, Mangaluru Taluk as provided under Section 163 of Karnataka Land Revenue Act 1964. It is submitted that action will be taken in due course to distraint and sell the property to recover the penalty amount as stipulated under Section 164 of Karnataka Land Revenue Act.
10. It is thus submitted that action has been taken as per law and there is no illegal mining going on at present. In view of the same, the present Original Application may be disposed of.

Filed by


Deputy Commissioner
Dakshina Kannada District
Mangaluru
Deputy Commissioner
Dakshina Kannada District
Mangaluru


Darpan KM
Standing Counsel
State of Karnataka

Date:19.07.2025



GOVERNMENT OF KARNATAKA
OFFICE OF THE DEPUTY DIRECTOR, DEPT. OF MINES & GEOLOGY

^{1st} Floor, Jugul Tower Building Mallikatte, Mangaluru-575002. Ph:0824-2429932, Email: ddmangalore.dmg@gmail.com

No:DMG/DDM/NGT 35/2024/

Date:25-07-2024

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To,
The Deputy Commissioner & District Magistrate's Office
Dakshina Kannda District
Mangaluru – 575001

Respected Sir,

Subject: The Hon'ble Green Bench Court, Chennai and the case No: OA:
35/2024 (695/2023) registered herein regarding filing of a report on
the action taken in respect of "Mangaluru: illegal stone quarrying
mining – Contractor threatens local residents ."

In connection with the above matter, the President, Badriya Jumma Masjid Bondil, Bittupade has given a complaint regarding illegal stone quarrying is going on in the private land of Neerimarga /bittupaade village which comes under the jurisdiction of Neerumarga village of Mangaluru Taluk.

The site inspection was carried out on 25-10-2023 in the presence of Junior Engineer of this office, present & former Chairman, Badriya Jumma Masjid Sittapada and local Sittapada residents.

According to the survey, illegal stone mining was carried out in a private land belonging to Kadandale Suresh Bhandary at Bittapade in Neeru Marga and it was found that the stone (size stone) was mined in an area of about 0.50 acres and about 120 MT of building stone and 200 MT of boulders were found during the Inspection. A yellow JCB vehicle used for mining in the area, a stone-crushing tractor compressor (KA- 19-0647), a yellow 6-wheeled Echar KA-19-AB-5054 vehicle (empty) and a stone-breaking machine have been seized and taken into the possession of the department. The workers and the driver fled the scene. At the time of the mahazar, the local residents of Bittapada, who were present at the site, said that the tiles of the mosque building had been damaged due to the use of explosives and tractor compressors, stone breaking, and the walls and glass windows had been broken because of mining.

With the help of local residents, a dredger was arranged and an empty earthen vehicle parked at the site of the mining was taken to custody due to non-availability of JCB vehicle and tractor compressor .At the time of mahazar,

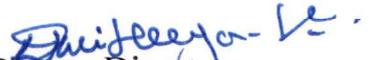
it was established that the stone quarrying in the said area is an unauthorised activity and is in violation of the Karnataka Minor Mineral Concession Rules, 1994 Amendment Rules, 2020. Rule 43 (6) of the Karnataka Minor Mineral Concession Rules, 1994 and Amendment Rules, 2020 and Schedule I-A and II, the regulation fee for a JCB vehicle is Rs. 50,000 / - for stone crushing tractor KA- 19-0647 and Rs. 10,000 / - for Eicher KA-19-AB-5054 and Rs. 20,000 / - and Rs. 10,000 / - and compounding fee of Rs. 4,80,000 / (for 120 and 200 MT illegally mined building stone and boulders) a total amount of Rs. 5,70,000 / - compounding fee has been levied and demand notice of Rs. 5,70,000 / has been issued as per the Technical Officers report to the land owner, Shri Suresh Bhandari Family Charitable Trust, Vijaya Building, Near Railway Station, Ghatkopar, Mumbai-400086 to maintain the status quo as to where and how the JCB vehicle, Tractor Compressor & Stone Breaking Machine are located and to file a PCR in the Hon'ble Court of Procurement in case of non-payment of the said fine amount to the office.

According to the report submitted by the technical officer of the office, Rule 43 (6) of the Karnataka Minor Mineral Concession Rules, 1994 and Amendment Rules, 2020 and Schedule I-A and II of the Act prohibit illegal and unauthorised mining. Rule 43 (6) of the Karnataka Sub-Divisional Concession Rules, 1994 and Amendment Rules, 2020 and Schedule I-A and II, the regulation fee for a JCB vehicle is Rs. 50,000 / - for stone crushing tractor KA-19-0647 and Rs. 10,000 / - for Eicher KA-19-AB-5054 and Rs. 20,000 / - and Rs. 10,000 / - and Rs. Ton & 200 mt. ton) Compounding fee of Rs. 4,80,000 / - combining a total of Rs. 5,70,000 / - as reconciliation fee has to be deposited through state government challan and has to maintain the status quo as to where and how the JCB vehicle, Tractor Compressor & Stone Breaking Machine are located and in case of non-payment of the said fine amount to the office PCR (Litigation) will be filed in the Hon'ble Court of Procurement.

With reference to the report submitted by the Technical Officer as per for violation of Rule 43 (6) of the Karnataka Minor Mineral Concession Rules, 1994 and Amendment Rules, 2020 and Schedule I-A and II of the Karnataka Minor Mineral Concession Rules, 1994 , The office demand notice of Rs. 5,70,000 / - as reconciliation fee has been served to Shri Suresh Bhandari , the land owner and also stating to maintain the tonnage and the status quo of JCB vehicle, Tractor Compressor & Stone Braking Machine as it is and as it is at the said place.

With regarding the said notice, Mr. Mohandas Bhandari on NOK of Mr. Suresh Bhandari paid Rs. 90,000 / - has been paid to the office as Challan No:

MG 1123085300000242/02-11-2023 for that JCB, Tractor Compressor, Stone Breaking Machine kept in the unauthorized mining area and an empty tipper vehicle: KA-19-AB-5054 has been released and has given an affidavit writing stating that the remaining Rs. 4,80,000/- will be paid to the Department within 30-11-2023. Even after serving notices vide this office letters dated 11-12-2023, 27-12-2023, 26-02-2024, 22-03-2024 the defaulter has not paid the penalty. A final notice stating if penalty will be recovered through RRC if not paid on time vide this office letter dated 27-06-2024 has been given to Mr. Suresh Bhandari stating that in case of non-payment of the said fine amount, the penalty will be recovered through Revenue Recovery Case (RRC). The technical officer and myself visited the said area on 23-07-2024 and found that presently there is no activity or any illegal mining in the area and the area is covered GI sheets and it has been locked. This is respectfully submitted for your information.


Deputy Director

Dept of Mines and Geology

Mangaluru

Encl: 1. Photos

2. Demand Notices and Inspection report