

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 108/2024

News item titled "**Sand Mining: 20 arrested 40 big boats seized in Bihar Police operation on Sone river**" appearing in www.downtoearth.org dated 22.12.2023

Date of hearing: 05.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Azmat H. Amanullah, Adv. for the State of Bihar
Mr. Abhimanyu Singh, Adv. for Bihar SPCB (Through VC)

ORDER

1. This original application is registered *suo-moto* on the basis of the news item titled "**Sand Mining: 20 arrested 40 big boats seized in Bihar Police operation on Sone river**" appearing in www.downtoearth.org dated 22.12.2023.

2. The News item reveals that large scale illegal sand mining is going on the Sone river in Patna district and also other districts of Bihar including Bhojpur, Rohtas, Aurangabad, Saran and Vaishali. The news report states that the criminal syndicate involved in illegal sand mining has unleashed terror by attacking and killing police officials who have cracked down upon them. In respect of Bihta, it is stated that even after the action by the local police dozens of labourers were reportedly seen illegally extracting sand from the riverbed and transporting it on the boats.

3. The news item raises substantial issue relating to compliance of the environmental norms.

4. Power of the Tribunal to take up the matter in *suo-motu* exercise of power has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. Hence, we deem it proper to implead following as respondents in the matter:

- (i) Bihar State Pollution Control Board, through its Member Secretary
- (ii) District Magistrate, Patna
- (iii) RO, MoEF & CC

6. Reply on the basis of the advance notice has been filed by Bihar State Pollution Control Board (BSPCB), a perusal of which substantiates the news report as in that reply some action taken by BSPCB is reflected. Learned Counsel appearing for the State of Bihar seeks three weeks' time to place the report on record.

7. Respondent no. 3 is not represented today. Let notice be issued to the respondent no. 3 for filing the response before the appropriate bench of the Tribunal.

8. Since the matter relates to the Eastern Zonal Bench, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Eastern Zonal Bench.

9. List before Eastern Zone Bench on 22.03.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 05, 2024
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AS.