

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 47 of 2016 (SZ)

Appellant(s)
M/s. Thirumalasetti Srinivas
Pattiseema, West Godavari Dist.
Andhra Pradesh

Respondent
Vs. Government of India, MoEF & CC,
Rep. by its Secretary, New Delhi
and others

Legal Practitioners for Appellant(s)
Mr. A. Santhosh Kumar

Legal Practitioners for Respondents
Mr. M.R. Gokul Krishnan for R-1
Mrs. H. Yasmeen Ali for R-2 to R-5

Note of the Registry	Orders of the Tribunal
Order No.	<p style="text-align: center;">Date: 3rd March, 2016</p> <p style="text-align: center;">Heard the counsel for the applicant. The averments are looked into along with the materials available. The Tribunal is satisfied that there exists a substantial question connected to and concerned with environment and ecology to be decided by the Tribunal. Hence, the application is admitted.</p> <p style="text-align: center;">The learned counsel appearing for the applicant prays for an interim order on the ground that the presumption of the Government of Andhra Pradesh as if exemption has been granted for sand mining without Environmental Clearance (EC) and also in the name of de-silting to proceed with the sand mining, is opposed to the Judgement of the Hon'ble Supreme Court in <i>Deepak Kumar Vs. State of Haryana and others</i> reported in (2012) 4 SCC 629 as well as the Judgement of the Hon'ble Principal Bench of the National</p>

Green Tribunal (NGT) in *Himmat Singh Shekhawat Vs. State of Rajasthan* in O.A. No.123 of 2014 dated 13.1.2015 wherein the Principal Bench of the NGT by following the Judgement of the Hon'ble Supreme Court in *Deepak Kumar Vs. State of Haryana and others* reported in (2012) 4 SCC 629 has stated as follows:

“In the meanwhile, no State shall permit carrying on of sand mining or minor mineral extraction on riverbed or otherwise without the concerned person obtaining Environmental Clearance from the competent authority.”

In view of the aforesaid contention and the position in law, we are of the considered view that in order to prevent the illegal sand mining, there should be an interim order insofar as it relates to the sand reaches. Therefore, we direct the respondents that the tender process shall go on except the Work Order shall not be issued insofar as the tender relates to sand reaches which is the subject matter of the application until further orders from this Tribunal. The matter is posted to 29.3.2016.

Shri M.R. Gokul Krishnan, the counsel undertakes to file memo of appearance for the 1st respondent. Smt. H. Yasmeen Ali, the counsel undertakes to file memo of appearance for the respondents 2 to 5. The services are

completed. The counsel for the respondents 1 to 5 shall file their reply within two weeks from today after serving copy to the counsel for the applicant, who shall be entitled to file rejoinder if any, within a period of one week thereafter. The matter is posted for hearing on 29.3.2016.

P.S. Rao
(Expert Member)

Justice Dr. P. Jyothimani
(Judicial Member)

