

(2013) 10 KAR CK 0046

In the Karnataka High Court

Case No : Writ Petition No. 23149 of 2013 (GM-MMS-PIL)

C.S.R. Murthy @ C.S. Ramamurthy and Jayanth Kumar

APPELLANT

Vs

The Chief Secretary, Government of Karnataka and Others

RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2013) 10 KAR CK 0046

Hon'ble Judges : D.H. Waghela, C.J.; S.N. Satyanarayana, J

Bench : Division Bench

Advocate : Nagaraj S, for the Appellant; Narendra G., A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

D.H. Waghela, C.J.—The petitioners have invoked Articles 226 and 227 of the Constitution to generally voice their grievance in the form of Public Interest Litigation, about alleged illegal mining of sand and washing of artificial sand in the reservoirs in the State of Karnataka and in particular, in and around Bangalore City. The petitioners have not stated or canvassed any background of any earlier act of public service, social service or filing of Public Interest Litigation but it was asserted in that behalf that they are concerned citizens and they were entitled to claim protection of natural environment and resources. Ultimately, a prayer is made for a "writ in the nature of mandamus to prohibit manufacturing of fake sand (by way of water filtration of upper layers of agricultural lands of public and private and the waste of demolished concrete buildings) in strict compliance with the effective implementation of the Karnataka Sand Policy, 2011 as enumerated in paragraph-10 of the writ petition." Learned counsel, Prof. Dr. S. Nagaraj, arguing for the petitioners, relied upon his earlier notice dated 20.11.2012, which was addressed to and served upon several Government authorities, some of whom are joined herein as the respondents. He fairly conceded that, that notice was duly replied by letter dated 29.11.2012 by the Senior Geologist (M), D.M.G., Kolar. It is stated in that letter at Annexure-D that

the "Sand Monitoring Committee" was inspecting the illegal sand areas and destroying the filter sand beds. The Committee has also authorized the taluk level committee headed by the Tahasildars concerned, CPI, IMV, RTO, AEE and EO of the concerned taluks to curb illegal mining or transportation of sand. The office of the Senior Geologist (Mineral) has also checked 547 vehicles during the year 2011-12 and penalty to the extent of 59.24 lakhs is levied. During the period from April 2012 to November 2012, further penalties to the extent of 53.62 lakhs have been levied, 12 FIRs have been laid and 141 people are stated to have been indicted. 2. In view of the above facts and the reply of the Senior Geologist, learned counsel for the petitioners was asked to supply information of any specific incident of illegal mining or transportation for which the authorities concerned could be directed to take action. However, the petitioners did not appear to be in a position to cite any specific incident for making any concrete allegation about such illegal activity or inaction on the part of the authorities. Only a general and long winded allegation was made by learned counsel to submit that it was futile to make further representation with any specific data or factual allegation. Under the circumstances, the petition is not entertained for any specific direction. Accordingly, the petition is dismissed with liberty to the petitioners to approach any of the aforesaid authorities with concrete information about violation of any legal provision or the so called Sand Policy. If such concrete information is provided to the respondents concerned and then they fail to take any action, it would be open for the petitioners to voice their grievance before this court with clear statements about their own interest and locus standi in the matter.