

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 290 of 2013

Hemant Kumar Shikarwar, S/O Ramlakhan Singh, Resident of Flat No.502/1, Malawar Resort, Anantpur, Post Office- Doranda, Police Station – Doranda, District - Ranchi.

..... Petitioner

Versus

1. The State of Jharkhand.
2. The Deputy Commissioner, Hazaribagh, Post office, Police Station and District – Hazaribagh.
3. The Director, Mines Department, Government of Jharkhand, Nepal House, Post Office and Police Station- Doranda, District - Ranchi.
4. The District Mining Officer, Hazaribagh, Post Office, Police Station and District – Hazaribagh.
5. The Pollution Control Board, Government of Jharkhand, Ranchi.
6. The Chairman, Pollution Control Board, Government of Jharkhand, Ranchi.
7. The Secretary, Pollution Control Board, Government of Jharkhand, Ranchi.
8. Union of India.
9. Union of India through Ministry of Environment, Forest and Climate Change, through its Secretary, Indra Prayavaran Bhawan, Jor Bagh Road, PO and PS Sodhi, New Delhi – 110014.

..... Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR JUSTICE RAJESH SHANKAR**

For the Petitioner:	Mr Vijay Narayan Singh, Advocate
For the State:	Mr Gaurav Raj, A.C. to A.A.G.-II
For Resp. Nos.5-7:	Mr Prabhash Kumar, Advocate
	Mr Manish Sharma, Advocate

Reserved on: 21.04.2026

Pronounced on: 07/05/2026

Per M. S. Sonak, C.J.

1. The instant writ petition concerns the Hazaribagh district of the state of Jharkhand, a region whose name, derived from the Persian “Hazar” (thousand) and “Bagh” (garden), evokes the historical imagery of a land blessed with a thousand gardens¹. Once an integral part of the Chotanagpur plateau, Hazaribagh served as a natural fortress of dense forests and deep valleys. As documented in Captain Robert Smith's surveys, these indigenous woodlands were meticulously preserved by local rulers, providing sanctuary for the tiger, the leopard, and the bear². However, the "soul" of this region has undergone a profound and painful transformation.
2. The transition began with colonial-era infrastructure, in which the construction of military roads and railways initiated a systematic clearing of the jungle. Early treatises by Walter Hamilton³ and Bradley Birt⁴ trace this recession, noting how vast, impenetrable tracts gradually gave way to human encroachment. What was once a pristine expanse of biodiversity beginning to diminish, eroding the ecological balance that sustained the identity of the "City of a Thousand Gardens."

1 (E. Lister, Bihar and Orissa District Gazetteers: Hazaribagh, Superintendent, Government Printing, Bihar and Orissa, 1918

2 Tales of Hazaribagh: An Intimate Exploration of Chhotanagpur Plateau by Mihir Vatsa.

3 (Walter Hamilton, A Geographical, Statistical, and Historical Description of Hindustan, Vol. I, London, 1820

4 (F.B. Bradley-Birt, Chota Nagpur: A Little Known Province of the Empire, London, 1910)

3. Today, that historical glory stands in stark, distressing contrast to reality. The landscape is ravaged. Rampant illegal stone mining, particularly in the Ichak region, has emerged as a pernicious threat. The very hills that once formed a sanctuary now stand scarred by unauthorised quarrying operations that operate with impunity. The forests are receding, and the gardens are being replaced by craters.
4. It is in this context of environmental depletion and the unchecked exploitation of natural resources that the present writ petition has been preferred, seeking, *inter alia*, the following reliefs:

- (a) *For issuance of an appropriate writ/ writs, order/ orders, direction/ directions particularly a writ in nature of mandamus commanding upon the Respondents to stop the illegal mining in and around Siwane River located in Ichak Police Station which is encircled by a number of illegal stone crusher units, as these crusher units emit dust causing damage to 100 hectares of cultivable land in connivance with Respondent No. 2, the Mining Officer.*
- (b) *For issuance of an appropriate writ/ writs, order/ orders, direction/ directions particularly a writ in nature of mandamus commanding upon Respondent No. 6, the Chairman, and Respondent No. 7, the*

Secretary, Jharkhand State Pollution Control Board, to stop illegal mining in the area because these crusher mining units are owned by local mafia and any action against these people by the residents is being threatened by these people for dire consequences.

(c) For issuance of an appropriate writ/ writs, order/ orders, direction/ directions particularly a writ in nature of mandamus commanding upon the respondent Pollution Control Board to submit the status report of the pollution and action taken by these respondents in this regard.

(d) For any other relief/ reliefs as Your Lordships may deem fit and proper in the light of the facts and circumstances of this case.

5. The above reliefs are sought in the public interest for the benefit of residents and farmers of the affected cultivable land. The objective is to protect the environment and preserve the ecological integrity of the Siwane River and its adjoining agricultural zones within the Ichak Police Station area of District Hazaribagh.
6. The petitioner alleges systemic negligence and a persistent disregard for environmental and statutory mandates regarding the operation of illegal stone crusher units and unauthorised

mining activities around the Siwane River. It is alleged that these unmonitored operations emit massive quantities of fugitive dust, resulting in severe damage to approximately 100 hectares of cultivable land. Furthermore, these activities disrupt the natural ecological flow of the Siwane River, posing serious hazards to residents, their standing crops, cattle, and the broader environment.

7. It is further alleged that these illegal stone-crushing and mining units are owned and operated by local mafias in active collusion with the local administration, specifically the District Mining Officer, Hazaribagh. Any resistance or complaints from residents are reportedly met with threats of dire consequences, leaving citizens helpless and unable to seek redress through ordinary channels.
8. Relying upon information obtained under the Right to Information Act, 2005, the petitioner points out that the stone crusher operations are being conducted without valid explosive licences, mineral dealer registrations, or the mandatory statutory clearances under the environmental laws. He submits that despite repeated representations made to the Deputy Commissioner, the District Mining Officer, the Superintendent of Police, Hazaribagh, as well as the Jharkhand State Pollution Control Board, the statutory authorities have failed to take any effective coercive steps,

necessitating the intervention of this Court in the public interest.

9. Inasmuch as the core issues raised by the petitioner pertain to the rampant illegal stone mining in the Ichak region of Hazaribagh, an activity that fundamentally threatens the ecological equilibrium and the environmental rights of the local populace, this matter transcends the character of a mere private dispute. It touches upon the collective right of the "netizens" of this region to live in harmony with a preserved nature.
10. The legal foundation for such judicial intervention is firmly rooted in the dictum of ***State of Uttarakhand v. Balwant Singh Chafal & Ors., reported in (2010) 3 SCC 402***. In this landmark precedent, a two-judge Bench of the Hon'ble Supreme Court meticulously traced the evolution of Public Interest Litigation (PIL) in India. The Hon'ble Court identified **"Phase-II" of this evolution as a critical era, where the judiciary consistently entertained matters "relating to protection, preservation of ecology, environment, forests, marine life, wildlife, mountains, rivers, historical monuments etc."** The Hon'ble Supreme Court observed that the judicial contribution toward safeguarding our forests and environment through the medium of PIL has been "extremely significant."

11. It is, therefore, presumably, in the spirit of this constitutional mandate and the principles enshrined in ***Balwant Singh Chaufal (supra)*** and a long line of precedents, that the present case has been treated as a "*Public Interest Litigation*," calling for sustained judicial vigilance.

12. Right at the outset, it must be made clear that from the initiation of this case until the present, the respondent authorities have never directly discarded the factual narrative of illegal mining occurring in the said region; rather, the long trajectory of this litigation reveals that the Respondents have filed a series of affidavits over the past decade acknowledging the situation.

13. The counter-affidavits filed between 2013, and January 2015 reveal a list of measures undertaken by the respondent authorities to curb the mining menace and secure the ecological integrity of the Ichak region.

14. Acknowledging these documented initiatives, this Court, in its order dated 20.01.2015, saw fit to record the following observations:

- 1) *Learned Advocate General appearing for the respondents-State submitted that a detailed counter affidavit has been filed in pursuance of order dated 16th October, 2014 and various steps have been taken by the State Government. There*

*are District Level and State Level Committee to prevent such type of illegal mining activities. Now, stopping orders have also been passed. Criminal actions have also been initiated and First Information Reports and charge-sheets have already been filed in few cases. Some crusher machines have also been demolished or crushed. All possible steps have been taken. **Nonetheless, if the petitioner is pointing out any specific illegal mining, then the State will take action against those illegal activities, otherwise, this writ petition may be brought to an end by giving specific directions to the State.***

- 2) *Counsel for the petitioner is seeking time to point out few names with photographs of the illegal mining actions, if possible.*
- 3) *Matter is adjourned to be enlisted on 16.03.2015.*

15. Following these observations, it was brought to the notice of this Court that the substantive issues of illegal mining were being addressed at a broader, state level in W.P. (PIL) No. 1806 of 2015. In the interest of a comprehensive judicial approach, the present matter was briefly merged and tagged with that larger batch of litigation.

16. However, recognizing that the unique ecological crisis of Hazaribagh required a more localized scrutiny, this Court, vide order dated 11.08.2025, directed the Registry to de-tag the present case. To bridge the gap between the assertions in the affidavits and the reality on the ground, this Court sought an independent inspection report from the Secretary of the District Legal Services Authority (DLSA), Hazaribagh.

17. The said order dated 11.08.2025 is reproduced below:

“Heard.

De-tag this case from the batch files.

The Secretary, DLSA, Hazaribagh is directed to carry out surprise inspection forthwith and report about the illegal mining being carried out in and around Siwani River in Village Tepsa, under Ichak Police Station and report compliance within one week.

Copy of this order be sent forthwith on WhatsApp to the concerned Secretary, so as to ensure that the Secretary can move forthwith and carry out the necessary inspection.

List this case on 18.08.2025.”

18. In compliance with the directions of this Court, the Secretary, DLSA, Hazaribagh, duly submitted a comprehensive report. Following the disclosure of this independent assessment, the Respondent authorities filed further counter-affidavits to demonstrate the positive measures taken to align with this

Court's mandates. In response, the Petitioner has also placed on record detailed written submissions to assist the Court in navigating the complexities of the ground situation. These written submissions and the findings of the DLSA report shall be addressed and referred to in the operative portions of this judgment.

19. The Hon'ble Supreme Court has consistently held that the right to a clean, healthy and pollution-free environment, including the right to clean water and air, is an integral part of the fundamental right to life and personal liberty under Article 21 of the Constitution.

20. In **Subhash Kumar v. State of Bihar, reported in (1991) 1 SCC 598**, the Hon'ble Supreme Court authoritatively declared that *"The right to live includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life it would be violative of Article 21."* This principle is reinforced in **M.C. Mehta v. Union of India, reported in (1987) 4 SCC 463**, and in subsequent environmental jurisprudence, wherein the right to live in a wholesome environment has been recognised as an inseparable facet of the right to life.

21. The constitutional mandate for environmental protection is further grounded in Articles 48A and 51A(g) of the Constitution. Although the directive principles of state policy

may not be enforceable in themselves, the Hon'ble Supreme Court has repeatedly harmonised them with Article 21, treating them as aids to interpretation.

22. In **Subhash Kumar case (Supra)**, the Hon'ble Court read Articles 48A and 51A(g) into the right to life, holding that the State is under a constitutional obligation to prevent environmental degradation that impairs Article 21 rights. This interpretative approach was further crystallised in **Vellore Citizens Welfare Forum v. Union of India, reported in (1996) 5 SCC 647**, wherein the doctrines of sustainable development and precautionary principle were incorporated into Indian law.

23. Moreover, in the case of **Virender Gaur v. State of Haryana, reported in (1995) 2 SCC 577**, it was categorically held by the Hon'ble Court that the environmental, ecological, air, water pollution, etc. should be regarded as amounting to violation of Article 21. Therefore, there is a constitutional imperative on the State Government and the statutory authorities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.

24. Yet, while our jurisprudence has long celebrated this non-enumerated right to a clean, healthy and pollution-free

environment, the ground reality in Hazaribagh reveals a landscape in deep distress.

25. The unregulated mining witnessed here is not merely a technical breach of industrial standards; it has become a relentless assault on the essential building blocks of life. The stone dust generated by these units does not remain confined to the pits of extraction; it travels on the wind, a silent and invisible toxin that carries the harmful effects of mining activity even to distant places. Air, which should be a source of vitality, has become the "worst affected environmental matrix," acting as a conduit for ecological decay⁵.

26. We must also consider the silent suffering of the flora and the earth itself. When stone dust settles upon the leaves of the forest, it does not merely coat them; it suffocates them. It forces the closure of the plant's stomata and resists the net assimilation rate, forcing cell and tissue changes that turn a verdant sanctuary into a graveyard of grey⁶. The agrarian heartbeat of this region, the pride of our heritage, is being systematically silenced. When agricultural productivity drops by as much as sixty per cent and the soil loses its organic soul

5 Saurav Kumar Ambastha & Anil Kumar Haritash, Emission of Respirable Dust from Stone Quarrying, Potential Health Effects, and Its Management, 28 Env't Sci. & Pollution Rsch. 1 (2021).

6 Swades Pal & Indrajit Mandal, Impacts of Stone Mining & Crushing on Environmental Health in Dwarka River Basin, 36 Geocarto Int'l 392, 406 (2021).

to high alkalinity and low organic carbon, we are witnessing more than just an economic loss⁷.

27. The human cost of this imbalance is perhaps the most heart-wrenching. For the families living in the shadow of these crushers, the environment has been transformed from a provider into a threat. The air they breathe is heavy with the promise of disease, cardiac distress, airway inflammation, and the terminal shadows of silicosis and tuberculosis⁸. It is a profound injustice that the "residents" of this region, especially the working communities who spend long hours in direct contact with emitting fine dust, are forced to trade their health for their hearth.

28. Moving ahead, the record reflects that the respondent authorities have initiated certain measures in compliance with the repeated directions of this Court. These steps are mentioned in the supplementary counter-affidavits filed by the District Mining Officer, the Deputy Commissioner, and the Superintendent of Police, Hazaribagh.

29. The record shows that pursuant to this court's order dated 18.08.2025, and following the report of the Secretary, DLSA, Hazaribagh, an immediate ban was imposed on all mining activity in Village Tepsa. A subsequent field inspection

7 *Ibid.*

8 Ambastha & Haritash, *supra* note at 5.

revealed that while six stone crushers held valid registrations, two specific units, belonging to Sanjay Prasad Mehta and Suresh Prasad Mehta, were established without the mandatory Consent to Establish (CTE) from the Jharkhand State Pollution Control Board. Consequently, show-cause notices were issued to these violators on 20.08.2025, and the matter was reported to the Pollution Control Board for further statutory action under the Water and Air Acts.

30. Furthermore, in accordance with the Court's directions, a joint order was issued by the Deputy Commissioner and the Superintendent of Police, Hazaribagh, on 26.08.2025. This order led to the formation of three investigation teams tasked with conducting regular day-and-night surprise inspections. These teams are required to submit weekly reports, and the joint order makes it clear that no crusher may operate in Village Tepsa without a valid certificate from the District Mining Officer. It is further stipulated that any detected illegal activity will result in legal action and contempt proceedings.

31. At this juncture, we must address a primary contention raised by the Petitioner in the rejoinder dated 20.11.2025. It is asserted by the petitioner that Village Tepsa, the heart of this litigation, falls within a designated 'Eco-Sensitive Zone.' Relying on the mandate of the **Hon'ble Supreme Court in T.N. Godavarman Thirumulpad v. Union of India**, reported

in (2022) 10 SCC 544, the Petitioner argues that this status necessitates an absolute prohibition on all mining activities.

32. Per contra, the District Mining Officer, in the supplementary counter-affidavit dated 09.12.2025, has countered this assertion with a specific reference. It is stated that under *Notification No. 2775(E), issued by the Ministry of Environment, Forest and Climate Change on 01.08.2019*, the village of Tepsa has not been included within the Eco-Sensitive Zone. To substantiate this stand, the state has placed the said notification on record, seeking to demonstrate that the village remains outside the protective perimeter defined by the Central Government.

33. Upon a perusal of the said notification, it appears evident that Village Tepsa is indeed absent from the list of villages within the Ichak administrative block categorised as eco-sensitive. Consequently, the plea for a total and absolute ban on mining based solely on the 'Eco-Sensitive Zone' classification cannot be sustained as a matter of law.

34. However, we must remain mindful that the absence of a "protected" label does not grant a license to engage in ecological destruction. While the strictures of the **Godavarman case (supra)** regarding Eco-Sensitive Zones may not apply by default, the overarching duty of the State to prevent the "suffocation" of the landscape, as discussed in our

earlier paragraphs, remains unextinguished. It is against the benchmark of this unextinguished duty that we must examine the Respondents' actions.

35. Be that as it may, we make it clear that the decision of the Hon'ble Supreme Court in the **T.N. Godavarman Thirumulpad case (supra)**, in the context of national parks/wildlife sanctuaries, will have to be obeyed and enforced by the respondent authorities in the context of Hazaribagh Wildlife Sanctuary. Therefore, the buffer zone from the demarcated boundary of the Hazaribagh Wildlife Sanctuary shall continue to be one kilometre, unless a larger buffer zone has already been prescribed; in which case, the larger buffer zone would apply.

36. Furthermore, in pursuance of our directions contained in the order dated **16.04.2026 in W.P. (PIL) No. 3950 of 2024** in the case of **Anand Kumar vs. State of Jharkhand and ors.**, we reiterate that the Jharkhand State Pollution Control Board shall restrict the grant of Consents to Establish (CTE) and Consents to Operate (CTO) within a zone of 500 metres from the boundaries of forests or forest land, insofar as stone mining is concerned, and within a zone of 400 metres, insofar as stone crushers are concerned.

37. These restrictions shall be strictly enforced across the District of Hazaribagh, with vigilance directed towards the mining

clusters and peripheral forest areas within the Ichak administrative block, to ensure that no activity is permitted in violation of these prescribed distances.

38. Notwithstanding these regulatory frameworks, upon a holistic consideration of the voluminous affidavits filed by the Respondent authorities, this Court is pained to observe that these efforts have not achieved the desired outcome envisioned by the law. The independent report of the Secretary, DLSA, Hazaribagh, read alongside the materials placed by the Petitioner, suggests a significant disconnect between the assertions on paper and the reality on the ground. We find that the level of enforcement initiated by the Respondent authorities, including the State Pollution Control Board, the Deputy Commissioner, the Superintendent of Police, and the District Mining Officer, falls short of the proactive vigilance required to curb a decade-long crisis.

39. At this stage, it is pertinent to note that the menace of illegal mining is not a localised malady confined to the districts of Jharkhand; rather, it is a man-made crisis of national proportions, aggressively depleting the country's natural capital. This systematic plunder of resources exacts an irreversible toll on biodiversity and ecological security. Consequently, Constitutional Courts across India have been compelled to exercise their extraordinary jurisdiction to uphold

the principles of "*Intergenerational Equity*" and the "*Public Trust*."

40. The judicial landscape of our country is replete with instances where High Courts have stepped into the breach created by executive inertia. For instance, *in the recent times*, the **Hon'ble High Court of Karnataka**, in **In Re: Illegal Sand Mining Across the Rivers in Karnataka vs. State of Karnataka and others**, Writ Petition No. 2938 of 2026 (Suo Motu PIL), and the **Hon'ble High Court of Meghalaya**, in **Registrar General, High Court of Meghalaya vs. State of Meghalaya and Others**, PIL No. 4/2026, have issued stringent directions to curb and control such environmental degradation.

41. This proactive judicial stance is similarly echoed by the **Hon'ble High Court of Uttarakhand** in the case of **Rohit Mehara Alias Rohit Singh Mehara vs. State of Uttarakhand and others**, WP PIL No. 58 of 2026, the **Hon'ble High Court of Orissa** in **Jayanta Kumar Rout and others vs. State of Odisha and others**, W.P.(C) No. 31 of 2026, and the **Hon'ble High Court of Punjab and Haryana** in **M/S Dharampal Stone Crusher vs. The State of Haryana and Others in CWP-26496-2025 (O&M)]**.

42. It is pertinent to observe that judicial interventions in these States have not been necessitated by a lack of statutory provisions; on the contrary, each of these jurisdictions possesses a robust regulatory framework and sophisticated monitoring mechanisms. The 'breach' into which these High

Courts have stepped is, therefore, not a legal one, but a failure of the enforcement machinery to translate paper regulations into field-level accountability. This disconnect between a robust hierarchy and its practical dormancy is precisely what characterises the crisis within our own State.

43. In Jharkhand, the scourge of illegal mining is not a nascent phenomenon. As early as 2005, the *Department of Mines and Geology, Government of Jharkhand*, vide *Letter No. 536*, established a specialised enforcement hierarchy. At the apex, a State Level Task Force was constituted under the Chairpersonship of the Director, Mines and Geology, while at the local level, a District Level Task Force was established under the Chairpersonship of the Deputy Commissioner. These nodal bodies, comprising members from the Police, Forest, Revenue, and Pollution Control Departments, were entrusted with the solemn duty of monitoring and curbing illegal extractions.

44. The mandate of the 2005 directive was categorical. It mandated that the State Task Force meet every 3 months and the District Task Force convene every month. However, the record placed before us reflects a troubling history of institutional lethargy. The minutes submitted for the Hazaribagh District Task Force appear only for a distant

period in the past, then, after a significant gap, re-emerge only in recent months following this Court's intervention.

45. While it remains possible that meetings were held in the interim, the failure to place those records before this Court suggests that the administrative activity remained, at best, sporadic. It appears that the recent increase in administrative vigilance may be attributed more to the ongoing judicial oversight in these proceedings than to the regular course of governance. This documented period of inactivity suggests that the institutional safeguards designed to protect the district's environmental resources remained underutilised while the landscape of Hazaribagh continued to face significant distress.

46. Throughout these proceedings, the authorities have cited the registration of multiple FIRs against defaulters. Yet registering a case is merely a preliminary step in enforcing the law. To date, no report has been submitted to this Court indicating that these FIRs have culminated in actual prosecutions or trials. Without the finality of judicial determination, these FIRs fail to serve as an effective deterrent.

47. Furthermore, the District Mining Officer, as the primary authority under the Mines and Minerals (Development and Regulation) Act, 1957, has not apprised this Court of a single complaint initiated by his office under Section 22 of the said

Act. While the affidavits mention the seizure of vehicles and equipment, they are conspicuously silent on whether any confiscation proceedings have been initiated before the jurisdictional Magistrate. In this regard, the law is well-settled.

48. The Hon'ble Supreme Court in the case of **State of N.C.T of Delhi vs Sanjay, reported in (2021) 2 SCC 670**, after considering the relevant provisions of the MMDR Act, opined categorically that there is no complete and absolute bar in prosecuting persons under the Penal Code where the offences committed by persons are penal and cognizable offences. Ultimately, the Hon'ble Supreme Court concluded in paras 72 and 73 as under: (SCC p. 812)

“72. From a close reading of the provisions of the MMDR Act and the offence defined under Section 378 IPC, it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravel and other minerals from the river, which is the property of the State, out of the State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the

Magistrate for taking cognizance against such persons. In other words, in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 CrPC before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of the Code of Criminal Procedure.

*73. After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the Act vis-à-vis the Code of Criminal Procedure and the Penal Code, **we are of the definite opinion that the ingredients constituting the offence under the MMDR Act and the ingredients of dishonestly removing sand and gravel from the riverbeds without consent, which is the property of the State, is a distinct offence under IPC.** Hence, for the commission of offence under Section 378 IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act. Consequently, the contrary view taken by the different High Courts cannot be sustained in law and, therefore, overruled. Consequently, these criminal appeals are disposed of with a direction to the Magistrates concerned to proceed accordingly.”*

49. Moreover, the Hon’ble Supreme Court, again in **Jayant v. State of Madhya Pradesh**, reported in **(2021) 2 SCC 670**, reiterated that prosecutions under the IPC and the MMDR Act are simultaneously maintainable. The failure to invoke the full

breadth of these statutory powers undermines the State's claim of effective intervention.

50. We must also emphasize that the mere seizure of a vehicle, equipment or machinery by the police is not enough. While the police may seize property for offences under the IPC, the law does not stop there. There is no reason why the officers of the Mining Department should not simultaneously exercise their independent powers under the MMDR Act, 1957, to initiate confiscation proceedings before the jurisdictional Magistrate.

51. The MMRD Act, read with the state rules, provides specific, stringent powers for this purpose, and there is no excuse for failing to use them. If the tools used for illegal mining are not permanently confiscated under the mining laws, the legal framework fails to act as a real deterrent. This cannot be a mere coincidence. When the authorities rely solely on police seizures and ignore the specialised recovery and confiscation provisions of the mining laws, it suggests a serious dereliction of duty. This practice allows violators to potentially reclaim their equipment and resume illegal activities, giving the impression that the administration is being soft on those exploiting natural resources.

52. We have been apprised that the Department of Mines and Geology, Government of Jharkhand, has already

operationalised the **Jharkhand Integrated Mines and Mineral Management System (JIMMS)**, which stands integrated with the Central Government's **Mining Surveillance System (MSS)**. We have also been informed that the respondent authorities have at their disposal a sophisticated arsenal of "technological warfare," including satellite imagery, geo-tagging, GIS mapping, and GPS-based vehicle-tracking systems, specifically deployed to monitor and curb illegal extractions in real time.

53. However, it is a matter of serious concern that, despite the availability of such cutting-edge surveillance infrastructure, the authorities have consistently failed to stem the tide of illegal mining. This persistent failure to act, despite possessing the sophisticated means to detect and intervene, lends significant credence to the petitioner's assertion that the statutory authorities are not merely negligent but perhaps intentionally abstaining from curbing these pernicious activities. Where technology provides the digital "eyes" to see, a continued failure to act can only be interpreted as a deliberate, willful closing of those eyes, or a choice to ignore what those eyes clearly see.

54. If the mining and police officials in Ichak had been vigilant and genuinely committed to enforcing the legal provisions and adopting a proactive stance to prevent this scourge, the

matter could not have reached this pass. This systemic failure, however, is not confined to the mining and police authorities. The degradation of the Ichak region is also a consequence of the regulatory silence maintained by the State's environmental custodians.

55. Accordingly, we now turn to the Jharkhand State Pollution Control Board. As the apex nodal body for environmental management in the State, it is unfortunate that its submissions are notably silent on the *compliance of stone crushers with the national guidelines formulated by the Central Pollution Control Board (CPCB)*. This lack of clear regulatory oversight, coupled with the administrative lapses at the district level, necessitates a more stringent judicial scrutiny to ensure that the ecological integrity of Hazaribagh is not irreparably compromised.

56. In this context, it can be further stated that despite the registration of dozens of FIRs against the alleged defaulters, the Jharkhand State Pollution Control Board has remained completely silent and taken no action. This continued administrative inertia is all the more deplorable inasmuch as the *"Polluter Pays" Principle*, as firmly established by the Hon'ble Supreme Court in *Indian Council for **Enviro-Legal Action v. Union of India**, reported in (1996) 3 SCC 212*, casts an absolute liability upon the polluter to bear the cost of

remediation and restoration of the damaged environment and to compensate the affected persons.

57. This position has been further reinforced by the recent decision of the Hon'ble Supreme Court in the case of **Delhi Pollution Control Committee v. Lodhi Property Co. Ltd.**, reported in **(2026) 2 SCC 670**, wherein it has been held that the Polluter Pays Principle is a principle of restitutionary and civil liability and that the Pollution Control Boards are empowered to impose restitutionary or compensatory damages under Section 33A of the Water Act and Section 31A of the Air Act in exercise of their statutory powers, independently of any criminal trial or conviction. The Board's failure to act on the strength of this salutary principle not only perpetuates the environmental harm but also amounts to a clear abdication of its statutory duty under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

58. Expanding beyond the specific mandates of the Pollution Control Board, the collective inaction of state authorities violates the Right to Life. The failure to reclaim mining pits has created hazardous conditions that jeopardise the very survival of local inhabitants. Consequently, the continued neglect by the statutory authorities of the Mining Department under the

MMDR Act, 1957, constitutes a clear violation of the Right to Life guaranteed under Article 21 of the Constitution.

59.In this regard, the material on record reveals a more harrowing dimension of this administrative neglect, in which environmental degradation has become a direct threat to human life. The photographs contained in the Annexure G series of the supplementary counter-affidavit dated 29.08.2025, filed by the District Mining Officer, Hazaribagh, read with Annexure 1 of the report submitted by the Secretary, DLSA, depict a landscape scarred by abandoned, non-closed mining pits. These craters, now filled with stagnant rainwater, have been transformed into deceptive "death traps" within the village precincts. In the absence of statutory fencing or reclamation, these pits present what the law describes as an "attractive nuisance", appearing as innocent ponds to children and unwary passersby, while masking deep, submerged industrial hazards.

60.Annexure 4 of the Petitioner's Synopsis of Arguments reveals the fatal consequences of this neglect, documenting instances in which residents and workers have suffered fatal accidents in these unguarded pits. It is a profound tragedy that the failure to implement the mandatory reclamation and safety protocols under the Jharkhand Minor Mineral Concession Rules, 2004, has resulted in the loss of human life.

61. A mining pit left open and filled with water is not merely an environmental violation; it is a ticking time bomb for the vulnerable communities residing in its shadow. The State's duty to ensure a safe environment under Article 21 must, at the very least, extend to the prevention of such avoidable fatalities by ensuring that every mining site is either restored to safety or strictly secured against public access.
62. The tragic loss of life in these unguarded pits is a direct symptom of the larger ecological crisis caused by unregulated mining. The necessity for judicial intervention in such circumstances is firmly established by the Hon'ble Supreme Court, most notably in **Deepak Kumar v. State of Haryana, reported in (2012) 4 SCC 629**, which mandated that even minor mineral mining requires strict environmental oversight, and **State (NCT of Delhi) v. Sanjay (2014) (Supra)**, which emphasized that illegal mining is an offense against the entire society.
63. Guided by these principles, this Court observes that unregulated mineral extraction disrupts natural flow patterns, destabilises riverbeds, and depletes groundwater reserves. These activities not only degrade the land but also adversely affect aquatic biodiversity, agriculture, and water security. The Hon'ble Supreme Court has consistently underscored that mining carried out without scientific studies or statutory

clearances reflects a systemic failure of environmental governance.

64. Moreover, when faced with such continued non-compliance, as in **Bajri Lease Lol Holders Welfare Society v. State of Rajasthan, reported in (2022) 16 SCC 581**, the Hon'ble Court has not hesitated to restrain mining activities until due process is completed. The cumulative impact of these practices characterized by irreversible ecological damage and administrative apathy, necessitates the immediate and strict enforcement measures we now proceed to direct.
65. Concomitantly, we are mindful of our limitation that, as a Constitutional court exercising writ jurisdiction, we ought not typically embark on a roving inquiry into evidence. However, the prima facie visibility of heavy-machinery operations and the resulting pollution, as corroborated by the independent findings in the report of the Secretary, DLSA, Hazaribagh, requires the administrative authorities to move beyond cosmetic measures towards substantial enforcement.
66. This independent report, which serves as a vital factual anchor, details abandoned, water-filled mining pits and significant environmental distress, transforming these concerns from mere allegations into documented realities that demand the immediate application of the "*Polluter Pays*"

principle as established by the Hon'ble Apex Court in the **Bichhri Village Case, reported in (1996) 3 SCC 212.**

67. At this stage, it is pertinent to note that State authorities' responsibility extends far beyond merely punishing violators of environmental laws. The State is under a constitutional obligation to take proactive steps to prevent such offences and to restore the environment where damage is apparent. It is not enough to act after the forests are gone or the rivers are polluted; the administration must act as a guardian to prevent such damage in the first place and repair it when it occurs.
68. The DLSA report, when read alongside the state's own disclosures, effectively establishes the administrative dormancy that has allowed these hazards to persist. Under the Public Trust Doctrine as expounded by the **Hon'ble SC in Fomento Resorts, reported in (2009) 3 SCC 571**, the State's duty to protect the Siwane River and its surrounding agricultural zones is absolute.
69. Where unauthorised extraction is indicated, the State is further obligated under Section 21(5) of the MMDR Act to recover the market value of the minerals, as directed in **Common Cause v. Union of India, reported in (2017) 9 SCC 499**. The authorities can no longer limit their response to paper-based compliance as the factual narrative prevalent at

the ground level demands a transition to measurable and accountable enforcement on the ground.

70. The documented situation has impelled this Court to intervene to protect the ecological integrity of the Ichak region. However, we are of the view that no further public interest would be served by keeping this petition pending on our docket. The focus must now shift from judicial deliberation to field-level execution.

71. Consequently, the gravity of the disclosed lapses and the urgent necessity for restoration necessitate the issuance of final, enforceable directions to the State machinery. By disposing of this matter today, we translate judicial oversight into a mandatory blueprint for administrative accountability. Drawing strength from the recent directives of the Hon'ble Apex Court in the case of **In Re: Illegal Sand Mining reported in (2026 INSC 380)**, we are of the considered view that the State can no longer plead institutional unpreparedness as a ruse for inaction.

72. In view of the foregoing discussion and upon a cumulative assessment of the pleadings, affidavits, and the independent report of the Secretary, DLSA, Hazaribagh, this Court is satisfied that illegal mining activities and the operation of non-compliant stone crusher units in Village Tepsa and its surrounding areas stand established.

73. The material on record further discloses that such activities have resulted in tangible environmental degradation, including damage to cultivable land, disruption of the ecological balance of the Siwane River, and the creation of hazardous conditions endangering human life. These findings are not merely incidental but reflect a continuing and troubling pattern of regulatory failure.

74. It is equally evident that the respondent authorities, including the District Administration, the Mining Department, the Police, and the Jharkhand State Pollution Control Board, have failed to discharge their statutory obligations in an effective and coordinated manner. The sporadic registration of FIRs, unaccompanied by actual prosecutions or statutory action under the MMDR Act, 1957, and the absence of meaningful intervention under environmental laws, demonstrate a systemic lapse in enforcement. Such inaction, in the face of persistent violations, amounts to a clear failure of public duty.

75. The consequence of this failure is not confined to administrative inefficiency; it extends to a direct infringement of the fundamental right to life guaranteed under *Article 21 of the Constitution*. The continued exposure of residents to environmental hazards and the degradation of resources held in public trust necessitate the immediate application of the “*Polluter Pays*” principle and the doctrine of *sustainable*

development. In such circumstances, this Court cannot remain a passive observer while the landscape is scarred, and lives are put at risk.

76. Before we conclude, we must add that we find it difficult to accept that such large-scale unauthorised quarrying operations, or operations in stark breach of the terms and conditions under which they may have been authorised, are possible without the knowledge of the authorities who are required to prevent them or to bring the wrongdoers to book immediately. From the material concerning the large-scale degradation in this region, it is difficult to accept that this is a simple case of neglect or dereliction of duty.

77. These pernicious activities cannot be carried out in complete secrecy. They involve heavy earth-moving machinery. They involve labour. They involve transport on public roads and through public checkpoints. Still, such activities continue unabated. The law-enforcement agencies are content with paper assurances, shifting blame, and avoiding enforcement, a practice they appear to have acquired expertise in. They are confident that such dereliction, whether willful or otherwise, rarely, if ever, invites any disciplinary proceedings or is honestly reflected in their performance appraisals. They are supremely confident that such dereliction does not affect their emoluments, promotions and career prospects.

78. The petitioners have even made serious allegations that officials were involved in these pernicious activities for extraneous considerations. While we do not wish to pursue this line in this petition, we cannot dismiss the allegations entirely, given the magnitude of the violations and the lukewarm response.

79. Accordingly, in exercise of our constitutional mandate, we dispose of this writ petition by issuing the following directions:

(a) *The mandate contained in Letter No. 536 dated 05.10.2005 issued by the Department of Mines and Geology, Government of Jharkhand, shall be followed in letter and spirit. The District Level Task Force (DLTF), Hazaribagh, chaired by the Deputy Commissioner, shall convene at least once every month without fail. The minutes of the meetings of the DLTF, as well as the State Level Task Force, shall be uploaded on the official websites of the District Administration, Hazaribagh, and the Department of Mines and Geology within seven (07) days of each meeting.*

(b) *The DLTF, Hazaribagh, under the chairpersonship of the Deputy Commissioner, shall undertake an exhaustive review of all statutory permissions, including Environmental Clearances, Consents to Establish, Consents to Operate, Explosive Licences from PESO,*

Blasting Permissions from the DGMS, and mineral dealer registrations granted to stone crusher units and mining operators in Village Tepsa, the Ichak region, and the Siwane River area. The review shall assess compliance with the Environment Impact Assessment Notification, 2006, the applicable guidelines of the Central Pollution Control Board, and all other relevant statutory provisions. The DLTF shall grant a personal hearing to the petitioner (or their authorised representative) and consider all materials placed before it. A reasoned decision shall be taken and communicated within a maximum of 8 weeks from the date of the passing of this judgment.

*(c) Pending completion of the aforesaid exercise and until all statutory permissions and compliances are duly verified and found to be valid and subsisting, **no mining activity or operation of any stone crusher unit shall be carried out in the aforesaid areas.** Any resumption of such activity shall be permissible only upon a specific and reasoned clearance by the DLTF certifying full compliance with all applicable legal requirements.*

*(d) We hereby reiterate that there shall be no mining activity or operation of stone crusher units within a cumulative buffer zone of **one (01) kilometre from the boundary of the Hazaribagh Wildlife Sanctuary.***

Provided that, if a larger buffer zone or Eco-Sensitive Zone has already been prescribed under any other statutory notification or judicial mandate, the said larger buffer zone shall prevail and be strictly enforced.

*(e) Furthermore, in pursuance of our directions contained in the order dated **16.04.2026 in W.P. (PIL) No. 3950 of 2024** in the case of **Anand Kumar vs. State of Jharkhand and ors.**, we reiterate that the Jharkhand State Pollution Control Board shall restrict the grant of Consents to Establish (CTE) and Consents to Operate (CTO) within a zone of 500 metres from the boundaries of forests or forest land, insofar as stone mining is concerned, and within a zone of 400 metres, insofar as stone crushers are concerned.*

*(f) The DLTF shall **implement a technology-driven enforcement regime, independent of and in addition to existing infrastructure, or wherever the same is currently lacking.** To ensure the necessary technical and logistical support, the DLTF shall coordinate with the State Level Task Force, which is directed to provide the requisite clearances and budgetary funds. This regime shall include high-resolution, Wi-Fi-enabled CCTV surveillance at frequent transit routes and vulnerable stretches of the Siwane River, alongside mandatory GPS*

tracking on all heavy machinery and transit vehicles in the Ichak mining zone, integrated into a Geo-fencing protocol for automated alerts. The logistical plan and budgetary requisition shall be finalized within four (04) weeks from the date of the passing of this judgment, and the implementation of the technological regime shall commence in a phased manner, to be substantially operational within twelve (12) weeks from today.

*(g) The DLTF shall establish a permanent **Administrative Secretariat** to serve as a formal interface for the public, providing a dedicated channel for residents to submit written grievances and complaints. Until a permanent Secretariat is fully established and operational, the Office of the Deputy Commissioner, Hazaribagh, shall function as the interim Secretariat for this purpose, ensuring that public access to the Task Force is maintained without delay.*

(h) The DLTF shall, within four (04) weeks from the date of the passing of this judgment, establish and notify a dedicated helpline number and official email address for reporting illegal mining activities. This information shall be given wide publicity and prominently displayed at all Block Headquarters, Public Hospitals, and Government offices

across the district, and shall be hosted on the official website of the District Administration, Hazaribagh.

(i) The District Mining Officer, Hazaribagh, shall, within a period of eight (08) weeks from the date of the passing of this judgment, initiate formal complaints under Section 22 read with Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 before the competent court against all persons and entities found to be involved in illegal extraction of minerals or unauthorised operation of stone crusher units, including those found to be aiding or abetting such activities. The District Mining Officer shall further initiate proceedings under Section 21(5) of the said Act for recovery of the value of illegally extracted minerals.

(j) The Superintendent of Police, Hazaribagh, shall ensure that all cases relating to illegal mining are thoroughly and time-boundly investigated, and that charge-sheets or final reports are filed expeditiously before the competent courts in accordance with law.

(k) The Superintendent of Police, Hazaribagh is directed to ensure that for every FIR registered regarding the alleged theft of any mineral, whether minor or major, a copy thereof shall be mandatorily supplied to the District Mining Officer (DMO) to facilitate the initiation of

necessary statutory action. The Station House Officer (SHO) cum Officer-in-Charge of the concerned Police Station shall be personally responsible for ensuring the prompt transmission of said copy to the DMO for the initiation of proceedings under the MMDR Act.

(l) The Jharkhand State Pollution Control Board shall, within a period of four (04) weeks from the date of the passing of this judgment, initiate appropriate proceedings, including criminal prosecution through its authorised officers, under the provisions of the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, and the Water (Prevention and Control of Pollution) Act, 1974, against all non-compliant or non-authorised units. The Board shall also take immediate steps to close, including disconnection of electricity, any unit found to be operating without valid consents or in violation of prescribed norms.

(m) Applying the 'Polluter Pays' principle, the Jharkhand State Pollution Control Board shall, within a period of twelve (12) weeks from the date of this judgment, assess and impose environmental compensation upon all unauthorised or non-compliant units for the damage caused to the environment, including the cultivable land and the Siwane River ecosystem. The principles of

natural justice must be complied with before such a determination.

(n) The District Mining Officer, Hazaribagh, within a period of eight (08) weeks from the date of the passing of this judgment, shall ensure that all closed, abandoned, or illegally operated mines in the identified area are secured and reclaimed strictly in accordance with the applicable statutory framework and the approved Final Mine Closure Plans, utilising the available mine closure funds or by taking appropriate recovery measures against the defaulting operators as per the Jharkhand Minor Mineral Concession (JMMC) Rules, 2004.

*(o) The Deputy Commissioner, Hazaribagh, the Superintendent of Police, Hazaribagh, the District Mining Officer, Hazaribagh, and the Regional Officer of the Jharkhand State Pollution Control Board shall file individual compliance reports before this Court **within a period of four (04) months from the date of the passing of this judgment.** The aforesaid officers shall be personally responsible and accountable for ensuring strict compliance with these directions, and any failure, delay, or lapse shall invite appropriate proceedings in accordance with law.*

80. It is clarified that the above directions are issued to further statutory compliance and shall not preclude the authorities from taking any additional coercive measures, including the criminal prosecution of persons operating illegal crusher units and those responsible for conniving with or facilitating such operations, in accordance with the law.

81. Let a copy of this judgment be forwarded forthwith to all the respondent authorities.

82. This petition is disposed of in the above terms. Pending I.A.s, if any, will not survive and are disposed of. No costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 07, 2026

A.F.R.

Manoj/Cp.2

Uploaded on 07.05.2026