

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

Application No. 147 of 2015 (SZ)

Applicant
Mr. Chinnapaiyan,
Edappadi Taluk,
Salem District-637 105.

Respondents:

Member Secretary,
Tamil Nadu State Pollution Control
Board, Chennai
and 12 others.

Legal Practitioners for the applicant:
M/s. D. Shivakumaran,
S.P. Vijayaragavan and
S. Maylnathan

Legal practitioners for respondents
Mrs. H. Yasmeen Ali for R-1
Mrs. P. Mahalakshmi for R-2
M/s. M.K. Subramanian and
Kamaleshkannan. S. for R-3, R-4,
R-6, R-7 and R-8
M/s. Abdul Saleem, S.Saravanan
and Mrs. Vidyalakshmi Vipin for
R-5, R-9, R-10 and R-11

Note of the Registry	Orders of the Tribunal
	<p>Date: 4th September, 2015</p> <p>Heard the counsel for the applicant. The averments are looked into along with the materials available. The case of the applicant in short is that the he is a native of Kuppadasanvalawu village, Edappadi Taluk, Salem District. Veppampatti lake having an extent of 350 acres of land (approximately 120 hectares) from which water overflows through channels into the Sarabanga river, is situated about 2 kms away from the said river. Villagers of a number of villages including the village of the applicant are</p>

solely depending on the aforesaid lake and also the river water for their agricultural operations.

While the matter stood so, in 2012 there was an illegal dredging / quarrying from the lake bed and following the demonstrations made by the villagers vehicles used for illegal mining were seized and were produced before the authorities. Thereby, the illegal mining was stopped. However, from the beginning of August, 2015, the 13th respondent has been carrying on dredging / quarrying and transporting sand, red soil and clay from the lake bed on the strength of lease granted in his favour for a period of 11 months commencing on 16.7.2015. What was granted in his favour was only digging of gravel sand 3 ft., deep from the lake poramboke. But taking advantage of the said licence he has deployed heavy machine like Hitachi Poclain for digging and transporting sand, clay and red soil by deploying Tipper lorries/ trucks. The digging has gone upto 30 ft., deep and thus it is not only violation of the licence conditions but it is also illegal. In this regard representations were made to the authorities shown as respondents. But no action has been taken by them. Under such circumstances, the applicant has no option than to approach the Tribunal by way of filing an application.

After hearing the counsel for the applicant and looking into 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.

The counsel for the applicant presses for an interim injunction restraining the 13th respondent from carrying on the activities which according to him are not only violative of the conditions imposed but also illegal. After considering the factual situation and also on scrutiny of the documents made available by the applicant, the Tribunal is satisfied that a *prima facie* case has been made out for granting an order of interim injunction to stop further activities of the 13th respondent. Accordingly, interim injunction is granted until further orders. The order has got to be given effect forthwith. The same has got to be monitored by the 3rd respondent through his responsible subordinates.

Mrs. H. Yasmeen Ali, the counsel undertakes to file memo of appearance for the 1st respondent. Mrs. P. Mahalakshmi, the counsel undertakes to file memo of appearance for the 2nd respondent. Mr. Kamallesh Kannan. S., the counsel undertakes to file memo of appearance for

the respondents 3, 4, 6, 7 and 8. Mrs. Vidyalakshmi, the counsel undertakes to file memo of appearance for the respondents 5, 9, 10 and 11. For filing memo of appearance of the respondents 1 to 11, reply and appearance of the respondents 12 and 13, the matter is posted to 29.9.2015.

P.S. Rao
(Expert Member)

Justice M. Chockalingam
(Judicial Member)

