

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

**Application No.147 of 2013 (SZ)
(W.P. (C) No.7572 of 2013, Kerala High Court)**

IN THE MATTER OF:

Mohammed Anabagilu
S/o. Abdul Rahiman
Anabagily House
Arikady
Kumbala PO
Kasaragod Dist.

... Applicant

AND

1. The State of Kerala
Rep. by its Secretary
Fisheries and Port Department
Secretariat
Thiruvananthapuram – 695 001.
2. The Port Conservator
Port Office
Kasargod – 671 121
3. Kumbala Grama Panchayat
Rep. by its Secretary
Kumbala
Kasargod – 671 121
4. The District Collector
Collectorate
Kasargod – 671 121
5. The District Superintendent of Police
Kasargod
6. Mohammed Ashraf
S/o. Abdulla T.M.,
Kasargod – 671 121
President
Kasargod Hollow Bricks

Nirmana Thozhilali Vyavasaya Sahakarana Sangham
Ltd No. S.IND, (S) 60
Kasargod

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Respondents

Counsel appearing for the Applicant:

**Mrs. Vidyalakshmi Vipin
S. Saravanan**

Counsel appearing for the Respondents:

**Smt. Suvitha A.S. for R-1, R-2, R-4 and R-5
Mr. S. Vinod for Mr. P.R. Gopinathan for R-6**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 4th NOVEMBER, 2015

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

The counsel for the parties are present. The counsel for the 3rd respondent is yet to file the reply. While the matter stood so, a detailed status report has been filed by the 4th respondent, District Collector pursuant to the directions of the Tribunal. The report is perused and considered.

Heard the counsel for the applicant. On the grounds stated in the Writ Petition, which was originally filed before the Hon'ble High Court of Kerala and subsequently transferred to this Tribunal and taken on file, the applicant has sought for the following reliefs:

- “1. Issue a writ of mandamus or other appropriate writ, order or direction compelling the respondents 2 to 5 to attend to Exhibit-P7 report and to initiate appropriate action against sixth respondent within a time frame*
- 2. Issue appropriate direction to respondents 1 to 5 to protect the environment from the illegal exploitation of nature causing damage to human society and animal world from unlimited excavation of sand from the river mouth and port limits.”*

On notice, except the 3rd respondent, all the other respondents entered appearance and filed their respective reply. However in order to avoid the avoidable delay, the Tribunal is of the considered view, the application can be disposed of in view of the contentions of the status report filed by the 4th respondent, Collector of the concerned District.

The counsel for the 6th respondent against whom the allegations are originally made would submit that the activities of the 6th respondent were stopped even prior to 15.3.2015 and subsequently some other persons have submitted application to the 4th respondent seeking permission for dredging activities and those applications are kept pending. Also the counsel for the 4th respondent would submit that the activities of the 6th respondent were stopped even prior to 15.3.2015 and the said fact is not disputed by the counsel for the applicant.

A reading of the status report of the 4th respondent, District Collector is indicative of the fact that stringent action is being taken by the District Administration to prevent illegal mining and transportation of sand and also filing the prosecution cases as shown therein, which has also been charge sheeted and the offenders have been imposed with fine. It also indicates that more than 900 vehicles involved in illegal transportation of sand were seized and offence cases were registered by the Revenue and Police officials during 2014 and 2015. Paragraph 3 of the status report is to the effect that at present no dredging activities are taking place in Arikadi and Shiriya Kadavus under the jurisdiction of Kasargod Port and no illegal sand mining is also noticed in those areas.

Therefore nothing is noticed to have any known or to make on any impression from what is recorded in the report filed by the 4th respondent. Hence the grievance ventilated by the applicant, in the considered opinion of the Tribunal, is redressed as the authorities have taken action in respect of the illegal acts committed by the offenders in the past and continue to keep strict vigil on illegal sand mining and taking stringent action wherever irregularities are noticed. Apart from that, it is also reported by the District Collector that no dredging or illegal sand mining activities are going on at present and the same is recorded.

In the above circumstances, it is opined that no purpose will be served in keeping the application pending before this Tribunal and it is fit to be disposed. However liberty is given to the applicant if the circumstances warrant so, for taking necessary action thereon. It is also made clear that the 2nd and 4th respondents

have to take all steps to ensure that no illegal sand mining takes place in the name of dredging in future. Accordingly, the matter is disposed of. No cost.



सत्यमेव जयते

Justice M. Chockalingam
Judicial Member

P.S. Rao
Expert Member



NGT