

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.438 of 2013 (SZ) (THC)

(W.P.No.2475 of 2012 on the file of High Court of Kerala)

In the matter of

1. Friends of Nature Charitable Society
No.KP 14/217, 'Haritha', Calicut Airport,
Malapuram District Kerala
Rep. by its Chairman, Mr.Mohammed Mukheem ... Applicant

VS

1. State of Kerala rep. by its Chief Secretary,
Government Secretariat, Thiruvananthapuram
2. Airport Authority of India, Calicut International Airport,
rep. by its Director.
3. Ministry of Environment & Forests,
Paryavaran Bhavan, Lodhi Road, New Delhi
Rep. by its Secretary
4. Kerala State Council for Technology Science
And Environment, Sashthra Bhawan, Pattom,
Thiruvananthapuram
5. Kerala State Biodiversity Board, Pettah,
ThiruvananthapuramRespondents

Counsel appearing for the applicant:

Mr.Harish Vasudevan

Counsel appearing for the Respondents:

Smt.Suvitha A.S. for R1, R4 & R5

M/s.T.A.Srinivasan and K. Kumar for R2

Mr.Syed Nurullah Sheriff for R3

Mr.George Zachariah for R4

ORDER

Present

Hon'ble Shri Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Prof.Dr.R. Nagendran, Expert Member

5th January, 2016

We have heard learned counsel Mr.Harish Vasudevan and learned counsel appearing for respondents.

2. The applicant in this application which was originally filed in Hon'ble High Court of Kerala has sought for a Writ of Mandamus restraining the 1st and 2nd respondents from proceeding with the proposed acquisition of land to the extent of 132 acres as per the Government Order dated 19.03.2010. Apart from that he has also prayed for the issue of a Writ of Mandamus directing the 1st respondent to appoint Committee of Experts to study the impact on the environment due to the proposed construction and development of Calicut International Airport. Further the applicant has also sought a Writ of Mandamus against the 5th respondent to ensure that the Calicut International Airport is complying with pollution control laws. That apart he has also prayed for a direction against Respondent Nos.1 and 3 to 5 to dispose of the representation made to them within a time period.

3. It is admitted that the land acquisition proceedings have not yet been commenced and therefore the first prayer is concerned, it is premature. Moreover, the land acquisition is not within the jurisdiction of this Tribunal. Needless to say that it is always open to the applicant to work out his remedy in the manner known to law as and when acquisition proceedings are initiated.

4. In so far as the 2nd prayer for appointing a Committee of Experts to study the impact on the environment due to the proposed construction is concerned, the said prayer is also premature. As the applicant desires to have the Committee of Experts to study the impact on the environment due to the proposed construction, it is always open to him to agitate it at the appropriate time whenever the expansion of the project is before the public during the consultation process.

5. In such view of the matter, representation stated to have been made by the applicant to Biodiversity Board cannot be considered by the 5th respondent at all. To reiterate that it is only the MoEF & CC which is the forum to consider whenever there is violation of conditions imposed while granting EC. If there is any violation of the conditions in respect of EC already granted, it is always open to the applicant to approach the appropriate authority in the manner known to law, subject to law of limitation.

With the above directions, the application stands dismissed of. There shall be no order as to cost.

Justice Dr.P.Jyothimani
(Judicial Member)

Prof.Dr.R.Nagendran
(Expert Member)

NGT