

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 72 of 2015 (SZ)

S. Joel, Tuticorin Vs. The Secretary to Government of India

**CORAM : HON'BLE JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Applicant :Mr. A. Natarajan, Sr. Adv. with A. Modhumathi,
M. Sathish Kumar, Y. Antony Jyothisharan,
Advs.
Respondent Nos. 3 to 10 :Mr. Abdul Saleem, S. Saravanan, Advs.**

| | Date and Remarks | Orders of the Tribunal |
|--|---|---|
| | Item No. 11 June 05, 2015 | <p>We have heard the Learned Senior Counsel appearing for the Applicant and also the Learned Counsel appearing for the State of Tamil Nadu. The State Government has filed papers as well as affidavit which show that the Public Works Department and the Forests Department have prepared fresh application based on the order of the Tribunal without involving any felling of trees and the same was applied through online as per the procedure. However, due to certain technical error in the Website of MoEF the online application could not be uploaded. It is also stated that without losing any further time immediately on 02nd June, 2015 the proposal was withdrawn and another proposal dated 03rd June, 2015 was sent and the proposal has been uploaded and the same is pending with the MoEF. It is seen that the MoEF has also acknowledged the same by online and the proposal has been physically received on 03rd June, 2015.</p> <p>It is also stated that in addition to that, on 04th June, 2015 a hard copy of the said proposal has also been sent to the MoEF which has been acknowledged by the MoEF on 04th June, 2015 as it is seen in the acknowledgement filed along with the papers before this Tribunal. In spite of the same, a letter has been circulated on behalf of the Deputy</p> |

Conservator of Forest, Central dated 04th June, 2015 stating that such proposal has not been received and therefore it is not possible for disposal of the proposal on or before 05th June, 2015. It is stated that the Regional Empowered Committee is scheduled to meet on 18.06.2015 in the Regional Office of MoEF at Chennai and the proposal is to be included in the Agenda.

We noted with regret that this has been the attitude of the MoEF from 2011 onwards and it is unfortunate that even for de-silting the dam the Government of India has taken five years which has ultimately resulted in great loss to the people of the area, for the water level has gone down; and it is only during the onset of monsoon, the MoEF used to come forward to say that they need some more time. It is one other attitude of MoEF in affecting this scheme or somehow or other and it is totally against the proactive measure suggested by the Hon'ble Prime Minister as enumerated in our earlier order. It is again unfortunate to note that for de-silting of the dam felling of trees are necessary which is never known.

We had made it very clear that the State Government shall send the proposal again without any proposal of cutting any of the trees on the river side. In any event, cutting of trees for de-silting the dam does not arise. We make it clear that no cutting of trees shall take place at any cost except de-silting the dam before the onset of the monsoon. Taking note of the fact that the monsoon is likely to come to effect in a day or two, we direct the MoEF and its Regional Offices to take a decision positively by 10th June, 2015, failing which it will be open to the State Government to proceed with de-silting activities anticipating the approval from MoEF as a

special case and out of necessity.

We make it clear that the MoEF shall convene a special meeting of the Regional Committee and pass appropriate order granting permission for de-silting the dam however, with a condition that no tree shall be felled. In the event of such a decision not taken before 10th June, 2015 the State Government as stated above shall proceed with the same, however, with a caution that no tree shall be cut and the activity shall be reported before the Tribunal.

This order is only on the factual matter of the case and shall not be quoted as a precedent.

Post this application before the Southern Bench at Chennai on 1st July, 2015.

.....,JM
(Dr. P. Jyothimani)

.....,EM
(Prof. A.R. Yousuf)

