

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

APPLICATION No. 101 of 2015 (SZ)

(M.A.No.151 of 2015)

IN THE MATTER OF:

1. N. Gajendran,
S/o M.Nagappan
No.1/298, East Coast Road
Kottivakkam,
Chennai-600041.

2. S.Sathish Kumar
S/o Selvanathan
No.2/26, New Colony I Street,
Kottivakkam,
Chennai-600041

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Applicants

Versus

1. Principal Secretary/Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

2. The Managing Director,
Chennai Metropolitan Water Supply & Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

3. The District Collector,
Kanchipuram district,
Kanchipuram.

4. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai-600 119.

5. The Zonal Officer,
Corporation of Chennai,
Zone No.14, Ward No.183,
Puzhuthivakkam, Chennai-600 002

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Respondents

COUNSEL APPEARING:

APPLICANTS

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M/s. TaauRS Associates- Kamaleshkannan.S and
S. Sai Sathya Jith.

RESPONDENTS ... Mr. R. Surya Prakash for Respondent No.1 and Respondent No.5; M/s. M.K. Subramanian and Ms.Lakshmi for Respondent No.2; and R. Gokul Krishnan for Respondent No.3 and Respondent No.4.

ORDER

PRESENT:

(1) Hon'ble Shri Justice M. Chockalingam
Judicial Member

(2) Hon'ble Shri P.S. Rao
Expert Member

Dated, 2nd September, 2015

1. Whether the judgment is allowed to be published on the internet:
YES/NO
2. Whether the judgment is to be published in the All India NGT Reporter:
YES/NO

1. The applicants herein have filed this application, seeking to restrain the 1st and 2nd respondents from filling up the existing *Thamaraikeni Kulam* Water tank in SF No.247/46 of an extent of 0.28.5 Ares with quarry dust for constructing water overhead water tank and sump, in order to preserve the tank thereby to maintain the ecology and protect the environment.

2. The facts of the case as seen from the averments made in the application are that, the applicants are the residents of Kottivakkam, Chennai - 600 041 and there exists the *Thamaraikeni Kulam* water tank (hereinafter water tank) in SF No.247/46 of an extent of 0.28.5 Ares which is more than hundred years old. The water tank serves as a ground water recharge in the area by collecting rain water and allowing it to percolate into the ground which helps in maintaining the water table in that area. The water tank is having aquatic plants and fish. There

exists a shed to perform spiritual functions in the tank. Two to three wells also exist near the water tank which serves as drinking water source to the nearby residents.

3. The applicants state that the respondents have taken all measures to close the water tank in order to implement a drinking water project by constructing a overhead water tank and sump over the place and a similar tank in the same locality namely *Pattinavar Chetti Kulam* had already been filled with rubbish in recent months. Aggrieved over these acts the residents of the area had made several protests and have raised many objections. The applicants have learnt that one of the residents in the area Mr. Padmanabhan had moved the Hon'ble High Court of Madras by filing a Writ Petition in WP No. 3963 of 2015. The Hon'ble High Court in its order dated 17.2.2015 had directed the respondents to consider the representation of the petitioner. Accordingly, the 1st respondent after visiting the spot, had passed an order dated 30.3.2015. In the said detailed order, the 1st respondent himself has admitted that *Thamaraikeni Kulam* is a water tank. According to the order of the 1st respondent, Mr. Padmanabhan had pointed out an alternative site, a closed *kulam* in the same locality for the 1st and 2nd respondents to implement the said drinking water project. However, the 1st respondent after visiting the alternative site pointed out unreasonable difficulties in executing the project and had directed the Corporation to consider handing over the *Thamaraikeni Kulam* to the 2nd respondent for closing it and constructing the overhead water tank and sump for speedy completion of the drinking water project.

4. The applicants state that the authorities had once again began to dump quarry dust into the live tank in order to execute the project and aggrieved over the same they have approached this Tribunal on the grounds that the respondents have not considered the ecological damage that would be caused by affecting the

recharge of ground water table if the water tank is closed and they have not considered the available alternative sites in the same locality. The respondent authorities are duty bound to protect the tank in order to maintain the ecology and have disregarded the directions under law that water bodies cannot be appropriated for any purpose including the construction of water tank and other facilities.

5. In their joint reply the 1st and 5th respondents stated that the *Thamaraikeni Kasam* located in S.No.247/46, Kottivakkam village was handed over to the 1st respondent by the erstwhile Kottivakkam *Panchayat* during its merger with the Corporation of Chennai in the year 2011. Subsequently, the Ward Committee of Perungudi Zone (Zone-14) passed a resolution in 2013 to hand over this tank to Chennai Metropolitan Water Supply & Sewerage Board (CMWSSB) for providing drinking water supply to the residents of Kottivakkam. In the said Survey number, on the southern boundary of the tank there exists *Amma* Canteen and a Police check post on the northern corner. There is also a open well, three bore wells and a shed for conducting rituals (16th day ceremony in the memory of deceased persons) on the southern side of the tank with steps descending into the tank. A compound wall has been erected around the water tank. Next to the Police outpost the CMWSSB has dumped large quantity of quarry dust to prepare the ground for carrying out the civil works relating to their proposed drinking water project.

6. The 1st and the 5th respondents further stated in their reply that the same issue has been raised before the Hon'ble High Court of Madras and the request was rightly rejected by the Principal Secretary/ Commissioner, Corporation of Chennai after conducting detailed enquiry and after verifying all the possibilities and viability of the project. According to the respondents, the applicants have approached this Tribunal in order to disrupt the entire proposed scheme of supply

of water to the benefit of more than 4700 households with a population of 71923. 19 out of 26 residents' associations of residents of Kottivakkam have given consent to CMWSSB to proceed with the construction of over head water tank and underground sump along with the proposal for the establishment of recharge wells to maintain the ground water table. The present Chairman of Wards Committee, Zone 14 of the Corporation of Chennai, under whose jurisdiction Kottivakkam ward lies, by a petition stated that with the implementation of the scheme it would benefit the residents of Kottivakkam and nearby surrounding area. CMWSSB has assured that it will take action to maintain the remaining tank area for rain water collection and to allow the rain water to percolate into the ground by establishing recharge wells. They have further assured that during the construction and after the civil works are completed the shed for performing rituals will not be disturbed in any way and the public can continue to perform the rituals and ceremonies without any disruption.

7. The 1st and 5th respondents further stated in their reply that the *Pattinavar Chetti Kulam* located near the *Thamaraikeni Kulam* on the East Coast Road cannot be taken as the alternative site for implementing the project as the said water body disappeared and the site is completely surrounded by private *patta* lands where construction activity is going on. Moreover there is no access to this tank and the only '*katcha*' road leading to the site is located on a private land which is under use by the adjoining land owner for construction activity. It also appears that some encroachments have taken place in the tank and court cases are pending in this regard and the Corporation of Chennai is taking necessary action to remove the encroachments through the court of law. Since the Kottivakkam area has become thickly populated and no other suitable government vacant land is available for construction the respondents claim that the only alternative site available is the

Thamaraikeni Kulam which is suitable for implementation of the drinking water project in the larger interest of the public.

8. The 2nd respondent CMWSSB in its reply has stated that it is a statutory body which provides water supply and sewerage infrastructure facilities to the residents of Chennai city and Chennai Metropolitan area in a phased manner and the Government of Tamil Nadu *vide* G.O. (Ms.) No.256, MA&WS (Election) Department dated 26.12.2009 has issued orders on expanding Chennai city by annexing 42 adjacent Urban local bodies which included 9 Municipalities, 8 Town *Panchayats* and 25 Village *Panchayats* including the Kottivakkam *Panchayat* and *vide* G.O.(Ms.) No.105, dated 11.07.2013 of MA&WS Department, Government issued orders for the implementation of comprehensive drinking water supply scheme. CMWSSB is already implementing drinking water supply and underground sewerage schemes in some areas of expanded Chennai city and in some of the local bodies in Chennai Metropolitan area under funds tapped from Tamil Nadu Urban Development Project (TNUDP), Jawaharlal Nehru National Urban Renewal Mission (JNNURM) etc. and it is a priority for the Board to cover the scheme in the newly annexed bodies as well as wherein a number of these areas lack holistic infrastructure facilities both in water supply and sewerage system. The scope of the project is to provide a comprehensive water supply scheme to supply water at 150 litres per capita per day (lpcd) in Kottivakkam village which is now a part of the expanded Chennai city. The Ward Committee of Perungudi Zone in Zone-14, Ward No.183, Kottivakkam passed a resolution *vide* Res.No.318, dated 08.05.2013 and allotted *Thamaraikeni Kasam* which has been classified as Government *poramboke* measuring to an extent of 0.28.5 hectares for implementation of the Scheme. The new distribution station comprising of overhead tank of 22 lakh litre capacity and underground tank of 3 lakh litre

capacity along with 5 recharge wells of 3m diameter on both sides to maintain ground water level, are proposed to be constructed at *Thamaraikeni Kulam* site measuring $42\text{m} \times 42\text{m} = 1764\text{ m}^2$ wherein 1645 m^2 would be utilized and a part of the tank will be left for performing the rituals. The entire area of Kottivakkam has been covered under one zone.

9. The 2nd respondent Board further stated in their reply that the site maintained by the erstwhile TWAD Board was transferred to CMWSSB after expansion of the Chennai city for providing drinking water supply to the community through bore wells and one open well located inside the said tank. At present, Kottivakkam is supplied with untreated ground water drawn from wells and bore wells once in three days. By implementation of the scheme, the entire residents of Kottivakkam will be benefitted with the daily supply of treated potable water. The tank area is most suitable for locating the overhead tank and underground sump as well as for discharge of water from the scouring valve as and when routine maintenance of the pipeline is taken up as the pumping main from the desalination plant is laid along the eastern boundary of the tank on the East Coast Road. Extraction of ground water is completely avoided by providing the scheme and in fact this enables maintenance of the ground water table more than the prevailing present status. Enormous pumping of water is not feasible due to the fear of sea water intrusion.

10. The respondent Board further contends that the *Thamaraikeni Kulam* tank cannot be maintained in the present condition as it ceased to be a tank 5 decades ago except in records. Since the tank serves the purpose of direct collection of rain water, the tank appears to be having very little water during the rainy season and gets dried up in the summer season. It is being surrounded by the expansion of lands, roads and built up areas and cannot be maintained anymore as

a tank in the original form. The CMWSSB has put up a sign board on 21.05.2013 that the land has been allotted for implementation of the drinking water scheme in Kottivakkam village immediately after passing the resolution. For the past two years no one has made any attempt to file any objection to the present project or petitioned to safeguard the tank from encroachment by anti social elements. Now the applicant with an intention to encroach the tank if it is left in the present condition, has filed this Application with a vested interest. For the implementation of the Scheme, the site required for the construction of 22 lakh litre overhead tank with a minimum diameter of 35 m and approach road of 30 feet width for taking the heavy construction equipment like bore drilling/soil test equipment and other construction equipment to the site during construction activities and later during Operation & Maintenance with heavy vehicles, whereas the available approach road is lesser than the required width. Since, Kottivakkam village is densely populated; no other vacant land is available for implementation of this scheme. Finally the respondent Board has pleaded to dismiss the application.

11. The 3rd and 4th respondents jointly filed their reply and in their reply they have stated that Survey No.247/46 having an extent of 0.28.5 Ares situated at Sholinganallur Taluk, Kottivakkam village is classified in the revenue records as '*Thamaraikeni Kasam*'. During monsoon, there is stagnation of rain water in the tank. There is a growth of Water hyacinth (*Agaya thamarai*) plants in it. The water from this *Kasam* is not used for cultivation or irrigation purpose and there are no fresh water sources like channels leading into the said tank and there is no inlet or outlet for the water to be drained out. It merely serves the purpose of direct collection of rain water and aids in percolation to charge the ground water table. The 3rd and 4th respondents further stated that they support the action of the 1st respondent in choosing this particular location for the construction of over head

water tank and the sump and affirm that if the current scheme is implemented it would solve the drinking water crisis in that particular area.

DISCUSSION & CONCLUSIONS

12. As per the records placed before us it is a fact that the *Thamaraikeni Kulam* extending to an area of 0.28.5 Ares is located in Kottivakkam in SF No.247/46 and was apparently used for storage of rain water for meeting the requirement of the villagers for both drinking water purpose and irrigation of their agricultural lands. But, once expansion of urban agglomeration has taken place by virtue of its proximity to the Chennai Metro and after the merger of the Kottivakkam *Panchayat* with the Chennai Corporation and once the surrounding agricultural fields have been converted into real estate and raised with constructions having 4700 households with a population of more than 70000 the aforesaid water tank has lost its significance over a period of time and it is no longer used either for irrigation purpose or for drawing drinking water directly. Further, it is clear from the record placed before us that the present area occupied by the tank has shrunk from 2850 sq.mts. (0.28.5 Ares) to around 1700 sq.mts. which clearly indicates that over a period of time 1/3rd of it has been encroached and in fact in the letter dated 30/03/2015 of the Commissioner, Corporation of Chennai addressed to the Petitioner who filed the aforesaid Writ Petition before the Hon'ble High Court of Madras, gave a clear picture of the present position of the water body in question and the photographs filed with the Application also reveal that eutrophication has already started with lot of thick vegetation and weeds found growing on the tank bed substantially reducing the water holding capacity of the tank. In fact the applicant himself has stated in the Application that the tank is having vegetation which gives an indication that the tank is already dying because of its location amidst the thickly populated urban agglomeration of Chennai city

and it is subjected to severe anthropogenic pressure. The tank is surrounded by densely populated residential complexes and it has got no inlet or outlet for regulating the storage of water. Presently it is just a sort of temporary rain water storage pond without having any significant ecological value other than allowing the accumulated rain water to percolate into the sub soil layers recharging the ground water. Presently the drinking water supply for the people residing in the ward is made from the bore wells dug up on the tank bed which is reported to be highly inadequate and not able to fulfil the requirement and therefore limited quantity of water is supplied to the residents once in three days. Construction of *Amma* canteen, Police check post and shed for conducting rituals has also eaten the lake bed and thus it has shrunk to a substantial extent i.e. from about 2800 sq.m. to about 1700 sq. m.

13. Having been handed over the site by the 1st respondent the 2nd respondent, CMWSSB has come up with a plan for construction of drinking water distribution centre comprising one overhead tank of 22 lakh litre capacity and one underground sump of 3 lakh litre capacity along with 5 recharge wells with a diameter of 3 m. on both sides to maintain ground water level. It is proposed that after the above constructions balance area will be retained for accumulation of rain water and can be continued to be used for conducting religious ceremonies/rituals.

14. The following questions are formulated for consideration: i) Whether the applicants are entitled for the issuance of an injunction order thereby restraining the respondent authorities from filling up of the existing *Thamaraikeni Kulam* in SF No.247/46 of an extent of 0.28.5 Ares for the construction of the overhead tank and sump; and ii) Whether directions are to be issued to the respondents to remove the quarry dust that had been dumped into the

Thamaraikeni Kulam and also to remediate and restore the tank to its original position. Now we may examine the above points as follows.

15. Here, the point to be considered is if the aforesaid water body is utilized for implementing the project for providing drinking water to the residents of the Kottivakkam village which is now a part of the expanding urban agglomeration of Chennai Metropolis where further increase in the population cannot be ruled out, it is going to affect ecological balance has any valid force. The applicant has not provided any scientific data or information that it is essential to preserve the aforesaid tank in the present condition for maintaining ecological balance in the area. It is true that this is a century old water body constructed as a rainwater harvesting structure for meeting the requirements of the villagers of Kottivakkam. But the photographs as well as the record placed before us do not indicate that at present the water body is having any significant ecological value since eutrophication has already started with thick vegetation growing on the tank bed. Since it is no longer used for irrigation purpose or for drawing the accumulated rainwater for drinking purpose it is clear that traditional maintenance works such as yearly cleaning of the bund and de-silting of the bed have been stopped long ago boosting the colonisation and growth of invasive plant species such as Water hyacinth (*Eichornia crassipes*) which also indicates that the tank is polluted. We are of the considered opinion that if measures as promised by the 2nd respondent to utilize the accumulated rain water to recharge the groundwater table by establishing recharge wells is done whatever rainfall that is received in the vicinity and flows into the tank will be tapped and it will not have any deleterious effect on the ecology and hydrology in that area. for implementing the project for providing

16. We are conscious of the fact that a number of water bodies all around the country particularly those located in urban areas have met similar fate of

eutrophication, encroachment and reclamation and in fact some of them have totally disappeared over a period of time giving way for construction of roads, buildings and other structures for commercial and residential purpose. There was no application of mind on the part of concerned authorities while sanctioning layouts and granting approvals for constructions affecting the water bodies and wetlands. Encroachments and illegal constructions by reclaiming the water bodies and wetlands and converting them into dumping ground and sewage ponds are common in the urban areas due to indifferent attitude of the concerned authorities as well as lack of appreciation of the importance of their role in maintaining the ecological balance. This unplanned expansion of urban agglomerations and encroachments resulted in total decimation of a number of wetlands and water bodies totally defacing the landscape leading to disastrous consequences such as loss of biodiversity, flooding of low lying areas, poor recharge of the ground water and loss of life and property during monsoon. Due to urban sprawl general factors affecting the water bodies are eutrophication, low dissolved oxygen and pH, sedimentation and heavy metal pollution, biodiversity loss, etc. But here it is a case, where a small tank exists amidst a densely populated agglomeration without any fixed inlet and outlet and without any sluice gates having a water spread area of about 2800 sq.m. as per original revenue records which is presently shrunk to about 1700 sq.m. with considerable reduction in its size, depth and in its water holding capacity because of anthropogenic pressure and its water is no longer used for irrigation purpose or for direct drinking purpose by human beings or cattle. It is apparent that siltation and dumping of municipal solid waste, construction debris and letting sewage into the tank resulted in slow death of the tank and causing pollution. Therefore permitting the 2nd respondent to establish over head tank and underground sump for purpose of supplying drinking water to the residents will be justified if one takes into account the responsibility of the

State under Article 21 of the Constitution wherein the right to life is guaranteed and providing safe drinking water to the citizens is also the responsibility of the State. But, in the present case, the concept of Sustainable Development which this Tribunal cannot overlook shall take precedence. In the case of *N.D. Jayal and another v. Union of India and others*, AIR 2004 SC 867, the Hon'ble Supreme Court held that:

The strict observance of sustainable development will put us on a path that ensures development while protecting the environment, a path that works for all peoples and for all generations. It is a guarantee to the present and a bequeath to the future. All environmental related developmental activities should benefit more people while maintaining the environmental balance. This could be ensured only by the strict adherence of sustainable development without which life of coming generations will be in jeopardy.

17. The proposed activity taken up by the respondents is only in public interest and not for any commercial activity or to meet the interest of any particular individual or group. As stated above, Right to life which is a Fundamental Right under Art.21 of the Constitution includes the right of enjoyment of pollution free water and therefore the applicants contention that by taking up such project the purpose for which the tank is existing is defeated, cannot be agreed *in toto* simply because that since it is recorded as a water body and therefore no activity can be taken up. Yes, it is a fact that wetlands and water bodies require attention and shall be protected since they are amongst the most productive ecosystems on the Earth and provide many important services to human society. Their contribution is enormous in ecologically sensitive areas. However, the exact value can be attributed to the type and location of the water body, the services it provides, and the economic methods and assumptions used. Its location and site specific conditions and local factors as well as the ecological and economic factors are to be taken into account which varies from place to place. But in the present

case as the surroundings have already been converted into residential colonies with dense population with infrastructure such as roads *Thamaraikeni Kulam* water tank which gets only rainwater without any sluice for regulation and without any inlet/outlet will definitely will not lead to any ecological imbalance if it is utilized for drinking water project and if every drop of rainwater that flows into it is trapped and made to percolate into the ground by establishing recharge wells. With regard to conducting religious ceremonies and rituals, the respondents have promised that the existing shed will be left and the remaining portion of the tank can be used for the purpose. Thus the major fear expressed by the applicant can be addressed with this.

18. The Hon'ble Supreme Court in the case of *Bombay Dyeing & Mfg. Co. Ltd. v. Bombay Environmental Action Group & Others* (2006) 3 SCC 434, has held that:

The development of the doctrine of sustainable development indeed is a welcome feature but while emphasizing the need of ecological impact, a delicate balance between it and the necessity for development must be struck. Whereas it is not possible to ignore inter- generational interest, it is also not possible to ignore the dire need which the society urgently requires.

In the event of conflict between the competing interests of protecting the environment and social development, the Hon'ble Apex Court in the case of *M.C. Mehta v. Kamal Nath* (2000) 6 SCC 213, held as under:

The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the Courts find it necessary, in good faith, for the public and in public interest to encroach upon the said resources.

In the case of *Intellectuals Forum, Tirupathi v. State of A.P. & others*, (2006) 3 SCC 549, the Hon'ble Supreme Court held that:

The debate between the developmental and economic needs and that of the environment is an enduring one, since if environment is destroyed for any purpose without a compelling developmental cause, it will most

probably run foul of the executive and judicial safeguards. However, this court has often faced situations where the needs of environmental protection have been pitched against the demands of economic development. In response to this difficulty, policy makers and judicial bodies across the world have produced the concept of "sustainable development". In the Stockholm Convention, a support of such a notion can be found in Paragraph 13, which states: "In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population."

In the case of *Mrs. Susetha v. State of Tamil Nadu and others*, AIR 2006 SC 2893, wherein an appeal against the order dismissing a writ petition challenging construction of shopping complex on a dilapidated temple tank and situated in an area with other tanks to recharge the groundwater levels, the Hon'ble Supreme Court held that:

The tank in question is not a natural tank. Only rain water could be collected in it. It has been a dumping ground for a long time. Although there is no material on records to show as to since when it has been fallen in disuse, indisputably the tank in question is in a dilapidated condition for a long time and has been used as a dumping yard and sewage collection pond. In our opinion, thus, it is not a case where we should direct its resurrection.

19. Having permitted conversion of the Kottivakkam village and its agricultural lands for real estate purpose and having merged the *Gram Panchayat* with Corporation of Chennai of this small water body located amidst the densely populated residential colonies, is left in the present condition there would be continuous anthropogenic pressure and it may slowly lead to natural death and encroachment and in fact as per the reply furnished by the respondents it is defunct for the past 5 decades. Once the process of eutrophication has started in the tank located amidst such densely populated locality the chances of its survival becomes bleak and over a period of time, it may completely get decimated. Therefore, the proposed construction of over head water tank and sump for public purpose with

foolproof mechanism of harvesting the rain water for recharging the ground water table will be justified if one takes a balanced view of development on one side and protection of environment on the other. In this regard, the speaking order of the 1st respondent issued as per orders of the Hon'ble High Court of Madras, reflects the ground reality and this Tribunal having heard all the parties and perusing the records finds that the speaking order is relevant and appropriate in the circumstances in which such project has been proposed. However, there is no formal order from the competent authority for conversion of the land use of the aforesaid water body till now and without conversion orders having been issued, the 2nd respondent has started the project work by dumping quarry dust which is not justified. As per the information furnished before this Tribunal only recently on 08/07/2015 the District Collector, Kanchipuram in his letter No.16254/2015/N2 has reported to the State Government about the prevailing condition of the tank and it appears that the government is considering the issue of granting land conversion order. Therefore, the project can be commenced only after the conversion orders are issued by the competent authority duly ensuring the construction of 5 recharge wells as proposed in the project keeping the onset of north east monsoon shortly so that every drop of rainfall that strikes in the locality which otherwise gets accumulated into the tank, is allowed to percolate into the subsoil layers. For conducting rituals/religious functions sufficient space should be left if necessary by desilting and deepening the left out portion of tank to retain maximum rain water. Every care has to be taken that no construction debris is left out at the site and depending on the requirement and necessity, the portion left out for conducting the rituals must be partitioned and fenced with chain link fence for an height of at least 10 feet so that people do not throw garbage into it and water quality is maintained. With regard to structural stability of the proposed over head tank which will be

having a huge capacity of 22 lakh litres, suitable design as required shall be made and executed keeping in view the nature and depth of the soil.

20. Since the water tank in question is not declared as a protected wetland the Wetlands (Conservation and Management) Rules, 2010 are not applicable in this case and the interim injunction granted on 22.05.2015 is vacated.

21. With the above directions we dispose the OA No. 101 of 2015 (SZ) along with the M.A.No.151 of 2015. There is no order as to the costs.

(Justice M. Chockalingam)
Judicial Member

(Shri. P.S.Rao)
Expert Member

Chennai.
Dated, 2nd September, 2015

NGT