

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

**M.A. No. 803 of 2013 & M.A. No.1089 of 2013
In
Original Application No 286 of 2013
And**

**M.A. No. 744 of 2013
In
Original Application 271 of 2013**

IN THE MATTER OF:

**Hassan M. Vs. State of Kerala & Ors.
And
Muhammed Saleem Vs. State of Kerala & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

**Present: Applicant: Mr. Ankur S. Kulkarni and Mr. M. Gireesh
Kumar, Advs.
Respondent No.1to4: Mr. Jogy Scaria, Advocate**

Date and Remarks	Orders of the Tribunal
Item Nos. 7&8 August 8, 2014	<p>These Applications have been filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 for seeking direction to stop illegal mining activities carried out in the ports channels under Kasargod, Manjeswaran and Charuvathoor Ports in Kasargod District and Ponnani Port channel and also stay the operation of the tender notice dated 17th August, 2013 and the proceeding taken in furtherance thereto.</p> <p>Replies to these Applications have been filed on behalf of the Respondent No. 1 to 4. The stand taken is that there is no illegal mining being carried out in the port area, but it is primary dredging which is being permitted and for which the tender has been invited. The dredging is essential in the interest of environment as well as for the movement of ships in the port areas.</p> <p>Having heard Learned counsel appearing for the parties at some length, we are of the considered view that</p>

dredging is an essential feature and is in the interest of the environment as well as for the movement of ships. However, its extent and manner of dredging is always a matter of concern for all the stake holders as excessive dredging can lead to damage to the environment, including ground water as it would be come saline.

Learned counsel appearing for the State of Kerala very fairly stated that they would conduct a survey before issuing execution Order or final acceptance of the tender. The survey would determine the extent and manner in which the dredging should be carried out while entirely protecting the environment interests. He refers to paragraph 20 of the Reply in particular whereunder a dredging plan has to be prepared.

In view of the statement made on behalf of the Respondents, we dispose all these Applications with directions to the Respondents to ensure conducting appropriate survey and preparation of a dredging plan, in the interest of the environment. They shall ensure that there is no excessive dredging leading to damage to the environment or ecology of that area and also protect the plants and, mangroves etc.

With the above directions, the Original Application No 286 of 2013 and Original Application 271 of 2013 stand disposed of leaving the parties to bear their own costs.

M.A. Nos. 803 of 2013, 1089 of 2013 and 744 of 2013

These Misc. Applications do not survive for consideration in view of the fact the main Applications in which these have been filed, have itself been disposed of.

Therefore the same become infructuous and stand disposed of.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

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

.....,EM
(Dr. R.C. Trivedi)

