

Item No. 03 & 04

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 92/2017 (SZ)
and
Original Application No. 23/2018 (SZ)

Punganur Consumer Protection Council

Applicant(s)

Versus

State of Tamil Nadu & Ors.

Respondent(s)

Date of hearing: 01.07.2019

CORAM : **HON'BLE. MR. S. P. WANGDI, JUDICIAL MEMBER**
HON'BLE. MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Original Application No. 92/2017 (SZ)

For Applicant(s): Mr. S. Vijaya Kumar, in person

For Respondent (s): Mr. Kamalesh Kannan, advocate for respondent no. 1 to 8

Original Application No. 23/2018 (SZ)

For Applicant(s): Mr. S. Vijaya Kumar, in person

For Respondent (s): Mr. Kamalesh Kannan, advocate for respondent no. 1 to 8

ORDER

1. District collector, Nagapattinam was directed to submit a report within two months from 03.04.2019 in terms of the order passed on that date after inspecting the area in question and after ascertaining as to whether there is any encroachment on the Cauvery River or the River banks at Mayiladuthurai in violation of the relevant law.
2. Two months period elapsed on June 10th taking into consideration the fact that the applicant had been directed to submit a set of the application to the Collector within a week from 03.04.2019. On being asked the learned counsel appearing for Respondents No.1,2,3,6,7 & 8 submits that although the inspection has been carried out, the report could not be filed and prays for further time to do so.

3. Mr. S. Vijay Kumar, appearing in person on behalf of the applicant M/s Punganur Consumer Protection Council, however, states that no site visit has been undertaken by the collector as submitted by the Learned Counsel for the Respondents. In our view this is a clear case of dereliction of duty on the part of the District Collector. We accordingly direct payment of penalty of Rs. 50,000/- by the District Collector, Nagapattinam to be deposited with the Central Pollution Control Board, Regional Office. If he fails to take appropriate steps in terms of aforesaid directions, further penalty of Rs. 1 lakh shall be imposed upon him to be paid by him from his personal account.
4. Compliance report be filed with two weeks from today.
5. List this matter on 29th July, 2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 01, 2019
O.A. NO. 92/2017 (SZ)
O.A. No. 23/2018 (SZ)