

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

**Original Application No. 04/2016
(M. A. No. 06/2016)**

**P. Narendhar Reddy
Vs.
State of Telangana & Ors.**

**CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant	:Mr. Sravan Kumar. K., Mr. T. Vijaya Bhaskar Reddy and Mr. Krishna Chandra, Adv.
Respondent No. 1 & 2	:Mr. P. Venkat Reddy and Mr. Prashant Kr. Tyagi, Adv.
Respondent no. 4	: Mr. Mahen Pradhan, Adv.
Respondent no. 5	: Mr. O. Prakash, Adv. With Mr. G. Brahmanand Reddy, Mr. N. Murli Kr., AVH Mallikarjun.
Respondent No. 7	: Mr. Bhagat Singh, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 04 January 22, 2016 R	<p>The application is filed under Section 14 of the National Green Tribunal Act, 2010 with the prayer to stop illegal mining/extraction of sand, gravel and marbel carried out in the State of Telangana without obtaining necessary Environment Clearance from SEIAA/MoEF.</p> <p>Learned counsel appearing for the respondent no. 5 filed an application for modification of order dated 08.01.2016. It is taken on record.</p> <p>Learned counsel appearing for the respondent no. 5-South Central Railway submits that petitioner himself has filed a PIL before the Hon'ble High Court of Hyderabad seeking the same relief under Article 226 of the Constitution of India, to issue an order, writ or direction more particularly in the nature of Mandamus to respondent no. 1 to 3 the State of Telangana and the officers to stop the illegal, high handed and indiscriminate quarrying of gravel (Morrum) by the respondent no. 12 to 14, the respondent nos. 6 to 8 in</p>

this petition from the tank beds of Singa Samudram Cheruvu. The Division Bench of the Hon'ble High Court of Hyderabad dismissed the petition on 04.01.2016. It is submitted that the applicant suppressed the said fact and obtained an order of stay suppressing the real facts. The learned counsel appearing for the applicant submits that there was no suppression and in paragraph no. 4, the applicant has revealed about the Writ Petition.

On going through paragraph no. 4 of the original petition, it is clear that the applicant has not revealed that it was he who filed the Public Interest Litigation before the Hon'ble High Court of Hyderabad. The pleadings are, "Hon'ble High Court of Hyderabad while hearing PIL No. 214 of 2015 has passed stay order on 10.08.2015 to stop illegal mining of gravel and extraction of soil from the said tanks. Even then the Respondent Nos. 1 to 3 have not taken appropriate action to stop illegal mining. Due to the inaction of the government authorities, the Respondents No. 6 to 8 are still extracting gravel from government lands and patta lands". The applicant has also produced the interim order passed by the Hon'ble High Court as Annexure 8. In fact the Hon'ble High Court had dismissed the Public Interest Litigation filed by the applicant on 04.01.2016 earlier to the filing of the original application. He has also suppressed that fact and instead contending that an interim order was passed by the Hon'ble High Court. But that order will not survive on the dismissal of the PIL. The Hon'ble High Court has dismissed the PIL

specifically finding that it is not a Public Interest Litigation. In such circumstances, when the applicant has suppressed material facts and that has not come with clean hands, he is not entitled to any equitable relief, hence the interim order granted by this Tribunal on 08.01.2016 stands vacated.

The applicant is a resident of Nizamabad district, Telangana State. All the respondents are from Telangana except the Union of India represented by MoEF. We find that the territorial jurisdiction vests with the Southern Bench, NGT. Hence this is a matter which should be heard and disposed by the Southern Bench, NGT as no reason whatsoever has been shown as to why this petition is to be entertained by the Principal Bench, New Delhi. Place the matter before the Hon'ble Chairperson for appropriate directions.

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

.....,EM
(B. S. Sajwan)