

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Application No.298 of 2014 (SZ)**

Applicant(s)

Respondent(s)

Wayanad Prakriti Samrakshana
Samithi, Wayanadu District, Kerala

Vs. UOI, rep by its Secretary, MoEF,
New Delhi and others

Legal Practitioners for Applicant(s)

Legal practitioners for respondent(s)

M.R.Sivakumar

Mr.M.R.Gokul Krishnan for R1
Smt.Suvitha A.S. for R2 to R9

M/s.Aysha Youseff for R10

Note of the Registry	Orders of the Tribunal
Item.No.8	<p>Date: 28th August, 2017</p> <p>In this application after the arguments were completed, orders were reserved on 4th August, 2017. However, on perusal of replies filed by the respondents particularly 5th respondent, following information is missing which is required to finalise the judgement.</p> <p>1. It is stated in the reply dated 14th March, 2016 filed by the 5th respondent, Secretary, Forests that the Divisional Bench of the Hon'ble High Court of Kerala in the Judgement dated 7th December, 2001 in Writ Appeal No.3549 of 2001 against the Judgement in O.P.No.22019 of 1997, directed the State Government not to carry out any construction in forest in and around pookode lake without obtaining the approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980. The affidavit also states that copy of the judgement is produced and marked as Exhibit</p>

R5 (a) but no such document has been enclosed. Copy of the Judgement may be produced before this Tribunal.

2. It is further stated in the affidavit of the 5th respondent that the State of Kerala has sought waiver of payment of Net Present Value (NPV) and cost of compensatory afforestation from the Hon'ble Supreme Court stating that the diverted land is meant for re-settlement of landless tribals. But nothing has been mentioned in the affidavit as to whether the Hon'ble Supreme Court has granted any orders in this respect. This may be clarified.

3. Copy of the MoEF letter No.8-16/2002-FC dated 6th February, 2004 quoted in the affidavit stating that certain conditions were imposed by the MoEF while granting the permission for diversion of forest land, shall also be produced.

The learned Additional Advocate General appearing for State of Kerala has undertaken to appear in this case and clarify the issue. The learned Government Pleader appearing for State of Kerala also undertakes to inform to the learned counsel appearing for the 10th respondent to be present on the next date of hearing. Accordingly the case stands reopened and adjourned to 22.09.2017.

	<p>....., JM (Justice Dr.P.Jyothimani)</p> <p>.....EM (Shri P.S. Rao)</p>
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