

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

M.A.Nos.235 and 236 of 2017 (SZ)

In

Application No.86 of 2016

Applicant(s)

L. Lakshmanasamy,
President, Perambai Panchayat,
Perambai, Villupuram Dist

Respondent(s)

Vs Union of India rep. by ,
the Secretary to Govt,
MoEF & CC, New Delhi
and 7 others

Legal Practitioners for Applicant(s)

M/s. Yogeshwaran. A,
Neha Miriam Kurian

Legal practitioners for respondent(s)

Mrs. M. Sumathi for R-1
Mr. K.R. Harin for R2 to R6
Mrs. Sathyabama for R7
M/s. D. Lakshmi pathy, P.Ravichandran
and C.Senthamizh for R8

**M.A.No. 188 of 2017
in
Application No.86 of 2016 (SZ)**

Applicant(s)

The Local Administration
Department,
Government of Puducherry,
Rep. by its Director.

Vs. Respondent(s)

K. Lakshmanasamy,
President,
Perambai Panchayat, Parambai,
Villupuram District.

Legal Practitioners for Applicant(s)

M/s. K.R.Harin

Legal practitioners for respondent(s)

M/s. Yogeshwaran A. for R1
M/s.M. Sumathi for R2
Mr. K.R. Harin for R3 to R7
Mrs. Sathyabama for R8
M/s. D. Lakshmi pathy for R9

Application No.86 of 2016

Applicant(s)

L. Lakshmanasamy,
President, Perambai Panchayat,
Perambai, Villupuram Dist

Respondent(s)

Vs Union of India rep. by ,
the Secretary to Govt,
MoEF & CC, New Delhi
and 7 others

Legal Practitioners for Applicant(s)
M/s. Yogeshwaran. A,
Neha Miriam Kurian

Legal practitioners for respondent(s)
Mrs. M. Sumathi for R-1
Mr. K.R. Harin for R2 to R6
Mrs. Sathyabama for R7
M/s. D. Lakshmipathy, P.Ravichandran
and C.Senthamizh for R8

M.A.No. 237 of 2017
In
Application No. 9 of 2014 (SZ) (THC)
(W.P. No. 8011 of 2011, High Court of Madras)

Applicant(s)

M/s. Puducherry Environment Protection
Association, repl. by its Secretary,
Puducherry

Respondent(s)

Vs. The Union of India, rep. by its
Secretary, MoEF, New Delhi
and 6 others

Legal Practitioners for Applicant(s)
M/s. A. Yogeshwaran

Legal practitioners for respondent(s)
Mr. M.R. Gokul Krishnan for R-1
Shri K.R. Harin for R-2, R5 and R6
Mrs. A. Sathyabama for R-3
Smt. Yasmeen Ali for R-4
M/s. Anirudh Krishnan for R7

Application No. 9 of 2014 (SZ) (THC)
(W.P. No. 8011 of 2011, High Court of Madras)

Applicant(s)

M/s. Puducherry Environment Protection
Association, repl. by its Secretary,
Puducherry

Respondent(s)

Vs. The Union of India, rep. by its
Secretary, MoEF, New Delhi
and 6 others

Legal Practitioners for Applicant(s)
M/s. A. Yogeshwaran

Legal practitioners for respondent(s)
Mr. M.R. Gokul Krishnan for R-1
Shri K.R. Harin for R-2, R5 and R6
Mrs. A. Sathyabama for R-3
Smt. Yasmeen Ali for R-4
M/s. Anirudh Krishnan for R7

Note of the Registry	Orders of the Tribunal
Order Nos. 12 and 13	<p data-bbox="540 258 930 298">Date: 22nd December, 2017</p> <p data-bbox="540 344 1341 419"><u>M.A.No. 236 of 2017 in Application No.86 of 2016 and M.A.No. 237 of 2017 in Application No.9 of 2014:</u></p> <p data-bbox="540 459 1393 639">These Miscellaneous Applications are filed to advance the hearings of Application Nos.86 of 2016 and 9 of 2014 to this day in order to pass orders in M.A.No.235 of 2017.</p> <p data-bbox="540 680 1393 1010">Heard the learned counsel appearing for the applicants. The Miscellaneous Applications are allowed and the Application Nos.86 of 2016 and 9 of 2014 are advanced to this day. The Miscellaneous Applications are disposed accordingly.</p> <p data-bbox="540 1118 1284 1158"><u>M.A. No.235 of 2017 in Application No.86 of 2016:</u></p> <p data-bbox="540 1198 1393 1306">This is an application injunction filed by the application in Application No.86 of 2016.</p> <p data-bbox="540 1346 1393 1526">Learned counsel appearing for the respondents seeks time to file objection. Let the objection be filed within 2 weeks.</p> <p data-bbox="630 1567 1052 1607">List the matter on 30.01.2018.</p> <p data-bbox="540 1647 1284 1688"><u>M.A. No.188 of 2017 in Application No.86 of 2016:</u></p> <p data-bbox="540 1728 1393 1983">Learned counsel appearing for the applicant in M.A.No.188 of 2017, the respondent No.7 in Application No.86 of 2016, submitted that out of 23.6 acres available about 12 acres are vacant land where the Solid Waste to</p>

Energy Management Plant could be established and sought for permission to proceed with its establishment.

Mr. A.Yogeshwaran, the learned counsel appearing for the applicant in the original application opposed the prayer and presented a video contending that no space is available at all and without taking remedial measures, the land which is polluted by dumping waste cannot be permitted to be made available for installation of Solid Waste to Energy Management Plant. In the light of the video presentation, the learned counsel appearing for the applicant in the Miscellaneous Application seeks appointment of an Advocate Commissioner to inspect the area and submit a report on the availability of sufficient land for establishment of the Solid Waste to Energy Management Plant.

In the light of the controversy it is necessary to appoint an Advocate Commissioner to inspect the area and submit a report.

Mr. S. Sai Sathya Jith is appointed as the Advocate Commissioner at the expense of the applicant in the Miscellaneous Application.

The Advocate Commissioner is directed to inspect the entire 23.6 acres of land where the solid wastes are being dumped and submit a report on the availability of sufficient land for establishment of a Solid Waste to Energy Management Plant.

The Advocate Commissioner may refer the Detailed Project Report (DPR) to find out the area required for establishment of the Solid Waste to Energy Management Plant.

The applicant in the Miscellaneous Application shall pay Rs.20,000/- (Rupees Twenty Thousand only) as initial remuneration to the Advocate Commissioner directly.

The Advocate Commissioner shall inspect the area without delay with notice to the parties and submit the report. The Advocate Commissioner shall also report on the status of the land.

List the matter on 30.01.2018.

Application Nos.09 of 2014 and 86 of 2016:

List the matters on 30.01.2018.

.....J.M.
(Justice M.S. Nambiar)