

Presented on: 11.06.2026

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL (SZ), CHENNAI**

**APPEAL No. 4 OF 2025**

**BETWEEN**

SHAJI A. K

: APPELLANT

*Versus*

MINISTRY OF ENVIRONMENT, FOREST AND  
CLIMATE CHANGE & ORS

: RESPONDENTS

MEMO FILED BY THE APPELLANT

HARISH VASUDEVAN (H-253) [K/779/2013]

RAJAN VISHNURAJ (R-1268) [K/653/2010]

*Counsel for the Appellant*

**Amicus Advocates**

II Floor, Chundanal Monarch, K.K Padmanabhan Road, Kochi-18

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SZ), CHENNAI

**APPEAL No. 4 OF 2025**

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MINISTRY OF ENVIRONMENT, FOREST AND  
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**MEMO FILED BY THE APPELLANT**

I am the counsel appearing for the appellant in the above mentioned Appeal. The 7<sup>th</sup> Respondent had filed WPC no. 13466/ 2026 and had obtained an order stating that no coercive steps shall be taken against him for the want of procedure established in DSR 2018 Notification by the authorities concerned. The appellant herein filed a petition to vacate the said order and the Hon'ble high court of kerala was pleased to clarify the interim order by stating that the interim Order granted will not preclude the N.G.T from hearing the Appeal preferred by the appellant herein on its merits. It is also observed by the Hon'ble High Court that the case pending before the NGT is regarding the violation of 2016 DSR.

I am producing a copy of the interim order dated 04.06.2026 passed by the Hon'ble High court in IA No. 1/2026 in WPC no. 13466/ 2026 and the same may be taken on record and may hear the Appeal on 12.06.2026 itself.

Dated this the 10<sup>th</sup> day of June, 2026.



Harish Vasudevan  
Counsel for the Appellant

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Thursday, the 4<sup>th</sup> day of June 2026 / 14th Jyaishta, 1948

IA.NO.1/2026 IN WP(C) NO. 13466 OF 2026

APPLICANT/ 5TH RESPONDENT:

SHAJI A.K., S/O. KURIAKOSE, ARAKKAL HOUSE, PERINKARI P.O., KANNUR DISTRICT, PIN-670706.

RESPONDENTS/PETITIONER/RESPONDENTS NO. 1 TO 4:

1. SRI. M.P. LALU, AGED 52 YEARS, S/O. M.K. PAVITHRAN, MANKUDY HOUSE, KODANAD P.O., ERNAKULAM, PIN-683544.
2. STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY-SEIAA KERALA, 4 TH FLOOR, KSRTC BUS TERMINAL BUILDING, THAMPANNOOR, TRIVANDRUM, REPRESENTED BY ITS MEMBER SECRETARY, PIN-695001.
3. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
4. THE DISTRICT GEOLOGIST, MINING & GEOLOGY DEPARTMENT, KANNUR, CIVIL STATION, KANNUR, PIN-670002.
5. UNION OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAVAN, JORBAGH ROAD, NEW DELHI, REPRESENTED BY ITS DIRECTOR, PIN-110993.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to vacate the interim order dated 06.04.2026 in WP(C) No. 13466 of 2026, in the interest of justice, equity and good conscience.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/S. V. HARISH, RAJAN VISHNURAJ, VARUN JACOB & AASHKA ANN, Advocates for the petitioner, M/S. PHILIP J. VETTICKATTU, NEENU BERNATH, SAJU S. DOMINIC & MANU SANTHOSH, Advocates for R1 and of SRI. RAHUL VENUGOPAL, CENTRAL GOVERNMENT COUNSEL for R4, the court passed the following:

C.JAYACHANDRAN, J.

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I.A.No.1 of 2026 in W.P.(C)No.13466 of 2026  
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*Dated, this the 4<sup>th</sup> June, 2026*

**O R D E R**

This application is filed by the 5<sup>th</sup> respondent seeking to vacate the interim Order issued by this Court on 06.04.2026. As per the interim Order, the respondents are restrained from taking any coercive steps against the Environmental Clearance (E.C.) granted in favour of the petitioner for want of compliance of the D.S.R 2018 in terms of S.O.No.3611(E) and for reliance on the D.S.R. prepared in terms of S.O.No.141(E), for a period of three months.

2. Heard the learned counsel for the petitioner in this I.A, as also, the learned counsel for the petitioner in the Writ Petition.

3. Learned counsel for the petitioner in this I.A. would submit that an Appeal is pending before the National Green

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Tribunal (N.G.T), which is produced at Ext.P7 in this Writ Petition, challenging the E.C. granted to the petitioner. Learned counsel would clarify that the challenge is premised on the non-adherence to the D.S.R of the year 2016; and not for want of compliance of the D.S.R of the year 2018. Because of the pendency of this Writ Petition and the interim Order, the N.G.T may not hear Ext.P7 Appeal, which is scheduled for hearing on 12.06.2026. Learned counsel would either seek the interim Order to be vacated or would seek a clarification enabling continuance of the Appeal, which according to the learned counsel has been filed as permitted by a judgment rendered by a Division Bench of this Court, produced at Ext.R5(b).

4. Learned counsel for the petitioner in the writ petition would submit that there is no Order interdicting the hearing of the Appeal and hence no clarification as sought for by the petitioner in the I.A is required. Secondly it was pointed out that, a declaration has been sought for in this Writ Petition to the effect that the E.C. issued to the petitioner by placing reliance upon

D.S.R of the year 2016 is valid, and that compliance of D.S.R in terms of Ext.P6 notification is impossible in law. The learned counsel would submit that if the Appeal is allowed, there will be immediate action taken by the Authorities against the petitioner, as also, similarly placed project proponents.

5. Having heard the learned counsel appearing for the respective parties, this Court clarifies that the interim Order granted will not preclude the N.G.T from hearing the Appeal preferred by the 5<sup>th</sup> respondent on its merits. With the above clarification, the interim Order will stand sustained.

Post the Writ Petition on 06.07.2026.

Sd/-

**C. JAYACHANDRAN  
JUDGE**

TR