

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

**ORIGINAL APPLICATION NO.258 OF 2020**

*(Under Section 14 and 15 read with Section.18(1) of the National Green  
Tribunal Act, 2010)*

**IN THE MATTER OF:**

C.Kirankumara  
S/o.Chandrashekhar,  
Aged about 35 years,  
Residing at No.18,Gudenahalli,  
Thyamgondlu Hobli,  
Nelamangala Taluk,  
Bangalore Rural,  
Karnataka-562123

**.....APPLICANT**

**VERSUS**

**1. STATE OF KARNATAKA**

Through the Chief Secretary,  
Vidhana Soudha,  
Dr. Ambedkar Veedhi,  
Bangalore -560 001.  
[cs@karnataka.gov.in](mailto:cs@karnataka.gov.in).  
Ph.08022252442

**2. KARNATAKA STATE POLLUTION CONTROL BOARD**

Through the Member Secretary,  
Parisara Bhawan, 1<sup>st</sup> to 5<sup>th</sup> Floor,  
No. 49, Church Street,  
Bengaluru- 560 001. Ph.080 25581383.  
[memsecy@kspcb.gov.in](mailto:memsecy@kspcb.gov.in)

**3. THE DEPUTY COMMISSIONER, BANGALORE RURAL DISTRICT,**

Office of the Deputy Commissioners,  
Bangalore Rural District,  
District Office Complex,  
Beerasandra village,  
Devanahalli Taluk  
Karnataka  
[deo.bangalorer3@gmail.com](mailto:deo.bangalorer3@gmail.com)  
080-29781022.

**4. THE TAHSILDAR,**

Nelamangala Taluk,  
Nelamangala  
Karnataka  
080-27722126

5. **ARYA HOT MIX PLANT(SMH GROUPS),**  
Through K.Arun Kumar  
Survey No.22/4 , Gundenhalli Village,  
Thyamagondlu Hobli,  
Nelamangala Taluk,  
Bangalore Rural District,  
Karnataka.

..... Respondents

**OBJECTIONS/SUBMISSIONS ON BEHALF OF THE APPLICANT**  
**TO THE SUBMISSIONS MADE BY RESPONDENT No.5 ON THE**  
**LAST DATE OF HEARING dated 2.06.2021**

1. The Applicant had filed the present application raising the issue of an illegal and unauthorised establishment and operation of Hot Mix Plant by Respondent No.5 at Survey No.138 and Survey No.22/4 of Agricultural lands, Gundenhalli, Thyamagondlu Hobli, Nelamangala Taluk, Bangalore Rural District, Karnataka without obtaining Consent to Establish and Operate from the Pollution Control Board as laid under the provisions of Water(Prevention and control of Pollution)Act 1974 and Air (Prevention and control of Pollution Act) 1981 and also causing enormous Air and Noise pollution to the surrounding environment.
2. The Applicant also alleged that the establishment of Hot Mix Plant by Respondent No.5 is against the Tippogondahalli Reservoir Notification dated 18.11.2003 issued by the State of Karnataka wherein the impugned land of Hot Mix plant falls under Zone-2 and Zone-3 of TGR Notification whereby activities other than agriculture are strictly prohibited. Notwithstanding that, the Applicant submits that the establishment of Hot Mix Plant is against the sitting guidelines issued by Karnataka State Pollution Control Board and the plant operated by Respondent No.5 is within 30m from the Residential colony and 1 km from the catchment area of Kumudavathi River.

3. The Applicant humbly submits that the above titled case has been admitted by this Hon'ble Tribunal after appointing a joint committee to go into the allegations and directed the committee to file a report before this Hon'ble Tribunal. Thereafter, the committee filed a report dated 16.02.2021 before this Hon'ble Court by confirming all the allegations stated by the applicant in the impugned application by imposing an interim environmental compensation of Rs.36,09,371/-. Further, it was informed by the counsel for Karnataka pollution control board that they have intend to withdraw the consent granted to Respondent No.6.
4. While this is so, during the course of hearing dated 02.06.2021, the Respondent No.6 has submitted that they have obtained status quo against the proceedings of KSPCB from the Hon'ble Karnataka High court in Writ petition No.5229 of 2021. By accepting the contentions of the Respondent No.5, this Hon'ble Tribunal has passed the order dated 02.06.2021 by observing the following:

**Quote:-**

- 4. The learned counsel appearing for the Karnataka Pollution Control Board submitted that they have issued the closure order and electricity disconnection order as per proceedings dated 19.05.2021 and the same has been challenged by the 5th respondent before the Hon'ble High Court of Karnataka and the Hon'ble High Court of Karnataka has passed a status quo order.**

5. The Applicant submits that since the applicant is not a party to the matter before the Hon'ble Karnataka High Court, the Applicant was unable to get the documents and papers filed by Respondent No.5 to know the nature of case before the Hon'ble High Court.

6. But it is shock and surprise that the daily order uploaded in the website of Hon'ble Karnataka High Court shows that no status quo has been granted by the Hon'ble High Court in

favour of Respondent No.5 against the proceedings of KSPCB as submitted by Respondent No.5 in the course of hearing dated 2.05.2021 (**Daily Order Annexed As Annexure-I**). Further, from the daily orders it is apparently clear that the petition filed by the Respondent No.5 is in a stage of notice.

7. The Applicant humbly submits that the aforementioned submission made by Respondent No.5 is a deliberate misrepresentation and misleading statement before this Hon'ble court in order to get away from the Environmental compensation as well as the orders of this Hon'ble Tribunal.

In view of the above submissions, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- I. Impose exemplary cost for a deliberate misrepresentation/ misleading statement by Respondent No.5 before this Hon'ble Tribunal during the hearing dated 2.06.2020.
- II. Direct Respondent No.5 to pay the interim compensation of Rs.36,09,731/- as imposed by the Joint Committee.
- III. Direct the Respondent No.5 to close the plant as recommended by the Joint Committee.
- IV. Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at Chennai on this 29<sup>th</sup> day of June, 2021

**COUNSEL FOR APPLICANT**

**G.STANLY HEBZON SINGH**

Skip to main content



[Home \(index.php\)](#)

[Case Status by \(case\\_status.php\)](#)

[Case Number](#)

### Query on Case Number

Select Bench\*

Bengaluru Bench

Select Case Type\*

WP - Writ Petition

Enter Case Number\*

5229

Enter Case Year\*

2021

Captcha  
124452

Enter Captcha\*

[Get Details](#)**STATUS****PENDING**

Case Number: **WP 5229/2021 (KAHC010115762021)** Classification: **GM POL** Date of Filing: **12/03/2021 13:26:36**

Petitioner: **ARYA HOT MIX PLANT (SMH ENTERPRISES)** Pet. Advocate: **JITHENDRA M S**

Respondent: **STATE OF KARNATAKA** Resp. Advocate:

Connected To: Filing No.: **WP 4787/2021**

Judge: **CHIEF JUSTICE AND SURAJ GOVINDARAJ**

Last Posted For: **PRELIMINARY HEARING** Last Date of Action: **28/06/2021** Last Action Taken: **ADJOURNED**

Next Hearing Date: **05/08/2021**

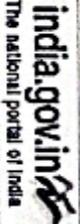
**Daily Orders:WP 5229/2021**

1	CHIEF JUSTICE AND SURAJ GOVINDARAJ	01/06/2021
Sri.D.Nagaraj, the learned counsel appearing for second respondent appeared yesterday through video conferencing and he stated that due to health reasons, he will not be in a position to appear atleast for a period of two weeks. Hence, we adjourn this petition till 28th June 2021.		
2	CHIEF JUSTICE AND SURAJ GOVINDARAJ	24/05/2021

	<p>Registry to show appearance of Shri D.Nagaraj, as the learned counsel appearing for the second respondent on the cause list.</p> <p>List the petition on 1st June 2021.</p> <p>The learned counsel for the petitioner will communicate the next date fixed to Shri D.Nagaraj, the learned counsel appearing for the second respondent.</p>
3	<p>CHIEF JUSTICE AND SURAJ GOVINDARAJ</p> <p>22/04/2021</p> <p>It is pointed out that notice has been served on the learned Standing counsel Sri.Nagaraj for the second respondent. His name be shown on the cause list.</p> <p>List on 24th May 2021.</p>
4	<p>CHIEF JUSTICE AND SURAJ GOVINDARAJ</p> <p>16/03/2021</p> <p>Time of three weeks is granted to rectify the office objections regarding court fee. If compliance is not made, the petition shall stand dismissed for non prosecution without reference to the Court. If compliance is made, notice be issued to the respondents returnable on 22nd April, 2021.</p> <p>The learned AGA takes notice for first respondent.</p> <p>Notice of second respondent shall be served on the standing counsel.</p>

Disclaimer (<https://karnatakajudiciary.kar.nic.in/discclaimer.php>) | Website Policy (<https://karnatakajudiciary.kar.nic.in/website-policy.php>) | Accessibility Statement (<https://karnatakajudiciary.kar.nic.in/accessibility-statement.php>) | Sitemap (<https://karnatakajudiciary.kar.nic.in/sitemap.php>) | Screen Reader (<https://karnatakajudiciary.kar.nic.in/screenreader.php>)

**HCK1KA03 | Last Updated:29/06/2021 | 2014 ©  
High Court of Karnataka. All Rights Reserved**

 <b>High Court of Karnataka</b> High Court of Karnataka Main Centre	<b>Content Maintained By Designed and Hosted By</b>  NATIONAL INFORMATICS CENTRE (http://www.kar.nic.in) NIC, Karnataka	<b>India Portal</b>  <b>india.gov.in</b> The national portal of India (http://www.india.gov.in)	<b>Digital India</b>  Digital India Power To Empower Karnataka	<b>Today's Visitor Count:</b> <b>59528</b> <b>Visitor Count:</b> <b>170539170</b> [ Since 29/07/2009 ]
---	--	--	---	--

[Skip to main content](#)



[Home \(index.php\)](#)

[Case Status by \(case\\_status.php\)](#)

[Case Number](#)

### Query on Case Number

Select Bench\*

Bengaluru Bench

Select Case Type\*

WP - Writ Petition

Enter Case Number\*

5229

Enter Case Year\*

2021

Capcha  
124452

Enter Capcha\*

[Get Details](#)**STATUS****PENDING**

Case Number: **WP 5229/2021 (KAHC010115762021)** Classification: **GM POL** Date of Filing: **12/03/2021 13:26:36**

Petitioner: **ARYA HOT MIX PLANT (SMH ENTERPRISES)** Pet. Advocate: **JITHENDRA M S**

Respondent: **STATE OF KARNATAKA** Resp. Advocate:

Connected To: Filing No.: **WP 4787/2021**

Judge: **CHIEF JUSTICE AND SURAJ GOVINDARAJ**

Last Posted For: **PRELIMINARY HEARING** Last Date of Action: **28/06/2021** Last Action Taken: **ADJOURNED**

Next Hearing Date: **05/08/2021**

Case Number	Trial/Appellate Court	Trial/Appellate Date
PCB/RSEO/BNG-N/CLOSURE ORDER 2020-21/531 0/-	Quasi Judicial( )	

10