

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

**Application Nos. 06 and 12 of 2013 (SZ)**

**Application No. 06 of 2013 (SZ)**

Applicant(s)

Leo. F. Saldhana, Vajrahalli, Bangalore Vs.

Respondent(s)

The Union of India and others

Party-in-person

Legal Practitioners for Respondents  
Smt. C. Sangamithirai, Advocate for R-1 and R-3

Shri M.K. Subramanian, Abdul Saleem  
and M.R. Gokul Krishnan, Advocates  
for R-2,R-5,R-7 to R-9 and R-16

Shri V. C. Ramachandramurthy, Advocate  
For R-1, R-10, R-11 and R-12

Shri T.K. Bhaskar, Advocate for R-4

M/s. S. Siva Sangarane and R. Kanchana  
Advocates for R-14

**Application No. 12 of 2013 (SZ):**

Applicant(s)

Environment Support Group,  
Bangalore

Vs.

Respondent(s)

The Union of India  
and other

Legal Practitioners for Applicant(s)

M/s. T. Mohan, S. Devika and  
A. Yogeswaran

Legal Practitioners for Respondents

Smt. C. Sangamithirai, Advocate for R-1  
M/s. M.K. Subramaian, and M.R. Gokul

Krishnan, Advocates for R-2,R-3,  
R-6 to R-10 and R-17

Shri T.K. Bhaskar, Advocate for R-5

Shri C.V. Ramachandra Murthy, Advocate  
for R-11 to R-13

Shri Uttamcheriyan, Advocate for R-15

Shri S.N. Aswatha Narayan, Advocate for R-18

Note of the Registry	Orders of the Tribunal
Order No.	Date : 27 <sup>th</sup> August, 2014  Judgment pronounced.  In the result,  1. It is held that the applications are barred by

limitation only in respect of the allotments made to the respondents/allottee Project proponents.

2. It is held that the *Amrit Mahal Kaval* lands allotted to the respondents/allottee Project Proponents are not forest lands.

3. In view of the discussions made and by applying the Doctrine of Sustainable Development, it is held that the respondents/allottee Project proponents are not to be restrained from carrying on their proposed projects in view of the allegations made by the applicants that the proposed project, if allowed, would cause environmental degradation and ecological imbalance. But, the respondents/allottee Project proponents shall carry on their further activities in respect of the proposed projects subject to the directions issued by the Tribunal as above obtaining necessary environmental clearance and consent for establishment as the case may be from the authorities.

4. It is made clear that the respondents/allottees Project proponents who require environmental clearance and consent for establishment under the provisions of the environmental enactments are restrained from carrying out any activity either

constructional or otherwise without obtaining previous environmental clearance from MoEF and consent for establishment from KSPCB as the case may be.

5. In appraisalment of the facts and circumstances narrated above, the Government of Karnataka is restrained from making any further allotment in *Amrit Mahal Kaval* lands in Chitradurga district to any one on any reason or for any purpose. \_6. In addition to directions given under different heads at appropriate sections of the judgment, the specific directions to the MoEF, KSPCB and the Allottee Project Proponents which have got to be strictly complied with.

7. In so far as the other reliefs sought for by the applicants, it is held that they are premature and the applicants are given liberty to raise the contentions both legal and factual at necessary stages at appropriate forum as and when warranted.

8. Since the matter is related to environment and ecology, there is no room for compromise. Both MoEF and KSPCB are directed to strictly comply with the observations and also directions given to them at the time of grant of environmental clearance and or

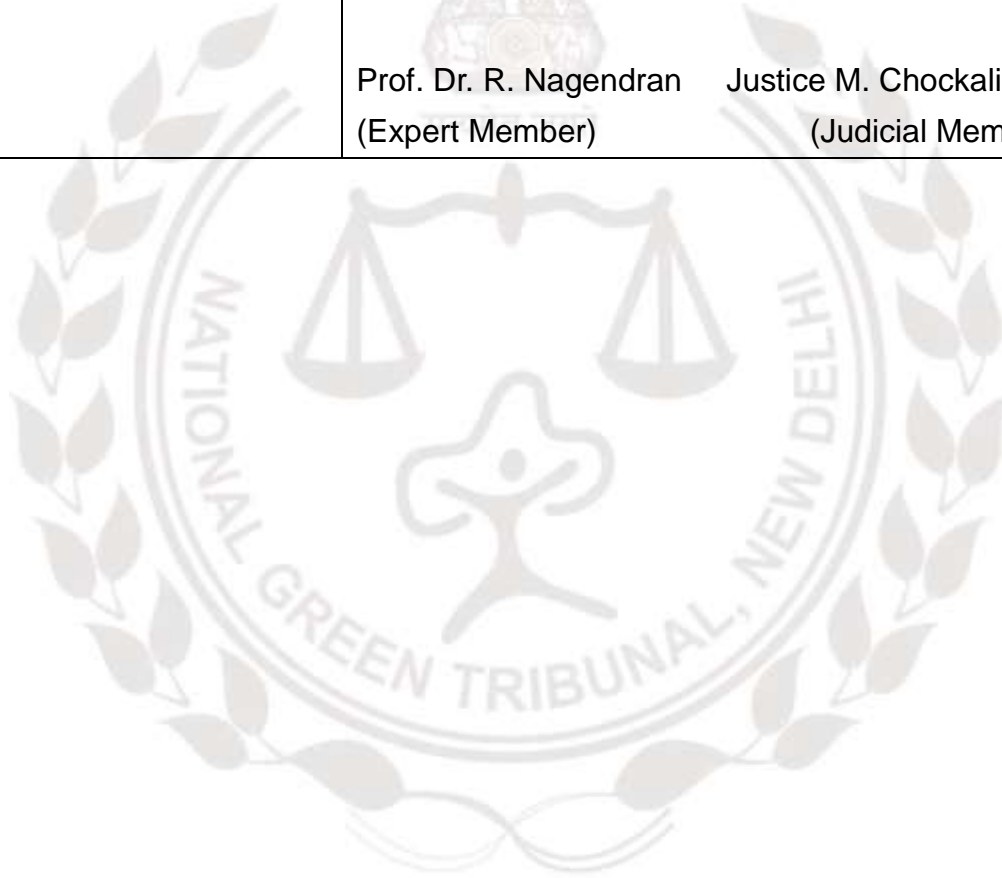
consent for establishment as the case may be from the respective authorities.

The applications are disposed of accordingly.

No cost.

Prof. Dr. R. Nagendran  
(Expert Member)

Justice M. Chockalingam  
(Judicial Member)



# NGT