

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No.154 of 2015 (SZ)

In the matter of

1. Puducherry Environment Protection Association
Rep. by its Secretary Mr.K.Irisappan,
Koodapakkam , Puducherry.

.....Applicant

VS

1. The Union of India
Rep. by its Secretary to Government
Ministry of Environment & Forests,
Paryavaran Bhavan, Jor Bagh, New Delhi
2. The National Board for Wildlife rep. by its Director
Ministry of Environment and Forests,
Jor Bagh, New Delhi
3. The Union Territory of Puducherry
Rep. by its Secretary to Government,
Department of Science Technology and Environment,
Puducherry.
4. The Public Works Department,
Rep. by the Chief Engineer,
Puducherry.
5. The Chief Conservator of Forests,
Forest Department, Puducherry.
6. The District Collector,
Puducherry.
7. The State of Tamil Nadu
Rep. by its Secretary to Government,
Department of Environment & Forests,
Fort. St. George, Chennai
8. The State of Tamil Nadu
Rep. by its Secretary to Government,
Public Works Department, Chennai.
9. Principal Chief Conservator of Forests
(Head of Forest Force)
Nandanam, Chennai

.. Respondents

Counsel appearing for the applicant:

Mr.Yogeshwaran

Counsel appearing for the Respondents:

Mr.G.M.Syed Nurullah Sheriff for R1 & R2

Mr.K.R.Harin for R3 to R6

Mr.M.K.Subramanian for R7 & R9

M/s.Abdul Saleem, S.Saravanan & Vidyalakshmi for R8

ORDER

Present

Hon'ble Shri Justice Dr.P. Jyothimani, Judicial Member

Hon'ble Prof.Dr.R. Nagendran, Expert Member

22nd February, 2016

We have heard the learned counsel appearing for the applicant as well as respondents.

2. The prayer in this application is to issue permanent injunction restraining the respondents from withdrawing or permitting the withdrawal of water from Oussudu lake for any drinking water project in violation of the Wetland (Conservation and Management) Rules 2010, the Wildlife Protection Act 1972, the Environment (Protection) Act 1986 and the Biological Diversity Act 2002.

3. The grievance of the applicant is that 4th respondent Public Works Department of Puducherry is attempting to draw water from Oussudu lake which is a declared Bird Sanctuary under Section 18 of the Wildlife Protection Act, 1972 and unless and until the authorities under the above said Act give permission in accordance with law, the Government has no authority to draw water for any purpose.

4. The 5th respondent The Chief Conservator of Forests , Forest Department, Union Territory of Puducherry has stated that the Public Works Department will withdraw water from the Oussudu Lake only after obtaining permission from the Competent Authority viz., the National Board for Wildlife, New Delhi.

5. It is admitted that as on date the PWD of Puducherry Government or Forest Department is not drawing any water from the Oussudu lake for drinking water.

6. We make it clear that unless and until the Government of Puducherry is permitted by all the authorities under the Wetland (Conservation and Management) Rules 2010, the Wildlife Protection Act, 1972, the Environment (Protection) Act, 1986 and the Biological Diversity Act, 2002 whichever is applicable, no water shall be drawn by Government of Puducherry for drinking purposes.

7. The learned counsel appearing for the MoEF & CC Mr.Syed Nurullah Sheriff has submitted that the application has to be made online and the application has to include the recommendations of Standing Committee of the National Board for WildLife. He would further add that the due process has not been followed and the State level authorities have not forwarded the application to MoEF & CC.

We make it clear that unless and until as per law, the applications are made and is being considered by MoEF, the above restriction regarding drawal of water for drinking purpose will continue to be in operation.

With the above direction, the application stands closed, there shall be no order as to cost.

Justice Dr.P. Jyothimani
Judicial Member

Prof.Dr.R.Nagendran
Expert Member

NGT