

Item No.5 BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

O.A.No.132 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Agatti Island Kera Karshaka Sanghom,
Agatti Island, Lakshadweep – 682 553,
Rep. by its President Sri Koya.P.

.. Applicant

Vs.

1. Union of India, MoEF & CC,
Rep. by its Secretary, New Delhi.

2. National Coastal Zone Management Authority,
Rep. by its Chairman, MoEF & CC, New Delhi.

3. Union Territory of Lakshadweep,
Rep. by its Administrator, Lakshadweep 682 553.

4. Lakshadweep Public Works Department,
Rep. by its Assistant Engineer, Agatti,
Union Territory of Lakshadweep.

5. Lakshadweep Coastal Zone Management Authority,
Rep. by its Secretary, Dept. of Environment, Forest
Science and Technology, Lakshadweep Administration,
Kavaratti 682 555.

... Respondent(s)

Date of hearing: 30.7.2020

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For applicant :

Mr. P.B. Sahasranaman

For Respondent(s) :.

Nil

ORDER

The main grievance in this application is regarding indiscriminate cutting of coconut trees in Agatti Island, Lakshadweep for the purpose of formation of beach road which is against the Integrated Island Management Plan of Lakshadweep which was formulated on the basis of the report of the Expert Committee headed by Hon'ble Justice R.V. Raveendran, former Judge of Supreme Court of India appointed by the Hon'ble Apex Court, in this regard.

2. It is alleged in the application that on account of large scale cutting of cocoanut trees, the local residents are not only affected by loosing their income but also it will largely affect the environment as trees standing along the coastal line act as a green belt to protect the land during cyclone and other natural calamity.

3. Though they tried to get themselves impleaded in W.P.No.35647 of 2016 filed by some of the local residents against the acquisition, that application was dismissed while disposing the writ petition by the Hon'ble High Court of Kerala with an observation that if they do not propose to implead them in that proceedings and if they wanted, they could come with an independent application. Though representations were made to the authorities in this regard, no action has been taken. That prompted applicant to file this application before this Tribunal, seeking the following relief:

(i)pass an order restraining the respondents 3 and 4 from felling coconut trees or any other trees for the formation of Beach Road at the Agatti Island at Lakshadweep.

(ii) Direct the 1st and 2nd respondent to conduct an inspection and assess the damages that has been caused to the environment of the Agatti Island at Lakshadweep in view of the cutting of coconut trees for the formation of the Beach Road on the western side and take appropriate remedial action at the cost of the persons responsible for the same.

(iii) Direct the respondents 3 and 4 not to undertake any activities contrary to Integrated Island Management Plan of Lakshadweep without the written permission of the 1st and 2nd respondent.

(iv) Direct the respondents to initiate criminal prosecution against the officers responsible in the 3rd and 4th respondents institutions for violation of the provisions of the environmental legislations;

(v) Direct the 2nd respondent to consider and take appropriate action on Annexure A. 6 representation forthwith”

4. When the matter came up for admission today through Video Conference, Mr. P. B. Sahasranaman represented applicant. Heard Sri P.B Sahasranaman, counsel for applicant.

5. On going through the allegations, we are satisfied that there arises a substantial question of environment which requires interference of this Tribunal.

6. So application is admitted. Issue notice to respondents 1 to 5. Applicant is directed to take steps to serve notice on respondents by registered

post with acknowledgement and also by dasti and produce proof of service to this Tribunal by filing necessary affidavit as per Rule along with necessary postal cover along with requisite postal stamp for this purpose within a week. Applicant is also directed to produce necessary requisite before this Tribunal so as to enable this Tribunal to send notice to respondents.

7. In order to ascertain the real state of affairs and also the nature of damage that is likely to be caused, we feel it appropriate to appoint a Joint Committee, comprising of Senior Officer from MoEF & CC, Regional Office, Chennai, Senior Scientist of National Coastal Zone Management Authority, Senior Officer, Lakshadweep Coastal Zone Management Authority and Senior Scientist from National Centre for Sustainable Coastal Management, Chennai to inspect the area in question and submit a factual as well as action taken report if there is any violation is found.

8. The committee is directed to go into the question as to whether there was any violation of the Integrated Island Management Plan of Lakshadweep approved by the Lakshadweep Administration on the basis of the Expert Committee Report submitted by the committee headed by Hon'ble Justice R.V. Raveendran, former Judge of Supreme Court of India appointed as per the orders of the Hon'ble Apex Court and if there is any violation, then the committee is directed to assess the environmental compensation, fixing the responsibility of recovery of compensation from the person responsible for the same. MoEF & CC, Regional Office, Chennai will be nodal agency for

coordination and providing necessary logistic for this purpose and for submitting the report.

9. The committee is directed to submit a report to this Tribunal on or before 3.11.2020 through e-filing at ngtszfilling@gmail.com.

10. Considering the circumstances, we feel it appropriate to direct respondents 3 and 4 to maintain status quo as on today and not to cut any cocoanut trees further till the next hearing date.

11. Registry is directed to communicate this order to the members of the committee as well as official respondents so as to enable them to comply with the direction by e-mail immediately.

12. Applicant is directed to submit a set of papers to the members of the committee within a week.

For appearance of parties and also for consideration of report, post on 3.11.2020.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Shri. Saibal Dasgupta)