

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 4150 of 2015 (R)

PETITIONER(S) :

BAISIL ATTIPETTY @ BASIL A.G. AGED 54 YEARS
ATTIPETY HOUSE, NAYARAMBALAM P.O., VYPIN ISLAND
COCHIN, ERNAKULAM DISTRICT, KERALA-682509.

BY ADV. SRI.BASIL ATTIPETTY (PARTY IN PERSON)

RESPONDENT(S) :

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF PERSONAL PUBLIC GRIEVANCES & PENSION
(DEPARTMENT OF PERSONAL AND TRAINING) NEW DELHI-100001.

2. SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FOREST, NEW DELHI-100001.

3. REGISTRAR
NATIONAL GREE TRIBUNAL, VIJYAN BHAVAN
SECTOR VRP PURAM, NEW DELHI-110022.

4. REGISTRAR GENERAL
HIGH COURT OF KERALA, ERNAKULAM-682031.

5. KERALA HIGH COURT ADVOCATES' ASSOCIATION
REPRESENTED BY ITS SECRETARY, HIGH COURT BUILDING
ERNAKULAM-682031.

6. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.

7. PRESIDENT
LAWYERS' ENVIRONMENTAL FORUM (LEAF)
KERALA HIGH COURT ADVOCATES' ASSOCIATION
HIGH COURT BUILDING, ERNAKULAM-682031.

R1-TO R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

R7 BY ADV. SRI.S.SUBHASH CHAND

R6 BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-07-2015, ALONG WITH WPC. 6218/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE NOTIFICATION OF THE CENTRAL GOVERNMENT (MINISTRY OF ENVIRONMENT AND FOREST) APPEARED IN THE GAZETTE OF INDIA NOTIFYING THE NGT ACT.

EXHIBIT-P2: TRUE COPY OF JUDGMENT OF THE HON'BLE SUPEREME COURT IN BHOPAL GAS PEEDITH MAHILA UDYOG SANGATHAN & OTHERS V.UNION OF INDIA-2012(8) SCC 326.

EXHIBIT-P3: TRUE COPY OF NOTIFICATION DATED 8.11.2013 OF THE REGISTRAR GENERAL OF THIS HON'BLE COURT.

EXHIBIT-P4: TRUE COPY OF CALENDAR OF CASES OF NATIONAL GREEN TRIBUNAL SOUTH ZONE LISTED THE CASES HEARD IN THE MONTH OF APRIL 2014 IN THE CHENNAI BENCH.

EXHIBIT-P5: TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 8.11.2013 WHICH HAS BEEN FORWARDED ON 9.11.2013 THROUGH REGISTERED POST.

EXHIBIT-P6: TRUE COPY OF LETTER OF THE REGISTRAR, NATIONAL GREEN TRIBUNAL, NEW DELHI DATED 31.8.2013 TO THE PRESIDENT, LAWYER'S NEVIRONMENT FORUM (LEAF), HIGH COURT OF KERALA.

EXHIBIT-P7: TRUE COPY OF LETTER DATED 11.12.2013 FROM THE REGISTRAR (ADMINISTRATION) OF THE HIGH COURT TO THE PRESIDENT OF THE KERALA HIGH COURT ADVOCATES' ASSOCIATION.

EXHIBIT-P8: TRUE COPY OF ORDER OF THE HON'BLE HIGH COURT OF KERALA DATED 18.12.2013 IN W.P.(C) NO.13900/2012.

EXHIBIT-P9: TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE CHAIRMAN OF NATIONAL GREEN TRIBUNAL DATED 8.11.2013.

EXHIBIT-P10: TRUE COPY OF REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE REGISTRAR, NATIONAL GREEN TRIBUNAL DATED 8.11.2013.,

EXHIBIT-P11: TRUE COPY OF REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE SECRETARY, MINISTRY OF ENVIRONMENT AND FOREST DATED 8.11.2013.

EXHIBIT-P12: TRUE COPY OF PAPER REPORT PREPARED IN TIMES OF INDIA DAILY DATED 24.6.2013 WITH REGARD TO THE CASES FILED FROM KERALA IN NGT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P(C).Nos. 4150 and 6218 of 2015

Dated this the 9th July, 2015

JUDGEMENT

Ashok Bhushan, CJ.

These two Writ Petitions have been filed as public interest litigations seeking a direction to take immediate steps to commence sitting of the Circuit Bench of the National Green Tribunal at Ernakulam.

2. Statements have been filed by the Assistant Solicitor General of India and the Special Government Pleader. In the statement filed on behalf of the sixth respondent details of arrangements provided to set up the Circuit Bench of the National Green Tribunal have been enumerated. It is useful to refer to the arrangements as has been stated in paragraph 2 of the statement filed on behalf of the State Government, which reads as follows:

“2. The Registrar General, National Green Tribunal vide their letter dated 20.03.2015 had detailed the requisites needed for the setting up of the Tribunal. The NGT had sought the following requirements;

(a) A Court room equipped with all essential support like Computer with all electrical appliances, stationery items, etc.

(b) 2 Chambers for Hon'ble Judicial and Expert Members and rooms for Stenographer/Court Master and staff etc in the premises of High Court of Kerala.

(c) Accommodation for Staff Members.

(d) Hon'ble Members who are to hold the Circuit Bench, be declared as State guest by the State of Kerala.

In pursuance thereof, the Government, in consultation with the Registrar, High Court of Kerala and Registrar, National Green Tribunal have taken necessary steps to provide all the necessary requisites sought by the Tribunal to set up the Bench. The Court room and Chamber is provided common for both the sitting of KAT and NGT. The sittings are in alternative weeks. The sitting of NGT is during 1st and 4th week of every calendar month.

Following are the arrangements provided to set up the Bench

i. The Old High Court Hall No.VII and its chamber in the Old High Court campus which was already allotted for the camp sitting of the Kerala Administrative Tribunal has been provided for the camp sitting of the NGT.

ii. The Court Hall and Chambers for the members will be common for both the Tribunals. Separate space for office has also been provided near the Court Hall for the Tribunal.

iii. The Hon'ble Members shall be declared as Guest of Government whenever they come to Ernakulam to attend the sitting of the Tribunal.

iv. Necessary directions have been given to Secretary, Public Works Department, Government of Kerala to make necessary arrangements to provide accommodation to the Staff Members of NGT at PWD Rest House, Ernakulam, whenever they come to Ernakulam to attend the sitting of the Tribunal.

v. The Registrar, High Court of Kerala has directions to provide Computer and printer, one each in the Court room and in the space provided to staff along with Internet facility by meeting expenditure from the feasible Head of account of Registrar."

In the above statement it has been stated that the State in its turn has taken all measures for setting up of the Circuit Bench at Ernakulam and it is the time for the National Green Tribunal to start sitting at Ernakulam at the earliest. The following has been stated by the Assistant Solicitor General of India in paragraph 4 of the statement:

“4. In order to commence the Circuit Bench, there are essential infrastructural requirements which are to be provided by the State of Kerala and the Hon'ble High Court of Kerala to the NGT. The appropriate essential infrastructure for holding the sitting of the Tribunal includes:

a) A Court room equipped with all essential support like Computer with all electrical appliances, stationery items, etc.

(b) Two Chambers for Hon'ble Judicial and Expert Members and rooms for Stenographer/Court Master and staff etc in the premises of High Court of Kerala.

(c) Accommodation for Staff Members.

(d) Hon'ble Members who are to hold the Circuit Bench, be declared as State guest by the State of Kerala.

In addition to above infrastructure and facility support, cases should be transferred from Kerala High Court to NGT (Bench at Kochi).

3. In view of the above statement, which has been brought on record, now we see no impediment in starting the Circuit Bench of the National Green Tribunal at Ernakulam. Respondents 1 to 3 shall take appropriate steps to start sitting of the Circuit Bench of the National Green Tribunal at Ernakulam at the earliest.

The Writ Petitions are closed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs9/7/15