

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

**Application No.367 of 2013 (SZ)(THC)
(W.P. No.13678 of 2013 of the High Court of Kerala)**

IN THE MATTER OF:

Moosakutty
S/o. Ussanar, Komathparambil
Vavulliapauram
Alathur Taluk
Palakkad District

...

Applicant(s)

AND

1. District Collector
Palakkad
Pin No.678 001
2. Revenue Divisional Officer
Palakkad-678001
3. Tahsildar
Alathaur
Palakkad District-678 541
4. Chief Geologist
Mining and Geology Department
Town Bus Stand
Palakkad-678001
5. Tharur Grama Panchyat
Represented by its Secretary
Tharur, Alathur Taluk.-678 544
Palakkad District
Respondents

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**Counsel appearing for the Applicant:
Shri R. Venkatramani**

Counsel appearing for the Respondents:

**Mrs. Suvitha, A.S for R-1 to R-4
M/s. K. Chandrasekaran and
V. Bhuvanewari for R-5**

ORDER

PRESENT:

HON'BLE SHRI JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER

HON'BLE SHRI P.S. RAO, EXPERT MEMBER

Dated 16th February, 2016

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

This application has been filed by the applicant fairly conceded that the respondents to take follow up action as per the order passed by the Hon'ble High Court of Kerala dated 27th March, 2012.

We have perused the copy of the order passed by the Hon'ble High Court of Kerala as well as heard the learned counsel appearing for the parties. Accordingly to the counsel for the applicant unlawful extraction of clay on the banks of the Gayathiri river still going and it is in violation of the order of the Hon'ble High Court of Kerala. He also filed a report this day in support his contention .

Counsel for the respondents would submit that they are keeping vigil on such activities as well as there were repetition of the activities after 2008 from the river bed.

Having heard the learned counsel for the parties, we are of the considered view that the reply filed on behalf of the respondents that they are taking all possible steps to restrict the illegal activities from the river bed. In the report submitted by the applicant that there is no illegal extraction of clay from the river bed is found. In the reply filed on behalf of the respondents that the respondents continued their duty of preventing illegal mining of ordinary clay from the river bed and still keeping vigil unlawful extraction of clay on the river bed.

In the aforesaid circumstances and in view of the vague allegations made in the application, the Tribunal is of the view that we do not keep this application pending and specific order is given in the light of the discussion. The respondents are directed to continue to have the strict vigil unlawful extraction of clay on the river bed in terms of the order of the High Court of Kerala dated 23.3.2012. There shall be no order as to costs.

Hon'ble Shri Justice Swatanter Kumar
Chairperson

Justice M. Chockalingam
Judicial Member

P.S. Rao
Expert Member