

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.239 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

Navroz Kersasp Mody

...Applicant(s)

Versus

The Auroville Foundation and Ors.

...Respondent(s)

Date of hearing: 10.12.2021.

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. A Yogeshwaran

For Respondent(s): Dr. D. Shanmuganathan for State of Tamil Nadu

ORDER

1. The grievance in this application is that the 1st respondent- Auroville Foundation is engaged in cutting large scale trees from Auroville Forest area which has its own biological diversity and eco-sensitiveness.
2. It is stated that Auroville Foundation was established in the year 1968 as an autonomous body and they visualised a project for development of their area. They are developing a township on the basis of a master plan prepared by them not approved by any authority. Earlier they have done some construction work alone but now in the guise of expanding the project by providing a ring road by name 'Crown Road' they have now proposed to cut large number of trees from the area which will come under the definition of 'Deemed Forest' as envisaged by the Hon'ble Apex Court in Godavaraman Case. If this is allowed to be cut

without obtaining necessary planning and permission, then it will have great impact on the environment.

3. Learned Counsel appearing for the applicant had relied on certain newspaper reports to convince regarding the location of area with large number of trees and the manner in which cutting are done by using heavy machineries. Though, certain objections were raised before the authorities, no action was being taken by the authorities which prompted the applicant to file this application, claiming to be environmental activist to protect the Auroville Forest area against destruction, seeking following reliefs:

- a. Direct the 1st respondent to prepare a Detailed Development Plan including a mobility plan which is based on and respects the present day ground realities, to be approved as mandated in the Master Plan and implement projects based on such plan after necessary impact assessments and feasibility studies in an environmentally sustainable manner.
- b. Direct the respondents to pay costs to the applicant.
- c. Issue such other orders as it deems fit in the interest of the case and render justice.

4. Learned Counsel appearing for the State of Tamil Nadu submitted that Tamil Nadu Government has no interest in this matter. Though part of the area is falling within Tamil Nadu but the area where activities are going on is exclusively in the possession of the 1st respondent- Auroville Foundation and high dignitaries are at the helm of affairs of the administration of the Foundation.

5. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment as to whether any permission is required under the Forest (Conservation) Act, 1980 for cutting trees from an area which can be treated as a 'Deemed Forest' under the Forest (Conservation) Act, 1980. So, the matter is admitted.

6. Issue notice to the respondents by e-mail and also by speed post today itself and produce proof of service of notice. Dr. D. Shanmuganathan took notice for the 3rd respondent on whom copy of the application has also been served.

However, Learned Counsel for the applicant is also directed to serve the copy of the application to the Department of Environment, State of Tamil Nadu as well for their information and instruct the Counsel regarding their stand in the matter.

7. Learned Counsel for the applicant is also directed to produce necessary requisite with the postal stamp and postal cover so as to enable this Tribunal to send notice by speed post today itself so as to ensure service on the respondents and proceed against them, if they did not appear in their absence in accordance with law.
8. Considering the urgency of the matter, we feel that ex-parte interim order will have to be passed, as if no interim order is passed then it is likely to cause greater damage to the environment. Even under Order 39 Rule 1 read with Section 19 (4) of the National Green Tribunal Act, 2010, if Court is satisfied that there arises an extraordinary circumstance which requires the Tribunal to exercise the discretion of issuing an interim order without hearing the other side, then Court can issue such order in order to protect and preserve the property which is said to be under danger.
9. So under such circumstances, we feel that the status-quo order can be passed directing the 1st respondent- Auroville Foundation not to fell any further trees till 17.12.2021 as no much damage will be caused to the other side if it is stopped for a short while in the interest of protecting environment.
- 10.1st respondent- Auroville Foundation is directed to file their response or objection to the allegations made in the application on the next hearing date so that the question as to whether interim order will have to be continue or not can be considered on that date.
11. Registry is directed to communicate this order to the respondents by e-mail today itself so as to enable them to comply with the direction.

12.For appearance of parties, filing independent response and hearing on question of continuing of interim order, post on 17.12.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Dr. Satyagopal Korlapati)

O.A. No. 239/2021(SZ)
10th December, 2021. (AM)

