

Item No.4:

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

(Through Video Conference)

**Miscellaneous Application No.02 of 2023 (SZ) in
Original Application No. 239 of 2021 (SZ)**

IN THE MATTER OF

Navroz Kersasp Mody,
Viluppuram and Anr.

...Applicant(s)

Versus

The Auroville Foundation,
Rep. by it Secretary,
Tamil Nadu and Anr.

....Respondent(s)

Date of hearing: 14.03.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. A. Yogeshwaran.

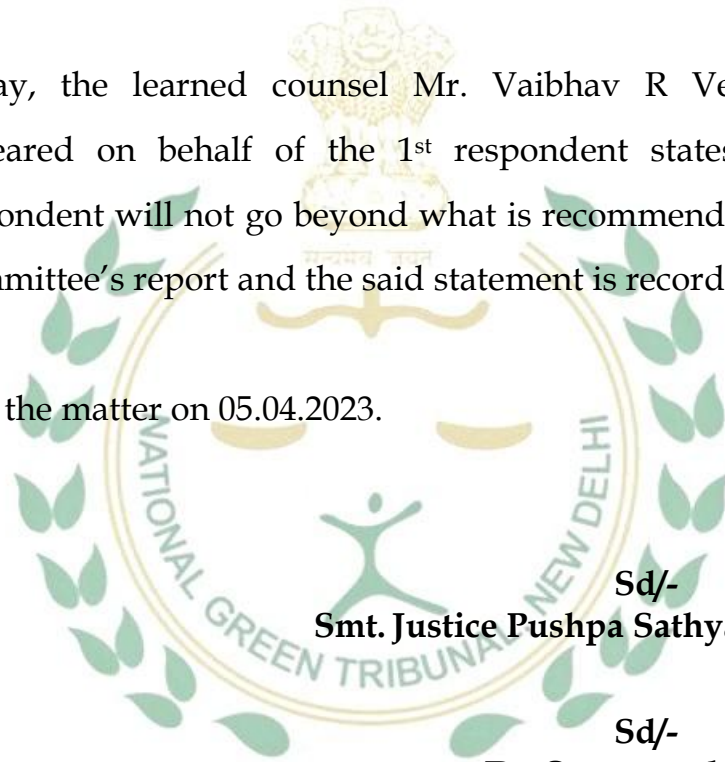
For Respondent(s): Mr. Vaibhav R Venkatesh for R1.
Dr. D. Shanmuganathan for R2.

ORDER

1. This miscellaneous application [M.A. No.02 of 2023 (SZ)] is filed by the original applicant in O.A. No.239 of 2021 (SZ) seeking a direction to reject the report filed by the committee constituted by this Tribunal while disposing of the said Original Application on 28.04.2022, contending that the committee had omitted to inspect all the areas falling within the proposed crown road in compliance with the order of this Tribunal.
2. In this regard, it is to be noted that **Civil Appeal Nos.5781 - 5782 of 2022** has been filed by the 1st respondent herein viz., Auroville Foundation, in which, the Hon'ble Supreme Court had issued notice only with respect to Direction No.1 at this stage and it is expected to be listed in the end of this month i.e. 21.03.2023.
3. The interim relief sought for by the applicant is that since the committee had not inspected or visited the areas with trees where the crown road is proposed to be constructed, the 1st respondent herein should be enjoined from felling any trees or clearing undergrowth in the areas falling within the right of way of the proposed crown road.
4. In this regard, attention is invited to Para 125 (ii) (d) of the Tribunal's Judgment which is as follows:-

"d. Till that exercise is completed, the 1st Respondent is directed not to cut any further trees from the property. The 1st Respondent is at liberty to undertake the crown road work in the remaining stretches where there are no trees. The 1st Respondent is also at liberty to take action against unauthorized occupations, if any, strictly in accordance with the law in force."

5. The above order specifically indicates that even the crown road work can be continued by the 1st respondent herein without cutting any trees or where there are no trees.
6. Though the order protects the area of construction, the apprehension of the applicant is that the 1st respondent herein is cutting trees even outside the stretch of crown road work/beyond the recommendation of the Joint Committee.
7. Today, the learned counsel Mr. Vaibhav R Venkatesh who appeared on behalf of the 1st respondent states that the 1st respondent will not go beyond what is recommended in the Joint Committee's report and the said statement is recorded.
8. Post the matter on 05.04.2023.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

M.A. No.02/2023 (SZ) in
O.A. No.239/2021 (SZ)
14th March, 2023. Mn.