

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P. No. of 2006

D. Saravanan,
Executive Committee Member,
Ousteri Protection Co-ordination Committee,
No. 34, Mariamman Kovil Street,
Mutheriar Palayam
Pondicherry.

... Petitioner

- Vs -

1.The Union of India.
Rep by Secretary to Government,
Ministry of Environment and Forest,
6th Floor, CGO Complex, Paryavaran Bhavan,
Lodhi Road,
New Delhi.

2. The Union of India,
Rep by The Secretary to Government,
Department of Science Technology and Environment,
Union Territory of Pondicherry,
Pondicherry.

3.The Pondicherry Pollution Control Committee,
Rep by Member Secretary,
Secretariat,
Pondicherry.

4. Chief Engineer,
Public Works Department,
Union Territory of Pondicherry,
Pondicherry.

5. Chief Town Planner,
Town and Country Planning,
Union Territory of Pondicherry,
Pondicherry.

6. Lakshmi Ammal Education Trust,
Represented by Chariperson of the Trust (J. Anusuya)
Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

...Respondents

AFFIDAVIT OF D. SARAVANAN

I, D. Saravanan, S/o. Desingu, Hindu, aged about 38 years, Executive Committee Member, Ousteri Protection Co-ordination Committee, having its office at No. 34, Mariamman Kovil Street, Mutheriar Palayam Pondicherry, presently come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner herein, a resident of Pondicherry concerned about the environment and the Executive Committee Member of Ousteri Protection Coordination Committee. I am well acquainted with the facts and circumstances of the case.

2. I am the Executive Committee Member of Ousteri Protection Coordination Committee, which is an unregistered Federation of several Non-Governmental Organisations and Public-spirited individuals interested in protecting the Ousteri Lake also known as Oussudu Lake.

3. The Ousteri is an interested lake of which 50% of the water-spread lies in Pondicherry and the rest in Tamil Nadu. Oussudu plays a crucial role in recharging the ground water aquifers. It also harbours rich flora and fauna; indeed it is such an important wintering ground for migratory birds that it has been identified as one of the heritage sites by International Union for Conservation of Nature (IUCN) and has been ranked among the most important wetlands of Asia.

4. The lake receives the greatest part of its water from River Gingee through the Suttukanni channel, which takes off from the Suttukanni anicut across Varaha Nadi nearly 1.27 km. away from the lake. The tank also has a free catchment area of 1024 ha, (4 sq. miles) and an intercepted catchment area of 512 ha. (2 sq. miles).

5. The lake, situated near the village bearing the name, lies about 12 km. from Pondicherry towards west. The eastern and northern portions of the tank *poramboke* lie in Tamil Nadu. The foreshore of the tank lies in Kadapperikuppam, Kondimedu and Poothurai Villages of South Arcot District. The western side is well protected by a bund of rough stone packings. On the eastern side is a high ground protected with revetments to almost the entire length. There are no bunds on the northern side of the foreshore. The distance around the outer periphery of the lake is nearly 12 km. The inlet arrangement of

letting in water into the tank consists of a 10-vented inlet arrangement for letting in water into the tank consists of a 10-vented inlet regulator of size 1.52m. x 15.33 m. (5'0" x 50'3") each with still level at 10.754m. The tank bund on the southern side carries the Valudavur road.

6. The total registered ayacut of the tank is 1,549.20 ha. under the first crop and 1,465.20 ha. under the second crop. Gudappakkam, Sendanattam, Villiyanur, Poraiyar, Oussudu, Odiyambattu and Ozhukarai in Pondicherry region and Perambai village in South Arcot District are benefited by this lake. The water is supplied through seven sluices situated along the southern bund of the tank.

7. The surplus arrangements of the tank consist of a 15-vented surplus regulator just above the inlet regulator. The sill level of the surplus regulator is 12m. (39.19 ft.) and the size of the vent is 1.45 m. x 2.06m. (4'9" x 6'9") each. The lake had a 9-vented surplus escape in the southern bund, which was closed. In addition to the above arrangements, there are two more regulators situated along the Suttukanni channel itself viz. (i) Valudavur four vented regulator and (ii) Thopple Madai, both of which are to be operated only when the water level in the channel goes above the danger mark.

8. I state that the present writ petition is being filed in public interest against the illegal construction of Medical College and Hospital adjacent to the Ousteri Lake by the Sixth Respondent. The Sixth Respondent intended to set up a Medical College and Hospital with an investment of Rs.75 Crores at No. 31 Vazhudavur Main Road, Agaram Village, Pondicherry. In June 2005, the Third Respondent considered the proposal of the Sixth Respondent to set up a Medical College and Hospital and decided to reject the proposal considering a) its location close to Ousteri Lake, b) high ground water requirement and c) high wastewater generation.

9. In spite of this rejection, the 6th respondent commenced and continued construction of the Medical College and Hospital. Complaints were made to the Respondents but however no action ensued. In September 2005, once again the proposal of the Sixth Respondent was placed before the Third Respondent, inspite of the earlier rejection. The Third Respondent took note of the construction activity, discussed the proposal in detail and instructed the Sixth Respondent to stop the unauthorized operations and obtain necessary clearances. Though the construction activities never ceased, the Third Respondent appears to have deliberated on the proposal on the basis of the note put up by its Member Secretary that the project agency has stopped construction activity and obtained clearance from the Agriculture Department for conversion of land and for ground water withdrawal and from the Health Department. The Third Respondent directed the Sixth Respondent to carry out as the Environmental Impact Assessment Study (hereinafter referred to as EIA).

10. The Third Respondent also decided to conduct a public hearing at the 82nd meeting of the Third Respondent dated 10-11-05. Thereafter the Irrigation Department also appears to have granted a no objection certificate in January 2006. Surprisingly this No Objection Certificate followed hot on the heels of an earlier letter dated 13-11-05 from the Irrigation Department stating that the Irrigation Department is not in a position to issue clearance as the buildings were proposed in the command area of the tank and are bounded by Koodapakkam Palla Madagu, Porrayur Madagu and Senthra Madagu Channels and Branch channels which are vital for irrigation and the likelihood of the college and hospital causing pollution to the irrigation water which would impoverish farmers depending on the lake water for their livelihood. Based on the Third Respondents decision date 10-11-05 a public notice was issued calling for objections and the views of the general public within 30 days from 18-01-06. The notice also informed the public that the executive summary of the proposal was available with the Secretary, Environment Department and with the Member Secretary, Pollution Control Board and

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that a public hearing would be held on 22-02-06 at 3.30 pm at the housing board, Annanagar, Pondicherry. Though this notice was not in compliance with the EIA Notification, the Petitioner and others interested in the issue participated in the public hearing. At the public hearing they obtained access to the full text of EIA. Even prior to the public hearing we had requested deferment of the hearing and set out our objection to the project based on the minimum information available, by our representation dated 14-02-06. After obtaining a copy of the EIA we protested to the public hearing panel about the belated furnishing of the project document. The Third Respondent informed us that we could provide our objections on the project report within 10 days. On 21-02-06 we wrote to the Pondicherry Planning Authority setting out our objections, seeking rejection of the application filed by the Sixth Respondent and sought issuance of directions to stop the ongoing construction. On the 3rd of March 2006 we filed detailed objections chapter by chapter on the EIA pointing out the various admitted facts in the EIA which would militate against setting up a hospital/medical college in the catchments of Ousteri lake which would clearly affect water quality, air quality, flora and fauna in the area and the agriculture and livelihood of farmers in Tamil Nadu and Pondicherry. We have also made request under the Right to Information Act 2005 to the Department of Agriculture, Pondicherry Ground Water Authority, Pondicherry Planning Authority and the Second Respondent. While we have received responses from some of the Department, we are yet to receive a response to our request from the Second Respondent asking for the minutes of the public hearing, the action taken on the objections and on information if Environmental Clearance. However our enquiries reveal that clearance is yet to be issued. In spite of the fact that clearance has not yet been issued, construction is proceeding at a hectic pace.

11. Aggrieved by the inaction of the Respondents the Petitioner filed W.P.No 12277 of 2006 before this Hon'ble court seeking Writ of Mandamus directing the respondents to forebear from proceeding with the illegal construction and to demolish the illegal construction has put up.

12. The above said matter came up before this Hon'ble Court on 16.05.2006 and this Hon'ble Court was pleased to order notice of motion returnable by two weeks and issue an interim injunction restraining the respondents from carrying on any construction at the sight in question.

13. The order was communicated to all the Respondents on 17.05.2006 and a telegram was also sent by the Petitioners counsel to the Sixth Respondent herein. On 20.05.2006.

14. Even thereafter, the construction work did not cease and the authorities were once again addressed by the petitioner, on 27.05.2006 complaining of Non Compliance of the interim order passed by this Hon'ble Court. The Petitioner also wrote to the Chief Minister and the Lieutenant Governor bringing to their notice the continuing illegality.

15. In the mean time the sixth respondent. served a counter Affidavit on the Petitioner counsel admitting the non grant of environmental clearance and seeking vacation of the interim order. Thus it is clear that the construction was not complete on the date of filing of the counter Affidavit.

16. A Reply Affidavit also filed by the Petitioner stating that despite interim order passed by this Hon'ble Court the construction work had not stopped. This Hon'ble court therefore on the 30.05.2006 directed the sixth Respondent maintain status quo and extended the interim order till 6.6.06.

17. When the matter was listed on 6.6.06 the learned Advocate General of Tamil Nadu who appeared for the Sixth Respondent to undertook to maintain the status quo which undertaking was also recorded and the order dated 30.05.06 is directed to be continued. In spite of the construction continued in the basin whim and fancy and willful, disobedience of the order and the Petitioner was compelled to file a contempt petition, now been numbered as 623 of 2006 and is likely to be posted before this Court at any time.

18. In the mean time on 19.08.2006 batch of Writ Petitions concerning admission to the various medical colleges in Pondicherry came to be listed before this Hon'ble court (W.P.No. 24985/2006 and W.P.No. 23327/2006 and W.P.No. 24986/2006). The counsel for the Petitioner herein brought to the notice of this Hon'ble court the fact that the 11th Respondent in that Writ Petitions had no right to seek admission of students as they had violated the orders of this Hon'ble court as well as the provisions of S.O.60(E) dated 27.01.1994 as amended upto date issued by the First Respondent under the provisions of the environment protection act 1986. thereafter the matter has adjourned to 19.08.2006.

19. On that day the counsel for the 6th Respondent herein produced an environment clearance alleged to be issued by the First Respondent. This Hon'ble court therefore directed listing of W.P.No.12277 of 2006 along with the batch. On 21.08.2006 the matter came up for hearing and this Hon'ble Court directed the W.P.No. 12277/2006 to be delisted from the batch and directed to post on 23.08.06.

20. The Petitioner herein is advised that the Environmental Clearance (Herein after referred as impugned Order) is arbitrary, illegal and liable to be quashed for the following among other

GROUND

A. The impugned order is violative of provisions of S.O.60(E) dated 1994 and is also arbitrary and illegal infringing the Petitioners Rights Guaranteed Article 14 and 21 of Constitution of India

B. The First Respondent has failed to take notice of the fact that impugned order unfairly rewards violation of the law which violation should have invited demolition and prosecution.

C. Under the provisions of SO (60) dt 27-01-1994 issued by the First Respondent, no construction activity, whether preliminary or otherwise can be commenced without grant
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of Environmental Clearance to those activities for the projects listed in Annexure I of the said notification.

D. The First Respondent have failed to see that carrying on construction even before a public hearing and environmental clearance is an attempt to present the authorities with a fait accompli.

E. The First Respondent have failed to see that their inaction could embolden the Sixth Respondent on other violations of the law.

F. The First Respondent have failed to see that what is involved is not a mere procedural infraction but is the question of Rule of Law and the adherence to Environmental Regulation.

G. The First Respondent have failed to see that lakes and water bodies have to be preserved and any failure in this regard would have serious repercussions on the livelihood and water security for communities.

H. The First Respondent s have failed to see that it is an admitted case that the construction site is at the bank of the Ousteri Lake and a part of the catchment area of the Lake.

I. The First Respondent have failed to see that any construction in the catchments, which cut off water flows into the lake and eventually cause the lake to dry up.

J. The First Respondent have failed to see that there are also other proponents whose applications to promote a lay out was placed before the committee on 23-06-06 has not been given clearance so far which may be emboldened to similarly breach the law.

K. The failure of the First Respondent in enforcing the law and failing to protect a significant water body affects the right to clean and healthy environment, which has been recognised as part of right to life enshrined in Art. 21 of the Constitution.

L. The First Respondent have failed to see such unbridled construction in the neighbourhood of Ousteri Lake would in fact prevent the listing of the lake as a heritage site by the International Union for Conservation of Nature (IUCN) which identification is imminent.

M. The First Respondent failed has passed the impugned order without any application of mind thus violating Article 14 of Constitution of India.

N. A Mere reading of the impugned order dated 27.07.2006 and the conditions therein show that the first Respondent has not even taken note of the fact the construction has commenced and completed entirely illegally.

O. The Specific conditions imposed in the part A of impugned order which relates to construction phase are clearly incapable of the enforcement *expost facto*.

P. The other impugned conditions make it clear that the First Respondent has paid no regard to the fact that the site adjoins the Ousteri lake/ousudu Lake which is admitted to be internationally recognised ecologically important Lake even according to the Environment Impact Assessment submitted by the consultant to the 6th Respondent which was before First Respondent at the time of passing the impugned Order.

Q. The I Respondent has failed to see that the ousteri lake has been identified as one of the heritage sites by the International Union for Conservation of Nature (IUCN) and has been ranked among the most important wet lands of Asia, which is threatened by the present impugned developments.

R. The First Respondent has also failed to see that no access in the Environmental Impact Assessment report had been provided to the public at the places specified in Class iv of Scheduled Iv to S.O.60.(E) of 1994 which is the mandatory prerequisite for the public hearing and has been held to be so by the Division Bench of Kerala High Court in Athrapally Dam case.

S. The First Respondent. has failed to see that the even the minutes of public hearing held on 20.02.06 reflect the fact that the public access of Environmental Impact Assessment was not provided and that unauthorised construction going on even on 20.02.06.

The petitioner has not filed any Writ Petition for the same or similar relief and has no other effective alternative remedy other than approaching this Hon'ble under Article 226 of Constitution of India.

It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ , an Order or Direction particularly in the nature of Writ of Certiorari calling for the records of the First Respondent culminating in the impugned Order dated 27.07.06 bearing Reference No. 21-299/2006-IA. III, quash the same and pass such further or other Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai

On this day of August 2006 and affixed his

Signature in my presence

Before Me,

(Advocate)

DISTRICT : : PONDICHERRY.

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P. No. of 2006

D. Saravanan,

... Petitioner

- Vs -

1.The Union of India.

And 5 Others.

...Respondents

AFFIDAVIT OF D. SARAVANAN

**D. Geetha.
R. Diwakaran.
S. Anbazhagan.
Counsel for Petitioner**

DISTRICT : : PONDICHERRY.

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P. No. of 2006

D. Saravanan,

... Petitioner

-Vs -

1.The Union of India.

And 5 Others.

...Respondents

WRIT PETITION

D. Geetha.

R. Diwakaran.

S. Anbazhagan.

Counsel for Petitioner.

DISTRICT : : PONDICHERRY.

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

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-Vs -

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TYPED SET OF PAPERS

**D. Geetha.
R. Diwakaran.
S. Anbazhagan.
Counsel for Petitioner**

DISTRICT: : PONDICHERY

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

**M.P.No. 1 OF 2006
IN**

W.P. No. of 2006

D. Saravanan,

... Petitioner

-Vs -

1.The Union of India.

And 5 Others.

...Respondents

DISPENSE WITH

D. Geetha.

R. Diwakaran.

S. Anbazhagan.

Counsel for Petitioner

DISTRICT: : PONDICHERRY

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

**M.P.No. 2 OF 2006
IN**

W.P. No. of 2006

D. Saravanan,

... Petitioner

-Vs -

1.The Union of India.

And 5 Others.

...Respondents

INTERIM INJUNCTION

D. Geetha.

R. Diwakaran.

S. Anbazhagan.

Counsel for Petitioner

DISTRICT: : PONDICHERRY

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

**M.P.No. 3 OF 2006
IN**

W.P. No. of 2006

D. Saravanan,

... Petitioner

-Vs -

1.The Union of India.

And 5 Others.

...Respondents

STAY PETITION

D. Geetha.

R. Diwakaran.

S. Anbazhagan.

Counsel for Petitioner

MEMORANDUM OF WRIT PETITION
(Under Article 226 of the Constitution of India)

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

W.P. No. of 2006

D. Saravanan,
Executive Committee Member,
Ousteri Protection Co-ordination Committee,
No. 34, Mariamman Kovil Street,
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Pondicherry.

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- Vs -

1.The Union of India.
Rep by Secretary to Government,
Ministry of Environment and Forest,
6th Floor, CGO Complex, Paryavaran Bhavan,
Lodhi Road,
New Delhi.

2. The Union of India,
Rep by The Secretary to Government,
Department of Science Technology and Environment,
Union Territory of Pondicherry,
Pondicherry.

3.The Pondicherry Pollution Control Committee,
Rep by Member Secretary,
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Pondicherry.

4. Chief Engineer,
Public Works Department,
Union Territory of Pondicherry,
Pondicherry.

5. Chief Town Planner,
Town and Country Planning,
Union Territory of Pondicherry,
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6. Lakshmi Ammal Education Trust,
Represented by Chariperson of the Trust (J. Anusuya)
Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

... Respondents

WRIT PETITION

The address for service of all notices and processes on the Petitioner is that of his
Counsel M/s.D.Geetha, S. Anbazhagan, P.M. Shanas Fathima having their office at
No.319, Linghi Chetty Street, II Floor, George Town, Chennai 600 001.

The address for service of all notices and processes on the Respondents is as stated above.

For the reasons stated in the accompanying affidavit It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ , an Order or Direction particularly in the nature of Writ of Certiorari calling for the records of the First Respondent culminating in the impugned Order dated 27.07.2006 bearing Reference No. 21-299/2006-IA. III, quash the same and pass such further or other Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai, on this the day of April 2006.

Counsel for Petitioner

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

M.P.No. 2006

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New Delhi.

2. The Union of India,
Rep by The Secretary to Government,
Department of Science Technology and Environment,
Union Territory of Pondicherry,
Pondicherry.

3.The Pondicherry Pollution Control Committee,
Rep by Member Secretary,
Secretariat,
Pondicherry.

4. Chief Engineer,
Public Works Department,
Union Territory of Pondicherry,
Pondicherry.

5. Chief Town Planner,
Town and Country Planning,
Union Territory of Pondicherry,
Pondicherry.

6. Lakshmi Ammal Education Trust,
Rep. by its Chairperson, J. Anusuya.
Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

...Respondents/ Respondents

AFFIDAVIT OF D. SARAVANAN

I, D. Saravanan, S/o. Desingu, Hindu, aged about 38 years, Executive Committee
Member, Ousteri Protection Co-ordination Committee, having its office at No. 34,

Mariamman Kovil Street, Mutheriar Palayam Pondicherry, presently come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner herein , a resident of Pondicherry and the Executive Committee Member of Ousteri Protection Coordination Committee. I am well acquainted with the facts and circumstances of the case.

2. I have filed the above Writ Petition seeking to quash the environment clearance 27.07.2006 in number 21-299/2006-IA.III issued by the First Respondent in favour of the Sixth Respondent. However pending disposal of the Writ Petition if the Sixth Respondent commences full-fledged activity at the site including the commencement of medical college and commencement of hospital (hasn't he already done this and aren't we relying on some OP chits in the contempt), this would have an undesirable effect of creating various third party interests including the interest of innocent students which will be set up as a competing Public Interest by the Sixth Respondent. To the public interest in protecting the environment and preserving the rule of law canvassed by the Petitioner herein .

3. The Petitioner herein has made out a prima facie case in the light of the illegalities committed by the 6th Respondent which now been rewarded by the grant of ex post facto sanction by the First Respondent.

4. The impugned Order is not served on me hence I could not produce the same before this Hon'ble Court and the same may be dispense with the production of the impugned Order dated 27.07.2006 bearing Ref. No. 21-299/2006-IA.III passed by the First Respondent.

It is therefore prayed that this Hon'ble Court may be pleased to dispense with production of the Original impugned Order dated 27.07.2006 bearing Ref. No. 21-299/2006-IA.III passed by the First Respondent and thus render justice.

5. Numerous other violations. procedural and substantial also vitiated the impugned order. The balance of convenience therefore clearly lies in favour of grant of interim orders and has no legal injury will be caused to the Sixth Respondent by such grant. On the other hand, grave hardship and irreparable loss will be caused to the Ousteri lake, the environment and the rule of law, if the impugned order is not stayed pending disposal of the Writ Petition.

It is therefore prayed that this Hon'ble Court may be pleased to pass an interim stay of all proceedings pursuant to the impugned order dated 27.07.2006 bearing Ref. No. 21-299/2006-IA.III passed by the First Respondent pending disposal of the Writ Petition and thus render justice.

It is therefore also prayed that the Hon'ble Court may be pleased to pass an interim injunction restraining the Sixth Respondent on or permitting / carrying of any activity in the building bearing survey number R.S. No 31 or R.S Nos. 2/5,2/6, 2/6A, 2/6B, 2/6C, 3/2, 3/3, 3/5, 3/9, 3/10A, 3/11, 5/1, 5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 5/8, 5/9, 5/10, 6/2B, 6/2C, 6/3B at No.31, Vazhudavur Main Road, Agaram Village, Pondicherry pending disposal of the Writ Petition and thus render justice.

Solemnly affirmed at Chennai

On this the day of August 2006

And signed in my presence.

Before Me,

Advocate, Chennai

MEMORANDUM OF MISCELLANEOUS WRIT PETITION

(Under Article 226 of the Constitution of India)

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

M.P.No. 1 Of 2006

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Represented by Chariperson of the Trust (J. Anusuya)
Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

...Respondents/ Respondents

DISPENSE WITH PETITION

For the reasons stated in the accompanying affidavit it is therefore prayed that this
Hon'ble Court may be pleased to dispense with production of the Original impugned

Order dated 27.07.2006 bearing Ref. No. 21-299/2006-IA.III passed by the First Respondent and thus render justice.

Dated at Chennai August 2006.

Counsel for Petitioner

MEMORANDUM OF MISCELLANEOUS WRIT PETITION

(Under Article 226 of the Constitution of India)

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

M.P.No. 2 Of 2006

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Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

...Respondents/ Respondents

INTERIM INJUNCTION

For the reasons stated in the accompanying affidavit It is therefore also prayed
that the Hon'ble Court may be pleased to pass an interim injunction restraining the Sixth
Respondent on or permitting / carrying of any activity in the building bearing survey

umber R.S. No 31 or R.S Nos. 2/5,2/6, 2/6A, 2/6B, 2/6C, 3/2, 3/3, 3/5, 3/9, 3/10A, 3/11, 5/1, 5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 5/8, 5/9, 5/10, 6/2B, 6/2C, 6/3B at No.31, Vazhudavur Main Road, Agaram Village, Pondicherry pending disposal of the Writ Petition and thus render justice.

Dated at Chennai, on this the day of August 2006.

Counsel for Petitioner

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(Under Article 226 of the Constitution of India)

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Department of Science Technology and Environment,
Union Territory of Pondicherry,
Pondicherry.

3.The Pondicherry Pollution Control Committee,
Rep by Member Secretary,
Secretariat,
Pondicherry.

4. Chief Engineer,
Public Works Department,
Union Territory of Pondicherry,
Pondicherry.

5. Chief Town Planner,
Town and Country Planning,
Union Territory of Pondicherry,
Pondicherry.

6. Lakshmi Ammal Education Trust,
Represented by Chairperson of the Trust (J. Anusuya)
Valudavur Main Road,
Agaram Village, Villianur Commune,
Pondicherry.

...Respondents/ Respondents

INTERIM STAY PETITION

It is therefore prayed that this Hon'ble Court may be pleased to pass an interim stay of all proceedings pursuant to the impugned order dated 27.07.2006 bearing Ref.

No. 21-299/2006-IA.III passed by the First Respondent pending disposal of the Writ Petition and thus render justice.

Dated at Chennai, on this the day of August 2006.

Counsel for Petitioner

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P.No. OF 2006

D. Saravanan

...

Petitioner

Vs

1. The Union of India
Rep by Secretary of Government,
Ministry of Environment and Forest,
6th Floor, CGO Complex, Paryavaran Bhavan,
Lodhi Road,
& 5 others.

...

Respondents

INDEX

S.No	DATE	PARTICULARS	PG.NO
1.	22.06.05	Circular by the Third Respondent to conduct the 80 th on 23.06.2005	
2.		Minutes of the 80 th Meeting of PPCC	
3.		Minutes of the 81 st Meeting of PPCC	
4.	01.07.05	Letter from Hydrologist granting Permission for replacement of tube wells	
5.	18.07.05	No Objection Letter sent by the Department of Agriculture.	
6.	08.11.05	Circular by the Third Respondent to conduct the 82 nd on 10.11.2005.	
7.		Minutes of the 82 nd Meeting of PPCC	
8.	29.11.05	No objection letter sent by the Department of Agriculture for construction of approach roads.	
9.	13.12.05	Letter from the Fourth Respondent to the Member Secretary Pondicherry Planning Authority denying clearance.	
10.	18.01.06	Public Notice of Public Hearing on 20.02.06 in Dinamalar.	
11.	18.01.06	Translation –do-	
12.	06.02.06	Letter from the Fourth Respondent to the Member Secretary Public Planning Authority granting permission.	
13.	20.02.06	Representation given by Thamilaga Vaal Kootamaippu to the Third Respondent	
14.	20.02.06	Translation -do-	
15.	20.02.06	Representation made by the Ousteri Protection Co-ordination Committee To the Third Respondent	
16.	21.02.06	Representation to the Pondicherry Planning Authority by the Ousteri Protection co-ordination Committee	
17.	03.03.06	Application given by Ousteri Protection Co-ordination Committee under R.T.I Act to the member Pondicherry planning Authority.	
18.	03.03.06	Representation to the Third Respondent regarding the objections to the public hearing	

19.	03.03.06	Application given by Ousteri Protection Co-ordination Committee under RTI Act to the Director of Agriculture.	
20	09.03.06	Article published in the Hindu about illegal construction on the Ousteri Lake Bed	
21.	15.03.06	Minutes of Public Hearing held on 20.02.06	
22	17.03.06	Letter sent by Pondicherry ground water authority denying grant of permit to construct tube wells	
23.	24.03.06	Application given by Ousteri Protection Co-ordination Committee under R.T.I. Act	
24.	28.03.06	Reply from Department of Agriculture	
25.	02.04.06	Information given by the Third Respondent to the petitioner committee	
26.	-	Gazette Publication of Agriculture and Irrigation.	
27.	-	Environmental impact assessment and Management	
28.	-	Photographs	
29.	-	Environment Impact Assessment Notification issued by the 1 st Respondent.	
30.	27.05.06	Representation given to First Respondent about the Non-Compliance of the Order of this Hon'ble Court	
31.	27.05.06	Representation given to Third Respondent about the Non-Compliance of the Order of this Hon'ble Court.	
32.	27.05.06	Representation given to Second Respondent about the Non-Compliance of the Order of this Hon'ble Court.	
33.	27.05.06	Representation given to Chief Secretary of Pondicherry.	
34.	27.05.06	Representation given to Fourth Respondent about the Non-Compliance of the Order of this Hon'ble Court.	
35.	27.05.06	Representation given to Fifth Respondent about the Non-Compliance of the Order of this Hon'ble Court.	
36.	27.07.06	Environmental Clearance given to the Sixth Respondent (Impugned Order)	

Certified that the above copies are true copies dated 30.05.06 at Chennai.

Counsel for Petitioner

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P.No. OF 2006

D. Saravanan

...

Vs

1. The Union of India
Rep by Secretary of Government,
Ministry of Environment and Forest,
6th Floor, CGO Complex, Paryavaran Bhavan,
Lodhi Road,
& 5 others.

...Respondents

SYNOPSIS

S.No	DATE	EVENTS
1.	11.2005	The sixth Respondent Placed the Proposal of Constructing Medical College before the Third Respondent despite of earlier rejection
2.	10.11.2005	It was decided by the Third Respondent to conduct a public hearing
3.		Minutes of the 82 nd meeting of PPCC.
4.	18.07.2005	No objection letter send by the Department of Agriculture.
5.	08.11.2005	Circular by the Third Respondent en to conduct eighty second meeting on 10.11.2005.
6.	13.12.2005	Member Secretary of Fourth Respondent denying clearance to the Sixth Respondent.
7.	Jan 2006	The irrigation department granted no objection certificate to the Sixth Respondent.
8.	18.01.2006	Public Notice of Public Hearing on 20.02.2006 in dinamalar.
9.	06.02.2006	Fourth Respondent Granting Permission to the Sixth Respondent
10.	14.02.2006	Objection Submitted about the project by the petitioner.
11.	21.02.2006	Objections submitted by the before the Pondicherry Planning Authority.
12	21.02.2006	Representation given to the Pondicherry Planning Authority Requesting not to give any permission to Sixth Respondent.
13	22.02.2006	The Public Hearing was held without complying the EIA Notification.

14	03.03.2006	Objections submitted by the Petitioners.
15	03.03.2006	Representatino to the Third Respondent Regarding the objection to the Public hearing.
16	09.03.2006	Article Published in Hindu about Illegal construction of the Sixth Respondent.
17.		Environmental Impact Assessment notification issued by the First Respondent.
18.	15.03.2006	Minutes of the Public Hearing held on 20.02.2006.
19.	02.04.2006	Information about Environmental Clearence was not given by the Third Respondent.
20.	16.05.2006	Interim Injunction restraining the Sixth Respondent from further construction.
21.	30.06.2006	Interim Injunction extended.
22.	06.06.2006	Interim Injunction extended.
23.	27.07.2006	Environmental Clearance give to Sixth Respondent.

The above mentioned details are true to best of my knowledge.

Counsel for Petitioner

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Ordinary Original Jurisdiction)

Writ Petition No. 29434 of 2006

D.Saravanan,
Executive Committee Member,
Ousteri Protection Co-ordination Committee,
No.34, Mariamman Kovil Street,
Mutheriar Palayam,
Pondicherry. ...Petitioner

-Vs -

Union of India,
& Five others ...Respondent.

ADDITIONAL TYPED SET OF PAPERS

S.NO.	DATE	PARTICULARS
PAGE NO		
1.	16.05.06	Order passed in W.P.M.P.No.13848 of 2006 in W.P. No.12277/06
2.	25.05.06	Affidavit file by the Respondent in W.V.M.P.No 1079/06 in W.P.M.P 13848/06,W.P.No.12277/06.
3.	30.05.06	Reply affidavit filed by the Petitioner in W.P. No.12277/06
4.	30.05.06	Order passed in W.P.M.P.No.13848 of 2006 in W.P. No.12277/06
5.	June 2006	Counter Affidavit filed by the Pondicherry Pollution Control Committee.
6.	06.06.06	Counter Affidavit filed by the Chief Town Planner, Pondicherry.
7.	06.06.06	Order passed in W.P.No. 12277/06.

Certified that the above copies are true copies.

Dated at Chennai this the 31 day of August 2006.

Counsel for Petitioner

DISTRICT: : PONDICHERRY

**HIGH COURT : : MADRAS
(SPECIAL ORIGINAL
JURISDICTION)**

W.P. No. 29434 of 2006

D. Saravanan,

Petitioner

...

- Vs -

1.The Union of India.

And 5 Others.

...Respondents

**ADDITIONAL TYPED SET OF
PAPERS**

**D. Geetha.
R. Diwakaran.
S. Anbazhagan.
Counsel for Petitioner**

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P. No.12277 of 2006

D. Saravanan,
Executive Committee Member,
Ousteri Protection Co-ordination Committee,
No. 34, Mariamman Kovil Street,
Mutheriar Palayam
Pondicherry.

... Petitioner

-Vs -

1.The Union of India.
Rep by Secretary to Government,
Ministry of Environment and Forest,
6th Floor, CGO Complex, Paryavaran Bhavan,
Lodhi Road,
New Delhi.
and 5 Others.

...Respondents

MEMO FILED BY THE PETITIONER

The Petitioner humbly submits that

1. When the above said matter came up for hearing along with the W.P.No.29434 of 2006 on 29.09.2006 before this Hon'ble Court. The Learned Senior Counsel who appeared for the Respondents raised a preliminary issue that the appeal would lie regarding the subject matter of the Writ Petition.

2. Mr.T.Mohan, Advocate who represented the Counsel for the Petitioner submitted that the National Environmental Appellate Authority which was constituted National Environmental Appellate Authority Act, 1997 was entirely disfunctional and all the members were retired. But on verification it is found that the statement made by the counsel was not correct. And also the counsel came to know that the post of two members in the Appellate Authority have been filled up. And the post of Chairperson and Vice Chairperson were not filled up till date.

3. The above fact was came to the knowledge of Petitioner's counsel only at Friday Evening (29.09.2006). The above said fact was also informed to the Senior Counsel to appeared for the Respondents.

Therefore the Petitioner filed this Memo now and it is therefore prayed that this Hon'ble Court may be pleased to take this Memo on file and thus render justice.

Dated at Chennai this the 3rd day of October 2006.

Counsel for Petitioner

**IN THE HIGH COURT OF JUDICATURE
AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)**

W.P. No.12277 of 2006

D. Saravanan,

... Petitioner

- Vs -

1.The Union of India.
and 5 Others.

...Respondents

**MEMO FILED BY
THE PETITIONER**

D. Geetha.
S. Anbazhagan.
Counsel for Petitioner

