

W.P.No.27356 of 2019 and WMP Nos.9090, 10794 of 2021, 30994 of 2022
and W.M.P.No.27566/2022 in W.P.No.28266 of 2022



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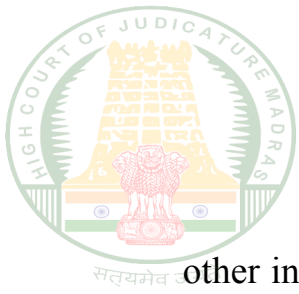
W.P.No.27356 of 2019
& WMP Nos.9090, 10794 of 2021, 30994 of 2022
and
W.M.P.Nos.27566/2022 and 8638 of 2023
in W.P.No.28266 of 2022

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

Order Dated : 16.03.2023

SEEKING STAY AGAINST NGT ORDER

W.M.P.No.8638 of 2023 is filed to stay the operation of the order dated 10.03.2023 passed by the National Green Tribunal (Southern Zone) in I.A.No.32 of 2023 in O.A.No.119 of 2021. Learned Counsel appearing on behalf the petitioner submits that this Court being the Constitutional Court has the inherent jurisdiction for judicial review. He would submit further that in this case, the matter was already on the file and only this Court relegated the Tribunal to decide the issue. Even while doing so, the concerned rule, which prohibits removal of any mineral in respect of an unauthorised quarry was specifically quoted in the order and without considering the rule position, the Learned National Green Tribunal has permitted removal of baked bricks. In this regard the Brick kiln owners and



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other interested persons sought time to file their counter and accordingly are permitted to file their counter on or before 23.03.2023.

2. Call on 23/03/2023.

DISCONNECTION OF ELECTRICITY

As far as the disconnection of electricity is concerned, report is filed by the learned Additional Advocate General. However, it is seen that only the 118 High Voltage Connections alone have been disconnected and not the domestic connections. Learned Additional Advocate General would submit that even though the earlier order also directs about supplementary/domestic connections, considering the fact that the families of the labourers are residing there, they are seeking reconsideration in respect of that part of the order. Same has been opposed by the learned counsel as well as the petitioner-in-person by stating that undue advantage is being taken and the same is misused for brick kiln purposes also. This apart the high mast and other lights kept on during the night time which impedes the movement of the elephants causing danger to the wildlife. In that view of the matter, for further responses to be filed by the Learned Amicus and the other counsels



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on record, post the matter on 17.04.2023.

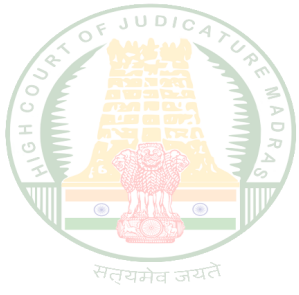
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2. It is further ordered that even though the Learned National Green Tribunal has passed orders permitting the Brick Kiln owners to remove the baked bricks and same is subject to further consideration, it is however ordered that such removal cannot take place in the night time as the same is likely to interfere the movement of the wild animals. We direct the District Collector, Coimbatore District to monitor the entire movement and file a report as to the quantity of bricks removed, time, number of lorries and loads and the nature and particulars of other machineries and labourers involved in the said exercise and file a status report.

3. For filing of counter and further consideration of the matter,
post on 23.03.2023

(N.S.K.,J.) (D.B.C.,J.)
16.03.2023

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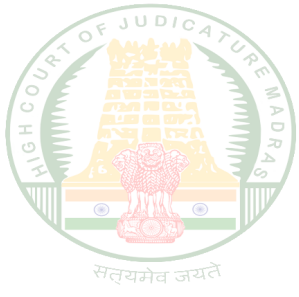


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