

(2015) 07 KL CK 0018

In the High Court Of Kerala

Case No : W.P. (C). Nos. 4150 and 6218 of 2015

Baisil Attipetty

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 09-07-2015

Acts Referred:

Citation : (2015) 4 KLT 295

Hon'ble Judges : Ashok Bhushan, C.J. and A.M. Shaffique, J.

Bench : Division Bench

Advocate : N. Nagaresh, Assistant Solicitor General, S. Subhash Chand and Girija Gopal, Spl. Government Pleader, for the Respondent

Judgement

Ashok Bhushan, C.J.

1. These two Writ Petitions have been filed as Public Interest Litigations seeking a direction to take immediate steps to commence sitting of the Circuit Bench of the National Green Tribunal at Ernakulam. Statements have been filed by the Assistant Solicitor General of India and the Special Government Pleader. In the statement filed on behalf of the sixth respondent details of arrangements provided to set up the Circuit Bench of the National Green Tribunal have been enumerated. It is useful to refer to the arrangements as has been stated in paragraph 2 of the statement filed on behalf of the State Government, which reads as follows:

"2. The Registrar General, National Green Tribunal vide their letter dated 20.03.2015 had detailed the requisites needed for the setting up of the Tribunal. The NGT had sought the following requirements;

(a) A Court room equipped with all essential support like Computer with all electrical appliances, stationery items, etc.

(b) 2 Chambers for Hon'ble Judicial and Expert Members and rooms for Stenographer/Court Master and staff etc., in the premises of High Court of Kerala.

(c) Accommodation for Staff Members.

(d) Hon"ble Members who are to hold the Circuit Bench, be declared as State guest by the State of Kerala.

In pursuance thereof, the Government, in consultation with the Registrar, High Court of Kerala and Registrar, National Green Tribunal have taken necessary steps to provide all the necessary requisites sought by the Tribunal to set up the Bench. The Court room and Chamber is provided common for both the sitting of KAT and NGT. The sittings are in alternative weeks. The sitting of NGT is during 1st and 4th week of every calendar month.

Following are the arrangements provided to set up the Bench

i. The Old High Court Hall No. VII and its chamber in the Old High Court campus which was already allotted for the camp sitting of the Kerala Administrative Tribunal has been provided for the camp sitting of the NGT.

ii. The Court Hall and Chambers for the members will be common for both the Tribunals. Separate space for office has also been provided near the Court Hall for the Tribunal.

iii. The Hon"ble Members shall be declared as Guest of Government whenever they come to Ernakulam to attend the sitting of the Tribunal.

iv. Necessary directions have been given to Secretary, Public Works Department, Government of Kerala to make necessary arrangements to provide accommodation to the Staff Members of NGT at PWD Rest House, Ernakulam, whenever they come to Ernakulam to attend the sitting of the Tribunal.

v. The Registrar, High Court of Kerala has directions to provide Computer and printer, one each in the Court room and in the space provided to staff along with Internet facility by meeting expenditure from the feasible Head of Account of Registrar."

In the above statement it has been stated that the State in its turn has taken all measures for setting up of the Circuit Bench at Ernakulam and it is the time for the National Green Tribunal to start sitting at Ernakulam at the earliest. The following has been stated by the Assistant Solicitor General of India in paragraph 4 of the statement:

"4. In order to commence the Circuit Bench, there are essential infrastructural requirements which are to be provided by the State of Kerala and the Hon"ble High Court of Kerala to the NGT. The appropriate essential infrastructure for holding the sitting of the Tribunal includes:

(a) A Court room equipped with all essential support like Computer with all electrical appliances, stationery items, etc.

(b) Two Chambers for Hon"ble Judicial and Expert Members and rooms for Stenographer/Court Master and staff etc., in the premises of High Court of Kerala.

(c) Accommodation for Staff Members.

(d) Hon"ble Members who are to hold the Circuit Bench, be declared as State guest by the State of Kerala.

In addition to above infrastructure and facility support, cases should be transferred from Kerala High Court to NGT (Bench at Kochi).

2. In view of the above statement, which has been brought on record, now we see no impediment in starting the Circuit Bench of the National Green Tribunal at Ernakulam. Respondents 1 to 3 shall take appropriate steps to start sitting of the Circuit Bench of the National Green Tribunal at Ernakulam at the earliest.

The Writ Petitions are closed.