

# K Gemini vs Union Of India Rep. By The Secretary To ... on 31 May, 2021

**Bench: K Ramakrishnan, K. Satyagopal**

Item No.3:

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No.16 of 2019 (SZ)

(Through Video Conference)

IN THE MATTER OF:

K. Gemini,  
S/o. Kannupaiyan  
Aged about 53 years,  
5/1-34, Rettaipulliyamaram  
Raman Nagar Post, Mettur Dam  
Salem District - 636 403.

...Applicant(s)

Versus

The Union of India  
Rep. by the Secretary to Government  
Ministry of Environment, Forests &  
Climate Change, III Floor, Pritvi Wing,  
India Paryavaran Bhavan  
Jor Bagh, New Delhi - 110 003 and Ors.

...Respondent(s)

Date of Order: 31.05.2021.

CORAM:

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

HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s):

Ms. J. Dayana represented  
Mr. T. Sai Krishnan.

For Respondent(s):

Mr. Ashik Ahamed represented  
Mr. G.M. Syed Nurullah Sheriff for R1.  
Dr. V.R. Thirunarayanan for R2.

Page 1 of 5  
Mr. C. Kasirajan through

Ms. D. Ashwini for R3.  
Mr. N.L. Rajah, Senior Advocate along with  
Mr. T. Ravichandran for R4.

ORDER

1. The above case has been posted today for consideration of further report and for hearing.
2. When the matter came up for hearing today through Video Conference, Ms. J. Dayana represented Mr. T. Sai Krishnan, counsel appearing for the applicant. Mr. Ashik Ahamed represented Mr. G.M. Syed Nurullah Sheriff, counsel appearing for the 1st respondent, Dr. V.R. Thirunaryanan represented 2nd respondent, Mr. C. Kasirajan through Ms. D. Ashwini represented 3rd respondent and Mr. N.L. Rajah, Senior Advocate along with Mr. T. Ravichandran represented 4th respondent.
3. The learned counsel appearing for the 4th respondent has filed a memo along with a death certificate of the applicant stating that the sole applicant died on 23.04.2021.
4. The learned counsel appearing for the applicant wanted time to take steps.
5. Further, in an environmental matter, the death of the applicant will not abate the proceedings, as once any environmental issues are brought to the notice of the Tribunal, the Tribunal can continue with the proceedings in spite of the death of the applicant who filed the application raising the environmental issue.
6. The learned Senior Advocate appearing for the 4 th respondent submitted that as regards the issues raised in the application is concerned, the same has been answered by the 1st respondent by filing their further statement as directed by this Tribunal and the other contention that 4th respondent is continuing the operation of the unit without getting necessary consent from the authorities is also falsified by documents produced the 4th respondent as well as by the official respondents and the matter can be disposed of.
7. It may be mentioned here that when the report came, there was certain general impact of contamination caused in that area and direction has been given to conduct a general study and only after getting such a report, this Tribunal can finally dispose of the case, giving directions, if any, required for abating the possible pollution of contamination, if any, that is being caused on account of the contribution from the 4th respondent unit as well.
8. So, we do not want to dispose of the case, as requested for by the Senior Advocate appearing for the 4th respondent unit without getting that report and finally disposing the matter considering the general environmental issues that are being projected in the report submitted by the earlier committee.

9. The committee members wanted some more time to file a report, as according to them, because of the pandemic situation, offices are closed and they could not coordinate the members and conduct the study as directed.

10. Considering the circumstances, we feel it appropriate to grant some more time to the committee to file a report as directed. They are directed to file the report on or before 16.07.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

11. If the report is not forthcoming, then this Tribunal can consider the remaining aspects and try to dispose of the case, giving further directions in this regard, if any, required.

12. In the meantime, the learned counsel appearing for the applicant is also directed to take steps to implead the legal heirs of the applicant or substitute with any other person interested in proceeding with the matter.

13. The Registry is directed to communicate this order to the members of the committee as well as to the Tamil Nadu Pollution Control Board by e-mail immediately so as to enable them to comply with the direction.

14. For steps, consideration of further report and for hearing, post on 16.07.2021.

Sd/-

..... J.M. (Justice K. Ramakrishnan) Sd/-

..... E.M. (Dr. K. Satyagopal) 31st May, 2021. Mn.