

ITEM NO.57

COURT NO.4

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5563/2023

(Arising out of impugned final judgment and order dated 17-02-2023 in IA No. 1/2023 passed by the High Court Of Kerala At Ernakulam)

YESHWANTH SHENOY

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(IA No.58002/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.58003/2023-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 24-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

It is pointed out that the order passed by the National Green Tribunal (NGT) dated 27.05.2021 against which the Civil Appeal No.4643/2021 was preferred which came to be dismissed by this Court and though it was pointed out the High Court has granted the stay of the very order against which the appeal and the review have

been dismissed by this Court. It is submitted that when it was pointed out to High Court, the High Court has dismissed the impleadment application of the petitioner by observing that there was no suppression by the writ petitioner before the High Court/State Government. It is submitted however that the High Court ought not to have granted the stay of the order dated 27.05.2021 of the NGT against which the appeal was dismissed by this Court.

Issue notice, returnable on 17.04.2023.

Dasti, in addition, is permitted.

In addition, notice upon the State be served through the Office of Advocate General of the State as well as on the Standing Counsel of the State of Kerala.

It is reported that the proceedings before the High Court are conducted on day to day basis and the interim order passed by the High Court staying the order passed by the NGT dated 27.05.2021 has been issued which shall be in the teeth of the order passed by this Court dismissing the appeal as well as the review.

Therefore, the Registry is directed to communicate these orders to the Registrar General of the High Court to place the present order before the High Court in the pending proceedings which may be taken into consideration by the High Court while hearing the proceedings before it and while extending the stay granted earlier staying the

order passed by the NGT dated 27.05.2021 against which the Civil Appeal was preferred before this Court which came to be dismissed and subsequently the review application also came to be dismissed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR