

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Application No.141, 159, 166, 167 & 187 of 2016 (SZ)**

**Application No.141 of 2016**

In the matter of

*Suo motu* proceedings initiated based on the news item published in "The Hindu" dated 18.6.2016, under the caption "Activists oppose plan to widen Girivalam path"

**Application No.159 of 2016**

J. Muhilan  
Hohm Sahaj Trust  
Tiruvannamalai .. Applicant

**Application No.166 of 2016**

P.K. Dhananjayan  
Tiruvannamalai .. Applicant

**Application No.167 of 2016**

S. Krishna Kumar  
Anna Nagar, Chennai .. Applicant

**Application No.187 of 2016**

Venkatesh Santhana  
Adi Annamalai .. Applicant

Vs

Union of India .. 3<sup>rd</sup> respondent in  
Rep. by its Secretary Application No.187/2016  
Ministry of Environment & Forest  
New Delhi

The Secretary to Government of .. 1<sup>st</sup> respondent in  
Tamil Nadu Application No.141/2016  
Department of Environment & Forests 2<sup>nd</sup> respondent in  
Fort St. George, Chennai Application No.187/2016

The Secretary to Government 2<sup>nd</sup> respondent in  
Government of Tamil Nadu Application No.141/2016  
Public Works Department  
Fort St. George, Chennai

The State of Tamil Nadu .. 1<sup>st</sup> respondent in  
Rep. by Home Secretary Application No.166/2016  
Chennai

Chief Secretary .. 4<sup>th</sup> respondent in  
Tamil Nadu, Chennai Application No.167/2016

The District Collector .. 1<sup>st</sup> respondent in  
Tiruvannamalai Application Nos.159,167 & 187/2016  
2<sup>nd</sup> respondent in

	Application Nos.166/2016 3 <sup>rd</sup> respondent in Application No.141/2016
The District Forest Officer Tiruvannamalai	.. 2 <sup>nd</sup> respondent in Application No.167/2016 3 <sup>rd</sup> respondent in Application No.159 & 166/2016
District Revenue Officer Tiruvannamalai	.. 5 <sup>th</sup> respondent in Application No.167/2016
The Divisional Engineer National Highways Department Tiruvannamalai	.. 2 <sup>nd</sup> respondent in ApplicationNo.159/2016
The Divisional Engineer Highways Department Tiruvannamalai	4 <sup>th</sup> respondent in Application No.166/2016
(Asst. Dvn Engineer) Tiruvannamalai	3 <sup>rd</sup> respondent in Application No.167/2016 4 <sup>th</sup> respondent in Application No.166/2016
The Divisional Engineer Tamil Nadu State Highways Dept Tiruvannamalai	.. 5 <sup>th</sup> respondent in Application No.159 of 2016
The Executive Engineer Public Works Department Tiruvannamalai	.. 4 <sup>th</sup> respondent in Application No.159 of 2016
The Chairman Tamil Nadu Pollution Control Board Chennai	.. 4 <sup>th</sup> respondent in Application No.141/2016
The District Environment Engineer TNPCC, Tiruvannamalai	.. 5 <sup>th</sup> respondent in Application No.166/2016
The Commissioner Tiruvannamalai Municipality	6 <sup>th</sup> respondent in .. Application No.166/2016
Counsel appearing for applicant	
M/s. R. Raman Laal M. Selvaraj	.. Application No.159/2016
M/s. K. Narayana K.T.S. Sivakumar & C.S. Loganathan	.. Application No.166/2016
M/s. V. Natarajan R.M. Jayabalan	.. Application No.167/2016
M/s. D. Nagasaila, V.Suresh C.P. Moses, N.S. Tanvi	.. Application No.187/2016
Counsel appearing for respondents	
For respondent Nos.1 & 3 In Application No.141/2016	

For respondents 1 to 5  
In Application No.159/2016

For respondent No.3  
In Application No.166/2016

For respondents 2 & 5  
In Application No.167/2016

For respondents 1 & 2  
In Application No.187/2016

.. M/s. M.K. Subramanian  
E. Manoharan & P. Velmani

For respondent No.2  
In Application No.141/2016

For respondent Nos.1,2,4,5 & 6  
In Application No.166/2016

For respondent Nos.1 & 4  
In Application No.167/2016

.. Mr. E. Manoharan

For respondent No.4  
In Application No.141/2016

For respondent No.5  
In Application No.166/2016

.. Mrs.H. Yasmeen Ali

For respondent No.5  
In Application No. 141/2016

.. V.K. Rema Smirithi  
Sindhu Suresh

For respondent No.3  
In Application No.187/2016

.. Mrs M. Sumathi

#### ORDER

Present

**Hon'ble Shri Justice Dr.P.Jyothimani, Judicial Member**

**Hon'ble Shri P.S.Rao, Expert Member**

30<sup>th</sup> May, 2017

Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

Based on a news item appeared in "The Hindu" English - Daily Newspaper dated 18.6.2016, on the caption "**Activists oppose plan to widen Girivalam path**" wherein the environmentalists and activists are stated to have apprehensive that such widening of Girivalam path could

cause permanent damage to the sacred grove eco-system, the Tribunal has taken up the matter *suo motu* on 4.7.2016 in Application No.141 of 2016 and directed issuance of notice to the following officers:

1.The Secretary to Government of Tamil Nadu

Environment and Forest Department, Fort St. George, Chennai

2. The Secretary to Government of Tamil Nadu

Public Works Department, Fort St. George, Chennai

3. The District Collector, Thiruvannamalai

4. The Chairman, Tamil Nadu Pollution Control Board, Chennai

2. It is further stated that the proposal of widening of Girivalam Path at a cost of Rs.65 Crore is for creating a lane of 7 m to 10 m width for the passage of pedestrians/pilgrims and first phase of the work having been already started at Chengam Road Section, several Tamarind and Rain trees existing close to the road and Sonagiri Forest were felled for expansion. Further, the report has referred to the statement made by a Bird Watcher that Sonagiri Forest is home to unique birds like Paradise Fly Catcher, Indian Blue Robin, Tickell's Blue Fly Catcher and Mottled Wood Owl and several migratory birds within the forest and is also the habitat for wild animals like Deer, Jackals, Porcupines and Scalyanteaters and that the hill which is a forest area, contains various kinds of trees like Kadambu, Maruthu, Azhinji and Iluppai trees. The report further stated that the District Collector who is stated to have informed that the work has been stopped and reassessment is being done and that initially the District Administration planned to cut 218 trees which was subsequently reduced to 125 trees and for cutting of every tree, there was a plan to grow 20 trees and saplings have been planted in the place where trees were cut on Chengam Road.

3. It was by taking note of the plan of the District Administration in cutting large number of trees, in the order dated 4.7.2016, we have directed the respondents not to cut or uproot trees in the Girivalam Path until further orders and directed the District Collector, Thiruvannamalai to file status report, indicating the number of trees to be cut and the other proposal.

4. One, Arumugam Dakshinamoorthy, a resident of the area filed M.A.No.123 of 2016 to implead himself and he was subsequently impleaded as 5<sup>th</sup> respondent in Application No.141 of 2016.

5. In the meantime, various private persons have filed separate applications. Application No.159 of 2016 came to be filed by one, J. Muhilan, stated to be one of the Trustees of Hohm Sahaj, founded on the instruction of Yogi Ramsurat Kumar for feeding Sadhus, providing health care and also constructed toilets free of cost to the poor people. He has stated that the path along the Arunachaleswarar Temple is dedicated to Lord Shiva in Thiruvannamalai at the foothills of Annamalai which itself is regarded as Lord Shiva and the path along the hills called Girivalam is in the stretch of 14 KM road and on the Full Moon day, pilgrims do their Pradakshana on the Girivalam Pathway, commencing from 16 Pillar Mandapam situated on the Eastern side of the temple and go through Thiruvoodal Street, Chengam Road, Pei Gopuram Street and Somavara Kula Street etc., ending at the same 16 Pillar Mandapam.

6. According to the applicant, the official respondents have attempted to remove the trees in Chengam Road having large green cover with standing trees of more than 100 years and according to the applicant, there is no necessity to widen the Girivalam Path, since all these years the Girivalam is going on smoothly. Even otherwise, without changing the

alignment of Girivalam Path and without cutting of any trees, widening can take place and therefore, the applicant has prayed for permanent injunction against the District Collector from cutting or removing any tree in the Girivalam Path around Annamalai Hill without mandatory clearance from various authorities.

7. Likewise, one, S. Krishnakumar, a resident of Chennai, has filed Application No.167 of 2016, praying for a permanent injunction against the District Collector and District Revenue Officer, Thiruvannamalai from widening the Girivalam path and felling of trees for the said purpose.

8. According to the applicant, the passage of pilgrimage where the devotees gather in large number by walking, consists thick green cover of forest and by the process of urbanisation, the flora and fauna and the environment around the hill are attempted to be affected. This is particularly with reference to Sonagiri Forest which falls on the Pradakshana route. According to the applicant, inspite of the interim order passed by this Tribunal, the respondents are attempting to remove the trees. Such conduct is against the direction issued by the Hon'ble Supreme Court, the National Green Tribunal, Southern Zone Bench and violative the provisions of Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986, Bio Diversity Act, 2002, Water (Prevention and Control of Pollution) Act, 1974 (Water Act) and Air (Prevention and Control of Pollution) Act, 1981 (Air Act).

9. The applicant further states that no environment impact study was conducted before the implementation of the scheme and it is not known as to the number of trees which are to be cut and damaged and by virtue of the proposed conduct, the bio diversity and eco system of the area will be

affected. That apart, large number of rainwater tanks locally known as Theerthams (Kulams) are existing from time immemorial in the Girivalam passage which keep the groundwater level intact and because of the negligence of the administration in not maintaining the Kulams properly, enormous damage has been caused to the environment.

10. It is the further case of the applicant that by widening of the road, it is bound to increase the vehicular traffic, causing pollution, apart from causing loss of life by virtue of the accidents due to rash and negligent driving etc. In addition to that, there will be increase in the noise pollution. It is further stated that during Full Moon Day there is influx of huge crowd and the authorities have not taken any steps for the purpose of regulating the crowd and disposal of garbage generated in large extent with the result the sacred tanks are affected.

11. The attempt of the Public Works Department in putting up of the buildings or bridges over the holy Theerthams only adds to the environmental damage and in fact over hundreds of years the rainwater drains never faced flood or water stagnation and by the attempted construction of bridges etc, the solid waste and debris will be stagnated resulting in mosquito breeding and the authorities are not taking care of improving the infrastructure. Further extension of road will result in entering into the adjacent Sonagiri Reserve Forest and people who have to walk 14 KM distance bare foot will be deprived of shade bearing trees and therefore the scheme is ill-conceived.

12. The applicant further states about the presence of Sadhus around the hill and by the proposed expansion, sacred places which are actually worshipped by large number of devotees will be affected. It is stated that

during Karthigai Dheepam Festival more than 2 Million people walk through Girivalam Passage without any disturbance and this has been going on for hundreds of years in the 14 KM stretch and there is no reason to destroy the pristine environment by cutting of trees in the name of expansion of the passage. It is the need of the hour that there will be a proper survey and management for the groundwater table. The problem of Kulams not being filled with rainwater in the hill area is due to blocking of rainwater flow happening due to construction activities. The authorities, instead of attempting to expand the road portion, should provide pure drinking water to devotees, enhance sanitation, garbage management and medical facilities, apart from propagating green energy. The applicant has also referred to historical importance of the hill on the basis of geological, architectural and religious character apart from cultural heritage issues stating that the heritage of Arunachala is supreme wealth for realisation of self knowledge.

13. One, Mr. P.K. Dhananjayan, a Practising Advocate and resident of Thiruvannamalai, who is the Founder and Director of Rural Education and Agricultural Development Trust, has filed Application No.166 of 2016 for giving a direction to the official respondents to initiate road widening project in Girivalam Path in Thiruvannamalai Town without cutting trees.

14. While supporting the expansion of Girivalam Passage, it is stated that Thiruvannamalai is Agni Shetra, one among the Five Elements (Pancha Bootha) and is also one of the important reference places of 18 divine places and there is a belief that Lord Shiva is existing in the form of Thiruannamalai. He has also referred to various Saints who lived in Thiruvannamalai stating that it is one among the three places in the world



which has strong Cosmic Energy (Brahmam), apart from Rishikesh and mountain at Peru (South America). In the Girivalam Passage there are eight Lingams (Ashta Lingams) namely, (1) Indira Lingam (2) Agni Lingam, (3) Yama Lingam (4) Nirudhi Lingam (5) Varuna Lingam (6)Vayu Lingam (7) Kubera Lingam and (8) Esanya Lingam. According to him, there were originally 350 sacred ponds around the sacred mountain of Thiruvannamalai.

15. The Tamil Nadu Government has sanctioned Rs.65 Crores for widening of the Girivalam Passage in the extent of 14 KM. After implementation of the expansion project, the administration has started cutting of trees and digging drainage lines which amounts to attempting to destroy the sacred place. He also submits that he is one among the people who have given representation for the expansion project without cutting the trees on both sides of Girivalam Passage.

16. He is also stated to have filed a Public Interest Litigation in the High Court of Madras in W.P.No.23173 of 2016 and before the Hon'ble First Bench it was informed that the same issue has been taken up by the National Green Tribunal and interim order has been granted, the High Court has given liberty to the applicant to move the National Green Tribunal and accordingly he has filed the said Application No.166 of 2016.

17. Likewise, one, Mr. Venkatesh Santhana, stated to be an ardent devotee of Arunachala and a resident of Thiruannamalai, living there for more than a decade, filed Application No.187 of 2016 praying for a direction to the respondents not to carry out any developmental activities and preserve, protect and conserve flora and fauna on the Annamalai Hill around the Girivalam Path.

18. According to the applicant, the Girivalam Path is in existence for more than 900 years, from Pandiya dynasty and therefore the Girivalam itself is of tremendous historic and cultural value and it does not require any alteration like laying of tar road introducing urbanisation which would affect the sanctity of the area. He also reiterated that by such development, there will be an increase in traffic, causing inconvenience to large number of devotees, apart from disturbing several species of trees which provide shade and protection to the devotees from scorching sun.

19. According to the applicant, there are 746 species of plants and animals in the hill out of which some are endangered and some are threatened species. The applicant has stated that the proposed expansion is learnt to be in six sections out of which two are within Thiruvannamalai Town. Second Section is relatively developed area. The 3<sup>rd</sup> section contains sacred groves and forest and 4<sup>th</sup> section mainly consists agricultural land near Adi Annamalai Village and the 5<sup>th</sup> section is a semi-developed region and there are 1,300 trees along the path, which provide shade to the devotees besides housing several species of birds some of which are endangered.

20. He has also stated that Annamalai Hill and the entire area should be treated as 'Forest' by applying the definition extended by the Hon'ble Supreme Court in T.N. GODAVARMAN THIRUMALPAD V. STATE OF TAMIL NADU & OTHERS (1997) 2 SCC 267. Further, under the Bio Diversity Act, 2002, the State Government has a duty to notify the biodiversity hotspots and the Government of India has an obligation to make study and the proposed expansion has been taken up without any

scientific study and according to the applicant no such expansion is required.

21. The District Collector, Thiruvannamalai in his common reply dated 16.7.2016 has stated that Abitha Kujalambal Sametha Arunachaleswarar Temple which is an ancient temple, situated at the heart of Thiruvannamalai Town is one of the biggest temples in South India. The temple is stated to be 1,000 years old, patronised by great Saints and Poets of Tamil Nadu and on the Full Moon day of every month Girivalam of several lakhs of devotees takes place. It is stated that the length of entire path of Girivalam is 14 KM and there is a strong belief that during Full Moon day Siddhas are moving in the passage. Further, during Karthigai Deepam Mahotsavam, several lakhs of devotees participate and undergo Girivalam ritual.

22. According to the District Collector, for all these years and presently, the Girivalam path is inadequate to cater to the movement of devotees, causing much inconvenience to them as well as the administration and if any untoward incident happens, it may lead to disastrous consequences and therefore it was felt inevitable to widen and improve the Girivalam Path by forming separate foot path for convenience of devotees. It is further stated that during the Girivalam and auspicious days, the entire stretch is occupied by pedestrians/devotees and no vehicular traffic is allowed. Therefore, it is necessary to make facilities for the movement of emergency vehicles like ambulance, fire tender vehicles during those days.

23. It was in those circumstances, the Hon'ble Chief Minister of Tamil Nadu has announced on the Floor of the Assembly that the Girivalam Path must be widened, providing foot path and water supply in the 14 KM long

route, in the interest of devotees. It was in accordance with the said announcement made on the Floor of the House on 25.9.2015, the Tamil Nadu Government passed G.O.Ms.No.113 dated 7.10.2015 for widening, improving and constructing foot path etc.

24. According to the District Collector, in the 14 KM stretch, 847 live trees were identified by the Highways Department. It was initially decided to cut 347 trees and a request was made to the Revenue Divisional Officer, Thiruvannamalai for approval. However, on inspection by the Revenue Divisional Officer, Thiruvannamalai along with the Assistant Divisional Engineer (H), Thiruvannamalai, it was found that number of trees to be cut to be reduced to 218 and accordingly the Revenue Divisional Officer, Thiruvannamalai has issued proceedings dated 27.5.2016. However, on a direction of the District Collector to further minimise cutting of trees, another joint inspection was made consisting of Revenue Divisional Officer, Thiruvannamalai along the Divisional Engineer (H), Thiruvannamalai, the Assistant Divisional Engineer (H), Thiruvannamalai and other officials and it was decided to further reduce the number of trees to be cut to 125 in the proceedings of the Revenue Divisional Officer, Thiruvannamalai dated 10.6.2016 and therefore ultimately it is decided to cut only 125 trees and according to the District Collector, they are not valuable trees and the details of every tree is available.

25. The District Collector has further stated that the expansion is stipulated in six stretches viz.,

i. Pondy – Krishnagiri Road - KM 105/9 – 108/8

ii. Hill Round Road – KM 0/0 – 2/0

- iii. Sonagiri Forest area – KM 0/6 – 1/0
- iv. Hill Round Road – KM 2/0 – 5/2
- v. Tiruvannamalai - Kanji Road – KM 0/0 -2/6
- vi. Cuddalore - Chittoor Road – KM 108/2 – 110/0

However, it is stated by the District Collector that out of six stretches, it is proposed to do widening only in five stretches and expansion work in Sonagiri Forest viz., third stretch will not be done now, but will be commenced only after obtaining proper permission from the Forest Department.

26. The District Collector has given the number of trees to be cut in each of the stretches which are as follows:

*“1. Pondy - Krishnagiri Road K 105/9 – 108/8:-“*

*For this work, originally 26 trees were to be cut taking into account the construction of drain work. Subsequently, the drain was moved away from the trees and thus 19 trees were deleted from cutting list and now only 7 trees falling in the widening portion have to be cut. I state that 2,000 saplings are being raised in the Highways Office Complex and during the monsoon these saplings will be planted wherever space is available in this road and this apart it is also decided to plant 20 saplings for each tree to be cut. I state that various NGO organizations also will be taking part in this.*

*II. Hil Round Road Km 0/0 – 2/0:-*

*In this stretch, no trees are proposed to be cut on both sides. The paver blocks will be placed around the trees in the form of round/square gratings wherever trees are available and only shrubs, bushes will be removed.*

*b. In this stretch, “X” symbols have been marked on the trees in green colour. This symbol and marking has been misunderstood by the public that these marking indicate that the trees are to be cut however the position is contrary as these markings is to indicate trees will not be cut, however, this cloudy mist in the minds of the public needs to be cleared.*

*III. Km 0/6 – 1/0: Sonagiri Forest Area:-*

*No work will be done in Sonagiri Forest Area without proper permission from the concerned authorities. However, it is a temple land and not a forest.*

*IV. Hill Round Road Km 2/0 – 5/2:-*

*In this stretch, it is proposed to cut 63 trees on right side of the existing road. These trees are not valuable and for each tree 10 saplings will be planted. These tree data are available.*

*V. Thiruvannamalai - Kanji Road 0/0 – 2/6:-*

*In this stretch, on right side 12 trees need to be removed for widening and on left side for providing paver blockway for the pedestrian 43 trees need to be removed. These trees are not valuable and for each tree 10 saplings will be planted.*

*VI. Cuddalore - Chittoor Road KM 108 -2 – 110/0:-*

*No trees are being removed in this stretch. Only lend to lend BT widening is proposed.”*

27. It is stated that out of the 125 trees which are proposed to be cut ultimately, for which appropriate permission from the concerned authorities have been obtained, it is proposed to plant nearly 3,000 saplings to compensate the loss of trees and enhance the environment. The District Administration, along with the Forest Department, Highways Department and NGO has to plant as many number of trees as possible and already, 2,000 saplings are being raised on the Highway Complex. It is further stated that six trees have fallen due to wind and rain when the widening work was in progress and they were not cut by the Department. It is not as if the trees were felled, but they have fallen due to excavation of earth. However, sufficient steps will be taken to ensure adequate care so that trees do not fall during the execution of work. It is reiterated that in Sonagiri Forest no trees will be cut without permission of the authorities and only 125 trees will be cut for which permissions were obtained and only

unimportant shrubs and bushes will be removed strictly restricting to the requirement and not beyond.

28. Therefore, ultimately the District Collector has stated that 125 trees proposed to be cut are in three stretches viz.,

Pondy – Krishnagiri Road - KM 105/9 – 108/8 .. 7 Trees

Hill round Road KM 0/0 – 5/2 .. 63 Trees

Tiruvannamalai – Kanji Road KM 0/0 – 2/6 .. 55 Trees

It is stated that for each of the trees to be cut, 10 new saplings will be planted, at the time of expansion wherever necessary, apart from planting 3,000 saplings in the entire area. The said activity is required for the larger interest of the public, taking into consideration the bare minimum number of trees to be cut. The Government's direction in G.O.Ms.No.704 Public (Misc.) Department dated 3.8.2010 has also been taken into consideration. Therefore, it is reiterated that the present infrastructure is not sufficient to meet the enormous requirement of the pilgrims and to avoid any untoward incident the proposal of expansion is brought in and it is not against the interest of environment.

29. The Tamil Nadu Pollution Control Board in the reply dated 3.11.2016 has stated that as per the orders of the Tribunal dated 4.7.2016, the District Collector, Thiruvannamalai, the District Revenue Officer, the Divisional Engineer, National Highways, District Forest Officer, the Executive Engineer, P.W.D. R.D.O, the District Environmental Engineer of the Pollution Control Board, Thiruvannamalai have inspected the path on 6.7.2016. Regarding the work to be carried out in 14 KM stretch, the same is spilt into six. The Board has also stated that it will take all necessary

steps towards the environmental protection and comply with the directions of the Tribunal.

30. After hearing the learned counsel appearing for the applicants as well as Mr. Ayyathurai, learned Additional Advocate General and Mr. E. Manoharan, learned Special Government Pleader at some length on a preliminary basis in respect of the developmental activities proposed in Stretches I, II, III, IV and V namely, Southern side of the temple starting from Kamarajar Statue ending at Chengam Road (Pondy – Krishnagiri Road) with a length of 2.9 KM (KM – 105/9 – 108 – 8 SHQ 161) starting from Niruthilingam for widening the road to an extent of 10 M towards hill side and also to provide separate foot path in an extent of 2.0 KM (Hill Round Road) (KM 0/0 – 2/0 M 660), from Niruthi Lingam to Vayu Lingam (Hill Side Road), measuring 3.20 KM (KM 2/0 – 3/4 & 3/9 - 5/2 M 660), from Vayu Lingam to Esanya Lingam in Tiruvannamalai – Kanchi Road, measuring 2.60 KM (KM 0/0 – 2/6 (M 503) and Cuddalore – Chittoor Road measuring 1.80 KM (108/2 – 110/0 SH 9) respectively and considering the topography sketch produced by the Additional Advocate General, the Tribunal has expressed prima facie view in the order dated 23.8.2016 which are as follows:

1. *In areas which are situated in the limits of Tiruvannamalai town, widening of road is necessary, however without cutting any trees;*
2. *Widening of road on either side is permissible provided they are not laid with tar road and laid only with mud road in order to avoid cutting of maximum number of trees and simultaneously, provide mud passage for the pilgrims;*
3. *It is necessary to earmark a portion of the tar road for free movement of Ambulance, Police Van, Fire Fighter or any Emergency Vehicle, in the existing tar road;*
4. *It is incumbent on the part of the respondents to remove all the unauthorized and illegal encroachments existing on both*



*sides of the Girivalam path. However, this may not include the small vendors and hawkers who use portion of the road margins during the time of Girivalam without putting up any structures either temporary or permanent and without obstructing free passage of pilgrims.*

5. *It is the equal duty on the part of the Government to preserve all the water bodies which are in existence, of course, with proper maintenance including desilting and all ponds as it is in existence as on today;*
6. *If the height of the existing tar road has been increased, in course of time, thereby making the adjacent Temples to lie below the road surface, the Government should take appropriate action not to increase further the level of the road, which will facilitate free flow of rain water and prevent flooding of the main Temple as well as other Temples which are situated around the Girivalam path. The respondent-Authorities shall not interfere with any of these small Temples situated along the Girivalam path except when they are found to be encroached."*

31. It was in that prima facie view and in order to give opinion after visiting the entire place of Girivalam Passage and after hearing the public, the Tribunal has constituted a Two Member Committee consisting of Hon'ble Mr. Justice J.A.K. Sampath Kumar, Retired Judge of the Madras High Court and Dr. T. Sekar, I.F.S (Retired), Former Principal Chief Conservator of Forests, Tamil Nadu to conduct a detailed enquiry and find out proper measurements in all the stretches of Girivalam Path and give their opinion, particularly in respect of the following:

*"(i) Measurements for widening the path to be identified in respect of stretch 1 and stretch 5 as to which portion of the same are situated within the Tiruvannamalai Town.*

*(ii) Whether in such places widening can be permitted with tar road without removing any trees.*

*(iii) In stretches 2, 3, 4 and 5, the possibility of widening of the road with mud / gravel without removing any trees but at the same time, providing passage for the people to use for their free movement.*

*(iv) The possibility of earmarking a portion in the existing tar road for the movement of Emergency*

*Vehicles like Ambulance, Police Van, Fire engines and Water tankers.*

*(v) Steps to be taken for the removal of encroachments on both sides of Girivalam path.*

*(vi) Preservation of all water bodies, particularly, while widening the culverts not affecting the existing water bodies but the drainage into the water body can be increased to maintain free flow of rain water.*

*(vii) Regarding the maintenance of height/level of the existing road, whether it should be increased.*

*(viii) To make a study about the flora and fauna existing in all the stretches. The learned counsel appearing for the applicants Mr.V.Suresh and Nagasaila, have produced a list of endangered species of flora and fauna and that requires to be verified."*

32. The Committee constituted by the Tribunal has filed its Interim Report on 27.10.2016. The Committee made a site inspection on 28.9.2016 and 15.10.2016 and has made certain interim recommendations, more particularly with reference to Stretches I, II and V which are as follows:

***"A. General Recommendations:***

*"1. The Highway Department may be permitted to take up their regular maintenance of laying the 30 mm Bitumen Concrete weathering coat over the existing BT surface from 0/000 to 2/000 of Stretch 2 and 2/000 to 3/400 and 3/900 to 5/200 km in Stretch 3 as requested by the Divisional Engineer, Highways department.*

*2. Considering the safety concerns of the pilgrims undertaking Girivalam in the night hours, the District Administration may be directed to ensure proper illumination by taking up immediate measures to install adequate street lighting in the entire stretch of 14 km, especially along the Hill round road in Stretches 2 and 3.*

*3. The cement concrete foundation laid in the drainage channel excavated to a length of 600 on the right side of Stretch 2 from 0/000 to 0/600 km may be ordered to be removed and the excavated earth completely filled up and closed immediately by the Highways department to safeguard the standing avenue trees, the root systems of which have been exposed and to avoid any risk of pilgrims falling into it.*

4. The height of the tree guards around planted seedlings may be ordered to be raised to 7.0 feet by the Highways department to prevent damage to seedlings from browsing and vandalism.

*B Specific Recommendations:*

*Stretch 1:*

5 The road widening to the proposed width including the side drains wherever necessary, provision of centre median, reconstruction of existing culverts and development of one new culvert in Stretch 1 may be permitted to be carried out by the Highways department subject to the following conditions:

a) The Highways Department may be permitted to cut only one tamarind tree in Sl.No.4 (on Left Side at 107/000), as it is found inevitable for the road widening at this point. This is more so in consonance with the 23-08-2016 findings of the NGT (SZ) i.e., to avoid cutting of maximum number of trees'. The Department will suitably align the side drain on the right side of the road without having the need to fell trees No 1,2 and 3 and these trees are to be retained. Trees No.5, 6, 7 also will be retained and suitable re-alignment will be followed by the Highways to achieve this retention.

b) The Highways department may be permitted to remove all encroachments along this stretch that are found to be obstructing the widening of the road stretch to the deigned width.

c) In part of the Stretch 1 from 107/350 to 108/750 km, paver block walk way ranging from 1.5 to 5.0 on both the sides of the BT surface of the road may be permitted to be provided, depending on the availability of Highway land, so as to serve as a dedicated pedestrian way for the public, who undertake Girivalam on non-Pournami as well as Pournami days.

d) The Highways Department shall provide speed breakers of suitable design and signages in this stretch at appropriate points in consultation with the District Administration with the view to regulate the speed of the vehicles moving on this road and to ensure the safety of the pedestrians and pilgrims.

e) The storm water drainage flow arising from the culverts shall be suitably conveyed to the existing kulams, ponds and theerthams abutting the Girivalam path, which originally served as their outlet point. For achieving this objective, the Department shall undertake maintenance of the odais/channels leading to the receiving water bodies lying within 20 m on either side of the road as part of the project cost

*Stretch 3 (3/400 to 3/900):*

6. In respect of Stretch 3, the reach between 3/400 and 3/900 (500m) ha been proposed to be developed in a manner

*different from the rest of the length of stretch 3 (2/000 to 3/400 and 3/900 to 5/200) by the Highways department. In this stretch, on both sides of the road, residential land petty trade establishments have been developed on the patta lands by the local residents, thus restricting the scope of widening the road. In one point near Manikkavasagar temple (3/800), the existing riding surface has a maximum width of only 6.1 m. Creating a bottle neck like condition. The proposal of the Department is to widen the BT surface to a width of 8.5 m to 18 m with provision of side drains on both end of the road. As a part of road widening, the Department proposed to cut 9 trees on the right side of the road in this stretch.*

*In our opinion, widening of road in this stretch of 500 m calls for urgent action to meet the exigencies that will arise during the ensuing Karthigai deepam Girivalam in December 2016. In view of the above peculiar situation on ground, the Highways Department may be permitted to widen the road with BT surface between 3/400 and 3/900 (500m) on the Highway land to the width ranging from 10.5 m to 18 m and to provide side drains of 1.5 m on both sides of the BT road, subject to the following conditions:*

*a) The Highways Department shall retain all the nine trees along this road, which it originally proposed to cut while widening the road. The Department will suitably re-align the road and side drains to achieve this retention.*

*b) In view of the facts explained regarding the road length between 3/400 to 3/900 in Stretch 3, we are of the opinion that if the compound wall of Manikkavasagar temple alone is removed, without touching the wall of the main structure of the temple at Adiannamalai, the proposed Girivalam path at this junction could be extended upto a width of 13.5 meter. Because of the personal visit by the Committee at this junction and taking into consideration of the topographical position and the views expressed by the villagers and the Applicants herein, we have advised the Highways department officials to extend the road upto 13.5 meter at this junction. More so in view of the finding rendered by the Hon'ble Green Tribunal, removal of the compound wall, which is an encroachment in the Highways land is permissible.*

*c) The Highways department shall remove all other encroachments along this stretch that are found to be obstructing the widening of the road stretch land provision of side drain to the designed width.*

*d) The storm water drainage flow arising from the culverts will be suitably conveyed to the existing kulams, ponds and theerthams abutting the Girivalam path, which originally serve as their outlet point. For achieving this objective, the Department shall undertake maintenance of the odais/channels leading to the receiving water bodies lying*

*within 20 m on either side of the road as part of the project cost.*

*Stretch 5:*

*7. The feasibility of forming an earthen/gravel road for facilitating the free movement of pilgrims in the stretch was examined. As seen during the site visit, the Highways department has already completed the granular sub-base work to the designed width and the WMM and BT works are progressing. The side drain works are also found to be in progress. The Highway officials explained that the box type side drains will be covered with cover slab at the top, which also can be used by the pedestrians.*

*With regard to the directions of the Tribunal on the possibility of widening this road stretch with mud/gravel, it has been examined in detail in the paras above. In view of the likely health implications and difficulty that will arise in continuous maintenance of such a road to meet the requirement of Girivalam pilgrims, widening with mud/gravel is not considered advantageous.*

*The Highways department may be permitted to continue undertaking all road improvement works as per their original proposal as ordered in the Tribunal order dated 23.8.2016 without insisting to widen the road with mud/gravel and subject to the following condition:*

*a)The Highways department may be ordered to retain the two standing trees in this Stretch.”*

33. In respect of Stretches II, III and IV the Committee required further inspection to be carried out. Based on the interim report filed by the Committee, we have heard the learned counsel appearing for the parties in the presence of Mr. Jayasekar, Divisional Engineer, Highways Department. Taking note of the fact that Karthigai Dheepam Festival was to be celebrated on 12.12.2016 which is one of the main festivals in Thiruvannaalai when lakhs of people congregate, we have issued following directions to the District Administration as well as Highways Department in our order dated 8.11.2016

*(1) No one of the standing trees at any point of stretches shall be cut by any one, including the District Administration. In fact the report states that in Stretch I even though the Highway Department wanted to cut 7 trees, they have ultimately decided to restrict the same in respect of one Tamarind tree, which is marked as Serial No.4 and situated on the left side of 107/000. In fact, the committee has recommended for*

removal of the above one Tamarind tree. During the course of argument and after referring to various photographs submitted by the parties, we expressed that the said fully grown Tamarind tree which appears to be quite healthy and not very old enough to be cut down to be retained. The Additional Government Pleader, on instructions from Mr. Jayasekar, Divisional Engineer, Highway Department who is present, has ultimately accepted that the said tree will not be cut. We record the said statement. We place on record our sense of appreciation for the immediate reply by the learned counsel and the officer concerned.

(2) None of the waterbodies existing in any of the stretches shall be interfered with by any one, including the District Administration either in the name of development or otherwise which shall include that no passage/drain for flow of rain water into the waterbodies shall be blocked/damaged by any one.

(3) However, the report refers about the digging of side drain with concrete foundation, extending to a length of 600 m on the right side of Stretch II from 0/000 to 0/600. This concrete foundation is recommended to be removed and the drain filled up by closing the same by the Highways Department in order to safeguard the adjacent standing avenue trees where root system is seen exposed because of the said digging of the drain and also to avoid risk of falling of any pilgrim in the drain.

Considering the above said aspect, we direct that the said concrete foundation laid, as stated above, shall be removed by the Highway Department and the drain shall be filled up completely. The Divisional Engineer, who is present in the Tribunal, has also stated that by completely removing the said concrete foundation and filling the side drain, the drainage system and flow of rain water is not going to be affected.

(4) No temple, religious structures, padham etc., which are situated in the entire stretch of Girivalam passage shall be either destroyed or demolished or removed by any one, including the District Administration. On the other hand, the District Administration shall maintain all the sacred places with adequate safeguards by taking all necessary measures for the benefit of the pilgrims. However, the committee in the report has stated that at one point in Stretch III where the compound wall of Manickavasagar Temple (3/800) is located, riding surface is only to a maximum width of 6.1 m while the other stretches of Girivalam path are of more than 10 m. width, thereby creating bottleneck condition in the said place. Therefore the committee felt that it is necessary to extend the width of the said portion of the path. It is stated that the compound wall of the said Manickavasagar Temple which is situated on the edge of the road leading to Adi Annamalai, has been put up by way of encroachment on the Highways. The committee during its enquiry, has found that the temple authorities as well as the public, including the applicant have no objection for removal of compound wall, so long as it does not affect the main temple as such. Therefore, the committee has recommended that if the compound wall is removed and relocated adjacent to the temple itself, there is a possibility of widening of the path in that area for more than 10 m.

Therefore we permit the Highways Department to carefully demolish the existing compound wall of the Manickavasagar Temple abutting the Girivalam path, without damaging any portion of the temple and immediately rebuild the same adjacent to the main wall of the Manickavasagar Temple, thereby widening the passage in the said area,

*to ease the congestion in the interest and safety of moving traffic more particularly for the smooth passage of pilgrims*

*We make it very clear that except at this place in stretch III, all other places shall be retained as such till we pass final orders which will be only after filing of the final report by the committee and after hearing the learned counsel.*

- (5) *The committee also felt that there is no proper illumination on the Girivalam path and during night time there is every possibility of the pilgrims facing problems. In view of the same, a suggestion has been made for issuing a direction to the District Administration to illuminate the entire Girivalam passage. We direct the District Administration to immediately take all necessary steps for the purpose of illuminating the entire Girivalam passage with eco-friendly LED bulbs.*
- (6) *The Highways Department is permitted to do the maintenance work in Stretch II and Stretch III. But we make it clear that in the guise of maintenance the road level/surface road shall not be raised under any circumstance.*
- (7) *Wherever new avenue trees are planted, the height of tree guards shall be increased up to a maximum of 7 feet to avoid the saplings being damaged. In addition to that, in Stretch I and Stretch V the District Administration shall locate appropriate open places and plant large number of native trees and maintain the same till they attain sustainability. Action taken report in this regard shall be reported before this Tribunal on the next date of hearing.*
- (8) *The Highways Department as well as District Administration shall take all necessary steps to remove all encroachments on the Girivalam passage, including Stretch I and Stretch V. However, we make it clear that in respect any of encroachment which is permanent in nature, the District Administration shall take action against such encroachment by following due process of law. The removal of encroachments shall not affect the small street vendors and hawkers who put up temporary structures in open during festival season and remove the same after the festival is over. However, we make it clear that such permission shall be granted only during time of festival and the District Administration shall see that by permitting such temporary makeshift structures, the movement of pilgrims during Girivalam and other festival seasons shall not get affected.*
- (9) *In so far as it relates to Stretch I, the Highways Department proposed to widen the existing road on both sides to an extent of approximately 2 m. There appears to be a drainage passage also on both sides. Even though the committee has reported that on both sides the proposed widening of road by laying bitumen to an extent of 2 m may be permitted, after hearing the learned counsel appearing on both sides and after referring to the photographs, we are of the view that the proposed widening of the road on the right side which faces the sacred hill, shall not be by putting bitumen - topped road and it may be by laying paver blocks to enable only the pilgrims to pass through on it.. The area beyond the said paver block shall be kept open as it is with consolidated gravel surface which shall be kept clean to enable the pilgrims to use the said area also during festival season.*

*In so far as it relates to the proposed widening of the road on the left side, which is opposite to the hill side abutting the permanent structures of the town, we leave the same to the Highways Department. However, we make it clear that while widening of the road on the left side, sufficient space must be provided for the movement of the residents and pedestrians and to prevent traffic moving upto the edge of the*

*carriageway. This will enable removal of hindrance for movement of pedestrians and also to prevent accidents. It is for the Highways Department to identify the vulnerable spots and put up suitably designed speed breakers on the passage to restrict the speed of the vehicles.*

*We direct the District Administration as well as the applicants before us to cooperate with the committee which is going to visit again in relation to Stretch II, Stretch III and Stretch IV. The interim report shall form part of the records.*

*Due to the above modified order, M.A.No.124 of 2016 stands disposed.*

*For filing of final report, the main application stands posted to 6<sup>th</sup> January 2017.”*

34. Ultimately, the Two Member Committee has filed its Final Report dated 25.1.2017 which was taken on record by the Tribunal on 27.2.2017, permitting the parties to file, response, if any, in respect of the Final Report. On 27.2.2017 Mr. Prashanth Wadnere, I.A.S, Collector of Thiruvannamalai and Mrs. R. Ponni, I.P.S, Superintendent of Police, Thiruvannamalai along with Mr. Jayasekar, Divisional Engineer, Highways Department were present in the Tribunal. In respect of the order dated 8.11.2016 permitting the Highways Department to demolish the compound wall of Manickkavasagar Temple, abutting Girivalam Path, for widening passage in the said area of Stretch No.III, the Tribunal was informed on 27.2.2017 that the compound wall was unable to be demolished due to the reason that there has been choking of sewage in the open sewerage line. Taking into consideration of the interest of public health and hygiene, the Tribunal permitted the State Highways Department to clean the drainage system, making it and that while removing the sewage no part of it shall be permitted to join with any water body or channel and shall not affect ground water. The parties have filed their response to the Final Report of the Committee dated 25.1.2017. While elaborately discussing about the inspection



conducted and enquiry made particularly in respect of the temple monuments, Theerthams, various species of flora and fauna situated in all five stretches and hearing public opinion in respect of all the stretches, the Committee has given its summary of recommendations which is as follows:

*“Stretch 1:*

*1. The Hon’ble Tribunal may kindly reconsider their interim orders dated 08.11.2016 in respect of Stretch 1 and permit the Highways Department to carry out the improvement work as recommended in our interim report.*

*2. As regards, the tamarind tree on left side of the road at 107/000, cutting of the same may be permitted.*

*Stretch 2:*

*1. The Highways department may be permitted to maintain the BT road to the existing width and the tiled pathway on the left side of the road as such, without any modification.*

*2. The Highways department shall leave one meter wide earthen surface from the BT edge on the right side*

*3. The Highways department may be permitted to lay a 6.0 m wide paver block pathway with a kerb on the road side and a retaining wall on hill side on the right side of the road, subject to the condition that the department will retain all the trees while laying paver block and retaining wall.*

*Stretch 3 (2/000 to 3/400 and 3/900 to 5/200):*

*1. The Highways department may be permitted to maintain the BT road to the existing width and the tiled pathway on the left side of the road as such, without any modification*

*2. The Highways department may be permitted to lay a 6.0 m wide paver block pathway after leaving one metre space from BT edge with a kerb on the road side and a retaining wall on hill side on the right side of the road, subject to the condition that the department will retain all the trees while laying paver block and retaining wall.*

*Stretch 3 (3/400 to 3/900):*

1. Construction of the side drains to the entire length of 500 m on both sides of the road may be permitted

2. Rebuilding of the compound wall of Manickavasagar temple by Highways department may not be insisted.

Stretch 4:

1. The Highway department may be permitted to maintain the existing BT road to the existing width of 7.0 m

2. The Highways department may be permitted to remove the existing damaged tiled platform on the left side and replace it with paver block to the existing width, subject to the condition that they will retain all the standing trees

3. The Highways department may be permitted to provide 6.0 m wide paver block with a kerb on the road side and a retaining wall on hill side on the right side of the road, subject to the condition that the department will retain all the trees while laying paver block and retaining wall

4. The Highways department may be permitted to construct 1.5 m RC drain on both sides of the road.

Stretch 5:

In view of the earlier orders of the Hon'ble Tribunal permitting the Highways department to undertake the works as proposed by them, no new recommendation is included in respect of Stretch 5.

General:

1. The Highways department may be permitted to cut and remove the six dead avenue trees standing on either side of the road margin along the Girivalam path in Stretch 2, 3 and 4 in view of the safety hazard that such dead trees pose to the public. This may be done after a joint inspection of such trees by the Divisional Engineer, Highways department, Tiruvannamalai division, Revenue Divisional Officer, Tiruannamalai and District Forest Officer, Tiruvannamalai South Division.

2. As for the water bodies along girivalam path, the storm water drainage flow arising from the culverts will be suitably conveyed to the existing kulams, ponds and theerthams abutting the Girivalam path, which originally serve as their outlet point. For achieving this objective, the Highways Department shall undertake maintenance of the odais/channels leading to the receiving water bodies lying within 20 m on either side of the road as part of the project cost."

35. We have elaborately heard not only the learned counsel appearing for the parties but also some of the individual persons hailing from Thiruvannamalai and some public spirited individuals who are concerned with the protection of environment in the Girivalam Passage. After thorough deliberation and referring to the pleadings and documents filed before us apart from carefully going through the interim and Final Report submitted by the Two Member Committee constituted by the Tribunal which has conducted elaborate enquiry, we are of the view that for the protection of environment and sustainable development on the Girivalam Passage of Abitha Kujalambal Sametha Arunachaleswarar Temple, Thiruvannamalai, the following points are to be deliberated:

- (1) Whether the proposed project of expansion of Girivalam Passage will conform to 'sustainable development' and is necessary in the public interest?
- (2) What are the directions required to be given to the concerned authorities for the preservation of environment in Girivalam Passage, taking into consideration the interest of large number of devotees who pass through the Girivalam Passage in the extent of 14 KM mostly barefoot with absolute dedication.

#### 36. DISCUSSION AND CONCLUSION:

Before going in to the 1<sup>st</sup> point as to whether the expansion of Girivalam passage is required, it will be appropriate to delve upon the historical importance of Abitha Kujalambal Sametha Arunachaleswarar Temple and the Girivalam concept, which has been in vogue for innumerable number of years. The temple at Thiruvannamalai of Lord Shiva is historically traceable

to have been in existence in 9<sup>th</sup> Century, as seen in the inscriptions engraved in the temple. Thiruvannamalai temple itself is one of the largest Saivaite temples which is considered to be ancient in India built exclusively for Siva and Parvathi. In Arunachala Hill, it is stated that Lord Shiva is in the form of fire.

37. It is believed that quarrel ensued between Brahma and Vishnu as to who among them is superior. Lord Shiva, in order to sort out the problem, took the form of fire and directed them to find out his foot and crown saying that whoever identifies either of the part will be superior. It is believed that both of them failed as Lord Brahma in the process of finding out the crown of Shiva told certain lie with the help of a flower stated to have fallen from the crown of Lord Shiva and annoyed with the said lie by Lord Brahma, Lord Shiva cursed Lord Brahma that Lord Brahma should not have any place of worship and therefore there is no temple for Brahma anywhere in India. The devotees of Lord Shiva started worshipping him in the form of fire and the temple is one of the Pancha Bootha Sthalas in Tamil Nadu

38. Four great Tamil Saints viz., Sambandhar, Appar, Sundarar and Manickkavasagar have written in their literary works about Thiruvannamalai which is unparalleled. Thiruvannamalai has been patronised by Pallava Kings, Medieval Chola Kings, Later Chola Kings, Hoisala Kings, Vijayanagar Empire, Carnatic Kingdom, Thippu Sultan and finally the British Rulers. While the 7<sup>th</sup> Century Saint like Sambandhar and Appar have stated to have worshipped at Thiruvannamalai temple, the Chola Kings ruled for more than four centuries from 850 to 1280 AD. Dhuluva Dynasty of Vijayanagar Empire (1491 – 1570) had patronised Thiruvannamalai Temple particularly during the Rule of Krishnadevaraya,

the most powerful Vijayanagar King and the inscriptions are found to that effect in Tamil, Kannada and Sanskrit languages in the temple premises. It is seen that during 17<sup>th</sup> Century, Thiruvannamalai came under the domain of Nawab of Karnataka, followed by European incursion and ultimately captured by Thippu Sultan and ruled from 1760 to 1799 and thereafter during the beginning of 19<sup>th</sup> Century it came under the British Rule.

39. It is further stated that historically Annamalai Hill was in the form of Agni (fire) during Krudha Yugam, in the form of Emerald during Thredha Yugam, in the form of gold during Dwapara Yugam and in the form of rock during Kali Yugam. Apart from the historical importance of Thiruvannamalai, on the religious aspect, it is very ancient in Tamil Nadu, patronised by many great Saints and Poets, including Arunagirinadhar and the Hill is considered by Saivaite devotees in the form of fire, being one of the five elements of the universe, the other being Akash, Vayu, Jal and Earth. There are eight Lingams in Arunachaleswarar temple called Ashta Lingams, positioned at different locations, facing various directions, surrounding the temple and hill signifying different directions of the Earth. They are Indira Lingam, Agni Lingam, Ema Lingam, Nirudhi Lingam, Varuna Lingam, Vayu Lingam, Kubera Lingam and Esanya Lingam and the said Asta Lingams are situated in the Parikrama Road viz., Girivalam Passage which is of an extent of 14 KM, surrounding the Hill.

40. The above said historical facts evidenced by the inscriptions, scriptures, books and records show that Thiruvannamalai Town itself is based on the temple as well as the hill along with Parikrama followed for time immemorial starting from the entrance of the temple going around the hill barefoot by the devotees for 14 KM to come back to the temple itself called Girivalam, has been considered as most sacred duty of devotees

particularly, Saivaites and during the course of these years the number of devotees going around the temple in the form of Girivalam has increased remarkably and on every Full Moon day lakhs of devotees congregate from throughout the State of Tamil Nadu and other adjacent States and even from foreign countries and worship Lord Shiva undertaking Parikrama. It is also stated that during one of the important religious festivals in Thiruvannamalai viz., Karthigai Deepam a big light is lit in the form of fire on the top of the hill and during the said festival large number of devotees visit the temple and undertake Girivalam.

41. It is in the light of the above said remarkable development of the town and temple of religious importance and multi-fold increase in the number of devotees every month, it becomes the duty of not only the District Administration and also the State Government to see that such rituals are conducted peacefully without any untoward incident. It is not in dispute that during these auspicious days and during the Full Moon and other festivals, the devotees throng over the entire 14 KM route of Parikrama and no vehicular traffic is permitted. Therefore, the duty of the Government as well as District Administration apart from Police has become more onerous and they must be always ready to meet any eventuality. Merely because no untoward incident has taken place so far, it will not exonerate the responsibility of the State and District Administration from taking precautionary steps in the interest of lakhs of pilgrims visiting the temple.

42. This is relevant because in a large congregation, there may be untoward incident like emergency health problems or natural calamity like fire, stampede etc., in which event the administration must be fully prepared to reach the spot for effectively carrying on the rescue operation.

It is in this view there is no doubt that the entire 14 KM route of Parikrama must be made easily accessible with all necessary amenities for the devotees who walk barefoot. It is also not in dispute that during these times of Full Moon day and other festival times, as on date there is no possibility for any ambulance or police van or fire engine to enter into the Parikrama route to meet any eventuality and emergency. It is the admitted position that at least in some locations of the Parikrama Route, there are villages where people are settled and they require easy accessibility for their necessary requirements like medical help, police help and fire rescue etc. Therefore, we have no hesitation to come to a conclusion that this historical Parikrama route must be developed in a proper manner for the benefit of devotees to meet any eventuality.

43. But at the same time, there can be no two opinions that such development shall not be at the cost of natural environment. Even though the Girivalam Passage may not be a declared Forest throughout, it remains a fact that the entire passage is covered with greenery and it is along the foot hills of Arunachala Hill which itself is covered with thick vegetation. Therefore, the development which may be taken up for the benefit of devotees must be by striking a balance between the protection of natural environment and bringing out improvement along the path that in our view is a sustainable development as far as the protection of Parikrama route is concerned. The development activities are the precautionary measures for the purpose of providing proper amenities to the large number of devotees without affecting the natural surroundings. The amenities may include providing of pure drinking water to people, maintaining of toilets properly, apart from having easy accessibility to emergency vehicles such as

ambulance, police van, fire engine etc., which are of urgent and imminent necessity to meet any eventuality.

44. The Government of Tamil Nadu has passed G.O.Ms.No.113 Highways and Minor Ports (HQ2) Department dated 7.10.2015 based on an announcement made by the Hon'ble Chief Minister on the floor of the Legislative Assembly on 25.9.2015, sanctioning an amount of Rs.65 Crores for the work of widening, improving Girivalam Path, including land acquisition, construction of wider foot path, lighting and toilet facilities by accepting the proposal submitted by the Chief Engineer (Construction and Maintenance) Highways Department, Government of Tamil Nadu. Various components of works proposed to be extended with the said amount of Rs.65 Crore are under the following heads:

S.No.	Description of works	Estimated cost in lakhs of Rupees
1.	Widening to four lane including drain of Pondy-Krishnagiri road for Girivalam path in km 105/9 -108/8 (SHU)	850.00
2.	Providing footpath of 10.00 m width for Girivalam path in Hill Round road km 0/0-2/0 (MDR 660)	840.00
3.	Providing footpath of 10.00 m width for Girivalam Path in km 2/0-3/6 & 3/9-5/2 including Land Acquisition & Widening from double lane to multi lane in km 3/6-3/9 of Hill Round road (MDR 660)	2480.00
4.	Widening from double lane to four lane and providing path way of 3.00 m width for Girivalam path in Tiruvannamalai Kanji road km 0/0-2/6 (MDR 503)	1300.00
5.	Widening and Improving for Girivalam path in Cuddalore – Chittoor road km 108/2 -110/0 (SH-9) & Tiruvannamalai Avalurpet road km 0/0-0/2 (SH-133A)	1030.00
	<b>Total</b>	<b>6500.00</b>

45. It is based on the above said Government Order according administrative sanction to the said scheme, the expansion proposal is stated to have been given by the Highways Department of the Government of Tamil Nadu in six stretches viz.,

i.Pondy – Krishnagiri Road - KM 105/9 – 108/8



- ii. Hill Round Road – KM 0/0 – 2/0
- iii. Sonagiri Forest area – KM 0/6 – 1/0
- iv. Hill Round Road – KM 2/0 – 5/2
- v. Tiruvannamalai - Kanji Road – KM 0/0 -2/6
- vi. Cuddalore - Chittoor Road – KM 108/2 – 110/0

Out of the above six stretches, it was decided to proceed only with five stretches and in respect of the stretch falling in Sonagiri Forest Area it is stated to have been decided not to carry on the work until proper permission is obtained from the Forest Department and therefore the stretches for which the expansion project is to be implemented as per the Government Order, are stretches I, II, IV, V and VI as stated above.

46. It is in furtherance of the above said scheme, a proposal was originally given to cut 347 live trees, out of the total 847 trees identified by the Highways Department and accordingly a request was made to the Revenue Divisional Officer for approval on 2.2.2016 by the Assistant Divisional Engineer (H) (C&M), Tiruvannamalai. It is stated that after inspection it was found that the number of trees to be cut could be reduced to 218 and accordingly the Revenue Divisional Officer has issued a proceeding dated 27.5.2016. However, after the direction of the District Collector to have another inspection, it was ultimately decided to reduce the number of trees to be cut to 125 trees and according to the District Administration, they are not valuable trees. This is available in the proceedings of the Revenue Divisional Officer, Tiruvannamalai dated 10.6.2016. There was also a direction to plant 10 new saplings for each of

the trees to be cut and it is stated that this is apart from the other 3,000 saplings which are stated to have been planted in the entire area.

47. It was when the District Administration proceeded to cut some of the trees, 'The Hindu' newspaper dated 18.6.2016 has published an Article about the objections raised by the activists against cutting of trees and it was in those circumstances, this Tribunal has taken up the issue *suo motu* based on the said Newspaper report and passed an interim order on 4.7.2016 directing not to cut any trees which continues to be valid as on date. Even though the Department has ultimately stated that 125 trees are required to be cut for the purpose of expansion, we have decided to hear the parties and in fact appointed a Two Member Committee, headed by a Retired Judge of the High Court of Madras. As we have stated earlier, the expansion project which is in the larger interest of people, without affecting the natural environment as such is necessary. In fact, the learned counsel appearing for the parties as well as the parties who have appeared and who have raised their objections vehemently against cutting of trees, have not seriously objected for providing various amenities to the devotees during the time of Parikrama. Therefore, subject to various restrictions which are to be imposed and taking into consideration of the environmental issues, we are of the view that the expansion proposal cannot be said to be either illegal or against the preservation of nature. The Point No.1 is answered accordingly.

48. Coming to the next point as to the directions required to be given, it is necessary to refer to the landscape of Thiruvannamalai particularly, surrounding the hills in the Girivalam passage. As elicited above, the proposed expansion was in respect of six stretches. However for the present, the expansion activities are proposed in respect of Stretch I, II, IV

V and VI. Consequently, as it is stated by the Divisional Engineer (C & M), Highways Department, Thiruvannamalai in the statement, the five stretches with which we are concerned are:

1. Pondy – Krishnagiri Road – KM 105/9 – 108/8 (SHU 161) which starts from Kamarajar Statue on the Southern side of the temple, ending at Chengam Road (2.9 KM)
2. Hill Round Road – KM 0/0 – 2/0 (MDR 660) Hill Round Junction to Nithyananda Asraman (2.0 KM)
3. Hill Round Road KM 2/0 – 5/2 (MDR 660) Nithyananda Asramam to Abhaya Mandapam (3.2 KM)
4. Tiruvannamalai – Kanchi Road – KM 0/0 – 2/6 (MDR 503) (2.6 KM)
5. Cuddalore – Chittoor Road – KM 108/2 – 110/0 (SH9) 1.80 KM

49. In so far as it relates stretch I, it is admitted that the entire stretch is situated within the town limit of Thiruvannamalai consisting of residential as well as commercial areas. It is the case of the Highways Department that even before the order came to be passed, most of the road expansion work has been completed and tar road laying with bitumen concrete was in progress. It is stated that out of the seven trees situated in stretch I, six trees have fallen due to wind and there is one Tamarind tree which is situated on the left side of the road at 107/000. Even though this tree is stated to be situated in the middle of the road and between the tree and one Vinayagar temple which is also in the middle of the road, there is a gap, and the Committee constituted by this Tribunal has also recommended for the removal of the said tree, taking note of the fact that next to the said tree which is stated to be fairly old but healthy, a temple is existing on the same alignment and taking the view that there is no

possibility for any traffic problem, when the Tribunal made a request to the Divisional Engineer, Highways Department, who was present in the Tribunal, has readily accepted not to disturb the said tree. In view of the same, the said Tamarind tree which is in existence as on date, shall be retained and it is for the Highways Department to make necessary alignment of the road accordingly. We instantly place on record our appreciation to the stand taken by the Divisional Engineer, Highways Department and also the learned Additional Government Pleader.

50. Taking into consideration of the movement of large number of devotees in stretch No.1 which includes the residents of Thiruvannamalai and plying of buses in the said stretch upto Chengam Road Junction and there is a Government College also in existence, in order to regulate the movement of vehicles and to prevent accidents appropriate steps shall be taken for the purpose of laying speed breakers of appropriate height. Further, as this stretch consists of residential and non-residential commercial areas, the District Administration shall give suitable instructions to Thiruvannamalai Municipality to lay and maintain proper sewerage system and while maintaining the same steps must be taken to see that the storm water drains shall not be allowed to get mixed up with sewerage system. In addition to that, the pavement to the extent of 2.5 M width on both sides of the road must be maintained properly. The District Administration shall give necessary instructions to the Municipality for keeping the Town area litter free by implementing the source segregation of solid waste and disposal of the same in accordance with the provisions of the Solid Waste Management Rules, 2016. Needless to state that it is the duty of the Traffic Wing of the Police Department to maintain appropriate traffic discipline and take action against the violators in

accordance with law. Since it is stated that six trees have fallen due to wind and the Department has taken steps for the purpose of re-planting sufficient number of native species, we make it clear that sufficient number of trees shall be planted not less than 10 times for loss of each tree and the same must be of native variety and maintained by watering regularly till they attain sustainability. While planting new species, tree guard with a minimum height of 7 feet shall be provided to avoid interference by human beings or animals. It is stated that as on date the sewage generated is discharged at Thamaraikulam which is 3 KM away and to arrest this construction of Sewage Treatment Plant (STP) is in progress.

51. Regarding Stretch II, admittedly, as on date, there is a road of 10 feet width and on the left side of the road opposite to the hill, there is a tiled walkway to the extent of 5 M width. The proposal of the Highways Department is stated to be for putting up a concrete RCC drain to the width of 2.0 M after earth gap on the hill side followed by a paver block footpath of 10 M on the hill side after drain. It is found by the Committee that the Highways Department has decided not to cut any of the standing trees while constructing drain or laying the paver block pathway on the right side of the road. The Committee also felt that 2.0 M width RCC drain is not required since there are no residential or commercial buildings or other infrastructural development on the hill side of Stretch No.II and widening to the extent of 1 M earthen surface to the BT surface will take care of load of rain water. The Committee in its final report has also opined that the width of paver block shall be restricted to 6 M on the hillside instead of 10 M which will have the advantage of saving trees by restricting the number of trees to be cut to the minimum and the uniform alignment of 6 M in Stretch II will be continued in the other stretches also in the total extent of

7.8 KM out of the total 14 KM length of Girivalam. It is viewed by the Committee that such restriction of paver block to 6 M will avoid land acquisition proceedings. The Committee ultimately made the following suggestion:

**The Highway Department may be permitted**

- a) **To maintain the BT road to the existing width and the tiled pathway on the left side of the road as such without any modification.**
- b) **To leave one meter wide earthen surface from the BT edge on the right side.**
- c) **To lay a 6.0 m wide paver block pathway with a kerb on the road side and a retaining wall on hill side on the right side of the road, subject to the condition that the department will retain all the trees while laying paver block and retaining wall.**

55. This is objected to by some of the applicants, as submitted by Mrs.D. Nagasaila, learned counsel that by permitting 6 M paver block width on the hill side, after earthen gap cannot achieve uniform width in Stretch No.III to the extent of 7.8 KM but it will make inroad and development towards the hillside which is against environment. In this regard it is relevant to note that the proposal of the Highways Department in these stretches cannot be looked into in the context of achieving uniform width in all stretches. In our view the said idea is not necessary, as the purpose is not to disturb and as far as possible maintain the natural existing structures with reasonable modification taking into consideration of the environmental issues particularly protection of trees, flora and fauna more importantly, preservation of forest, religious structures like Padhams etc., which are existing in the entire stretch of Girivalam. Therefore, it cannot be construed as a regular Highways project for the purpose of maintaining or regulating traffic system in these stretches. Even during ordinary days, the movement of vehicles in Stretches II, III and IV is very minimum, since there is no approach to any other area

beyond Thiruvannamalai Town in these stretches. Whereas, in stretches I and V the roads are connecting various link roads to approach other places beyond Thiruvannamalai. Therefore, in our considered view, the observation of the Committee that uniform 6 M width on the hill side after earthen gap in Stretch II and further III and IV is not relevant. Further, the question of acquisition of land which may or may not arise in Stretch No.III towards hillside cannot be a concern for preserving stretch II, particularly, looking into the environmental aspect.

53. Therefore, considering the detailed report of the Committee and the submission made by the learned counsel, we are of the considered view that in respect of Stretch II, the following directions will suffice for protection of environment, public safety and to meet the emergent situation.

(1)As suggested by the Committee RCC drain of 2 M width on the hill side after earthen gap is not necessary and therefore the above said part of the proposal need not be proceeded with.

(2) No tree shall be cut on Stretch II either on the hillside or on the opposite side. However, this does not prevent removal of bushes towards hill side to enable the devotees to use the same as passage. However, we make it clear that in the guise of removal of bushes, no grown up plant or trees, including medicinal plants shall be removed. Further, while removing such bushes which are only to facilitate the devotees if any religious stone or Padhams are found, the same has to be identified, retained and maintained properly, as a religious structure. This does not mean that any person can be permitted to put new structure either in the form of temple or otherwise toward hillside.

(3) Since already 5 M width existing walkway is available on the left side of the road opposite to the hill, the respondents as well as District Administration, apart from Highways Department shall ensure that the existing walkway is put to use by the people and to enable the same, necessary repair shall be effected.

(4) As the said 5 M walkway is available on the opposite side of the hill, there is no necessity for providing paver block walkway of 6 M width on the hillside. However, to enable the devotees to have better facilities, after the space beyond 1 M earthen gap on the 10 M tar road towards hillside, paver block walkway can be laid which shall not be more than 2 M. We make it further clear that while laying such paver block, adequate steps shall be taken to enable free flow of water from hill side during rainy season and there is no necessity for making retaining wall. We reiterate that even for the purpose of laying the said 2 M paver block towards hillside, it need not be uniform throughout Stretches II, III and IV and wherever any tree, culvert or religious structure intervenes, the same has to be preserved.

(5) While preserving all the trees in this stretch, we direct that no one of the trees shall be covered with any concrete structure and a minimum of 1 M radius space encircling the base of the trees must be left for sufficient aeration for the root system of the trees. Sufficient care must be taken for preserving all the trees by periodic inspection and maintaining record and nature of such trees should be made available for public for information.

(6) Sonagiri Forest shall not be disturbed. In fact, we have recorded the statement of the District Collector in the original reply



dated 16.7.2016 that Sonagiri Forest will not be disturbed as on date.

(7) It is open to the Department to leave a earthen gap of 1 M width on the edge of the existing 10 M BT surface towards hillside to enable seepage of rain water into the soil for the benefit of trees.

(8) There shall be no change of existing 10 M BT service and 5 M walkway on the left side opposite to hill. We make it clear that the **height of the existing road surface in the Girivalam Passage shall not be increased.**

(9) The finding of the Committee that even though the protection of species has no connection with the proposed road expansion project, list of tree species found in 2 KM reach in Stretch II was compared and the committee found that out of 15 species, only one species viz., Chloroxylon swietenia, which is classified as vulnerable was found within 12 M width from road margin and no rare, endangered or critically endangered species are found. The total number of the said species above 15 CM GBH is stated to be 18 and below 15 CM GBH as 136. Even though the Committee felt, based on certain texts that the species cannot be categorised as vulnerable, we direct preservation of all species of flora and fauna without any interference. The bio-diversity as it is in existence as on date shall be maintained.

(10) From Stretch II, passing through Stretches III and IV, the Highways Department shall leave 5 M from out of the 10 M BT road, as emergency lane during Full Moon day and other festival seasons, preferably on the left side, opposite to Hill and the said 5 M shall be duly cordoned to prevent any human interference in the said road

portion which shall be used only for plying of emergency vehicles like Ambulance Van, Fire Engine, Police Van and other vehicles, as may be notified by the District Administration.

(11) In this stretch, as any other stretches, also wherever possible, sufficient number of native tree species shall be planted and the same shall be maintained by providing tree guard of 7 feet height.

(12) Soon after the Full Moon Day and other festivals, the District Administration shall arrange to clean the entire passage by removing all wastes, including plastics. The District Administration as well as the other official respondents shall make all necessary arrangements to create awareness among the pilgrims about the necessity of keeping the entire Girivalam Passage neat and clean without throwing any kind of wastes, including plastic.

(13) The District Administration, with the help of the Municipality, shall identify appropriate space for the purpose of providing adequate number of toilets with proper sewerage connection and adequate water supply and as far as possible such toilets shall be on permanent basis and eco-friendly and they must be manned and maintained neatly. In the event of any reputed Non Charitable Organisation undertakes such work free of cost, it is open to the District Administration to entrust the same however, subject to close watch over the cleanliness.

(14) During festival and Full Moon Days, the District Administration shall provide mobile and stationary medical clinics with all infrastructures which shall be on the left side of the path viz., opposite to the hill side.

(15) The District Administration shall take effective steps for expediting the completion of any other by-pass road or any other project, surrounding Thiruvannamalai in order to ease the congestion in the Girivalam passage not only during festival season but also during other times.

54. Stretch III: In respect of this stretch which is also situated outside the town limit and virtually located in the middle of the Girivalam Passage, the proposal of the Highways Department is to have RCC drain of 2 M width on the hillside and a paver block walkway of 10 M width on the hillside. They have proposed to retain the existing 10 M BT surface and 5 M walkway on the left side. That is also the proposal in the road between 3/400 and 3/900 in Adi Annamalai to the extent of 0.5 KM, however, widening of BT surface width ranging from 8.5 M to 18 M.

54. The Committee recommended a gap of 1 M from the edge of the existing 10 M BT surface on the hill side for seepage of rain water and also stated that RCC drain is not required. Like in the case of stretch II, the Committee has recommended a paver block walkway of 6 M width on the hillside after earthen gap stating that all trees are to be retained. The Committee further recommended that in respect of 10 M BT surface, there shall be no change and 5 M tiled walkway on the left side should be retained. The Committee further recommended that in respect of road between 3/400 and 3/900 in Adi Annamalai in the extent of 0.5 M permitting RCC drain of 1.5 M on both sides and widening of BT surface to a width ranging from 8.5 to 18 M. The Committee has also recommended demolition of compound wall of Manikkavasagar temple and not rebuilding the same.

55. By referring to the photographs the said proposal of the Committee is opposed particularly relating to the recommendation of 6 M paver block walkway on the hill side after earthen gap stating that if such paver block is put up to the extent of 6 M both opposite to Udhavumkarangal and Abhaya Tirtham will be affected. A issue is also raised that most of the trees on the left side of Stretch III have been provided inadequate space resulting in drying up. In so far as the other part of Stretch III viz., Stretch between 3/400 and 3/900 in Adi Annamalai it is stated that the compound wall of Manikkavasagar temple need not be disturbed. The gap between the compound wall and the main temple is only 95 CM and that portion will be required for the devotees to go around the temple. In respect of RCC drain suggested by the Committee, doubt is raised as to whether the drain is intended for sewage or rain water and there is any possibility of mixing up and contamination of waterbody.

56. After hearing the learned counsel on both sides and referring to the exhaustive final report of the committee, we are of the view that the following directions will be sufficient in so far as it relates to Stretch III which includes the road to an extent of 0.5 KM between 3/400 and 3/900 in Adi Annamalai.

(1) No tree shall be cut on both sides of the existing 10 M BT surface road and the trees shall be enumerated and listed.

(2) As recommended by the Committee, there shall be no construction of RCC drain in the reach between 2/000 to 3/400. However, in respect of reach between 3/400 and 3/900 in Adi Annamalai in the extent of 0.5 KM, the Committee felt that it is a small stretch which consists of substantial residential buildings and petty shops on both sides of the road and therefore ultimately

suggested that construction of side drains in the entire stretches of 500 M on both sides of the road may be permitted. Considering the said undisputable fact and in order to maintain free flow of water to the tanks and receiving water bodies through the two culverts in existence by making it clear that the flow of water shall be only for the purpose of draining rain water and making sure that the said water does not get contaminated with any sewage, we permit the authorities to put up RCC drain of 1 M width on both sides of the existing 10 M BT surface road in the stretch of 0.5 KM between 3/400 and 3/900 in Adi Annamalai.

(3) In so far as it relates to the recommendation of the Committee for putting up of 6 M paver block walkway, as directed in respect of Stretch No.II, we permit putting up of paver block walkway on the hillside immediately after 10 M road of width not more than 2 M ensuring that such paved block does not obstruct any Padham, Theerthams etc., and when such Padhams, Theerthams come on the way, the said structures shall be maintained without extending paver block to the said structures.

(4) Out of the 10 M BT road as in the case of Stretch No.II, the District Administration as well as Highways Department shall leave 5 M preferably on the left side of the road opposite to the hill side for emergency purpose during the time of Girivalam and other festivals duly cordoning the same to facilitate free movement of emergency vehicles like Ambulance, Police Van, Fire Engine etc.

(5) Since it is reported that Manikkavasagar temple as also the compound wall are put up by encroaching the State Highway, and taking note of the fact that between the compound wall and the wall

of the temple the gap is very less which is hardly 95 CM , as stated by Mrs. Nagasaila, learned counsel appearing for the applicant, we are of the view that no useful purpose will be served in directing removal of the said compound wall and replacing the compound wall adjacent to the temple wall. Such direction to remove the compound wall and to put up adjacent to the temple wall may amount regularising the encroachment and therefore we restrain ourselves from passing any orders relating to the removal of the compound wall of Manikkavasagar temple. However, since we have passed order earlier, as enumerated above, the Highways Department which was directed to close the drain adjacent to the compound wall of the Manikkavasagar Temple, shall see that the drain is properly closed and covered to facilitate devotees to use it as pathway apart from ensuring that the drain does not have any connection with any waterbody or water scheme and the said drainage water shall be properly disposed in accordance with law.

(6) The other conditions imposed in respect of Stretch II regarding maintenance of Padhams and other religiously important structures and archaeological structures shall not be damaged under any circumstance and the same are to be maintained. However, we make it clear that no new structure shall be permitted to be put up on the other side of the road by unauthorised encroachment.

(7) To ensure free passage for devotees and for using the entire stretch for Girivalam, the District Administration shall take all necessary steps for the purpose of removal of unauthorised

encroachments on both sides of the road by following due process of law.

(8) The District Administration shall, in consultation with the Municipality shall, take all necessary steps to construct toilets both temporary as well as permanent, at various places to facilitate the devotees to make use of the same and the toilets shall be neatly maintained by supply of sufficient quantity of water manned by the personnel. It shall be open to the District Administration to entrust the maintenance of toilets neatly for any Charitable Trust/Organisation however, by keeping a watch over the same.

(9) The devotees passing through the stretch shall be provided with drinking water facility free of cost. In respect of the above said facility as also that of the toilets, we leave it to the District Administration and Municipality to decide as to whether such work can be assigned to any Charitable Trust/Organisation with strict conditions that the same must be maintained neatly.

57. Stretch IV: In so far as this stretch is concerned, the Highways Department has given proposal for the purpose of providing RC drain of 2 M width on both sides of the road. The Department has also proposed to demolish the existing 3.75 M width tiled walkway on the left side of the road and widening of BT surface to that extent. They have also proposed for a paver block walkway of 10 M width on the hillside over the existing BT surface of 7 M. The Highways Department has also proposed a median of 0.5 M width separating the 10 M proposed walkway and the 7 M resultant BT surface.

58. The Committee has recommended that the Highways Department may be permitted to maintain the exiting BT road to the width of 7 M and to

remove the damaged platform on the left side and replace it with paver block to the extent of the existing width, subject to the condition that they will retain all standing trees. The Committee has also recommended to provide 6 M wide paver block with a kerb on the road side and a retaining wall on the hill side on the right side of the road, subject to the condition that the Department will retain all trees while laying paver block and retaining wall. That apart, the Committee has also recommended that the Department may be permitted to construct 1.5 M drain on both sides of the road.

59. The applicant has opposed saying that the lenier development as recommended by the Committee for putting up 6 M paver block on the hillside will affect 5 Padhams viz., Padham opposite to Eluthu Mandapam and Padhams at Silk Co-operative Office, Idukku Pillayar Temple, Panchamugam Temple and Arthanareeswarar Padham. It is reiterated that there is inadequate space around the base of the trees and there is no record of trees maintained and the trees which have been cut. The learned Additional Government Pleader would submit that there is no proposal to cut trees in this stretch also. However, in order to facilitate the devotees and as suggested by the Committee, paver block to the extent of 6 M may be permitted to be laid towards hillside.

60. After hearing the learned counsel and going through the final report of the Committee, we pass the following directions in respect of Stretch IV:

(1)As in the case of Stretch I and II, the authorities are permitted to put up paved blocks towards hillside to the extent of 2 M width . However, it must be ensured that no Padham or archaeological structure or temple shall be destroyed or



interfered with by putting of such paver block. In cases where such structures obstruct the work, the paver block shall not be put up in the said area.

(2) No trees in the stretch shall be cut and enumeration of trees shall be taken on record and the same shall be maintained.

(3) As suggested by the Committee, the Highways Department is permitted to maintain the existing BT road to the width of 7 M

(4). In so far as it relates to the tiled platform on the left side of the road, which is stated to have been damaged, we permit the District Administration to remove the same and replace with paver block in the existing width, subject to the condition that no standing trees are cut.

(5) Considering that in this stretch patta lands, petty shops, trade establishments and residential buildings are situated, we permit the Highways Department to construct RCC drain to the extent of not more than 1 M width on both sides of the road and ensure that the drain carries only the rain/storm water and does not mix up with sewage water at any point of time.

61. Stretch V: This stretch which again falls within the Town limits of Thiruvannamalai like in the case of Stretch I, consists of residential, non-residential and commercial buildings and it is most congested not only for the reason that devotees undertaking Girivalam ritual ultimately converge at this place to visit the temple once again but also the permanent residents residing in this place use the road for their day-to-day activities. In order to enable free flow of not only the large number of devotees but also the residents in the area, we direct the District Administration to take all

necessary steps for the purpose of removal of encroachments by following due process of law, as we have stated in our order dated 8.11.2016. In this stretch which mostly consists of pucca road, we direct the District Administration to maintain the road in a proper manner and wherever sufficient space is available native plants shall be planted on either side of the road and maintained. Needless to state that no standing trees in this stretch shall be removed by the District Administration or Highways Department. The Police Department represented by the Superintendent of Police who is present in the Tribunal along with the District Collector, who is also present, shall take all necessary steps for the purpose of regulating the traffic and free flow of vehicles, apart from the movement of devotees, in order to avoid not only any law and order problem/accidents but also to enable the devotees to have the complete satisfaction of accomplishing their Girivalam ritual.

62. While this Tribunal is mainly concerned about the maintenance of environment and in fact cognizance of this case was taken by us *suo motu* based on the newspaper report about the cutting of trees, we have restricted ourselves in giving various directions contained herein basically taking into consideration the environmental issues pertaining to the Girivalam Passage, particularly maintenance of flora and fauna, waterbodies drainage system etc. However, in course of giving such direction, by virtue of the elaborate discussion made in the open court by the learned counsel appearing for various parties, District Administration, Pollution Control Board and also large number of general people, we have also given certain directions which are in the interest of not only the residents of Thiruvannamalai which is the most sacred place in the State of

Tamil Nadu but also to enable the devotees to smoothly and safely undertake Girivalam ritual without any inconvenience.

63. While parting with the case, we are of the view that in addition to various directions given by us which are purely based on the arguments and documents placed before us as well as the reports of the Two Member Committee, certain general directions also need to be given in public interest and from the point of protection of environment which are as follows:

(1) It is complained that the Girivalam Path running to a length of 14 KM is not adequately illuminated which results in facing difficulties by the devotees who normally undertake Girivalam during night time. Even though the District Administration represented by the District Collector and the Additional Government Pleader state that steps are taken for the purpose of illuminating the entire stretch and there is absolutely no difficulty for the devotees in undertaking Girivalam, we feel it is appropriate to suggest that the District Administration/Municipality, shall provide adequate lighting facilities throughout 14 KM stretch, preferably with LED bulbs which are eco-friendly and the same shall be maintained properly by making a periodical watch.

(2) We reiterate our directions in respect of maintenance of 5 M wide emergency lane in the BT road of 10 M width and we request that the authorities prefer this 5 M wide portion on the left side of the road which is opposite to the hill. This, in our, view will not only enable the emergency vehicles to move freely but also it will not affect the movement of devotees. This is also in consonance with the belief that during the festival season, the souls of Saints are

stated to be moving around the hill. Even on the issue of protection of environment, it is always necessary to leave sufficient space towards the hill side as the hill harbours a variety of flora and fauna.

(3) We also feel it proper to direct the District Administration, Forest Department, Municipality and other authorities concerned to take stock of number of waterbodies situated in and around Thiruvannamalai Hill and maintain the record of the same, apart from maintaining those waterbodies by following appropriate process like desilting, periodical cleaning and protect the same from being encroached.

(4) We are informed that inspite of congregation of such large number of devotees, apart from the sizeable number of residents permanently residing in the Town, no sufficient permanent Health Care Facilities like multi-speciality hospitals are provided in the Town. This being a place of congregation of lakhs of devotees coming from various parts of the country, it is appropriate for the Government to establish a multi-speciality hospital to treat the devotees as well as the local residents. This is in addition to our direction given earlier for providing adequate medical facilities to devotees on the Girivalam Passage, both mobile as well as permanent.

(6) We are informed that the work relating to the construction of other Highway roads linking the Girivalam Path is in progress. In fact, the District Administration is also of the view that once the State Highway Road Project is completed, the traffic movement and the problem relating thereto will be solved to a large extent.

We request the Government of Tamil Nadu, through the learned Additional Government Pleader as well as the District Collector to complete the project expeditiously in the interest of the people of Thiruvannamalai Town.

(7) After prolonged discussion and after considering the religious significance of the area, we are of the view that the District Administration should take effective steps to prevent fresh encroachments on the sacred Thiruvannamalai Hill, apart from removing the encroachments already made along the Girivalam Passage by following due process of law.

64. We reiterate and place on record our deep sense of appreciation for the decision taken by the District Administration and Highways Department, particularly the Divisional Engineer Mr. Jayasekar, who has been continuously present in the Tribunal throughout the hearing of the case for retaining as many trees as possible for providing shade and clean air to the people. We must realise that there is no substitute to the trees which provide invaluable ecological services to the human beings. Therefore, it is our sacred duty not only to grow more number of trees but also to maintain the same. It is in this view of the matter, the authorities have taken proper steps to retain maximum number of trees while widening the Girivalam Path and we do not know as to whether such decision was taken at the instance of the Tribunal or otherwise. Be that as it may, when benign steps are taken by the authorities, one has to appreciate the same. We however, reiterate that the space around the base of the trees shall never be concretised. There is a bounden duty on our part to ensure that for the trees existing or going to be planted along the road and on the paver block/footpath sufficient earthen space shall be left around the trees for

their survival by making the rain water to percolate into the soil and to enable the root system of tree to breathe. Therefore it is incumbent to leave a minimum of 1 M radius space around the base of the trees without laying concrete/tar/tiles.

65. In a holy place like Thiruvannamalai, where large number of devotees throng, for the reasons stated above, it is the bounden duty on the part of the Municipal Authorities to effectively implement the Solid Waste Management Rules, 2016 notified by the Government of India with a avowed object of segregating and scientifically treating the solid waste, rather than simply dumping the unsegregated waste at one place. In fact, it has to be realised that if simple dumping of solid waste is followed, our entire territory may not be sufficient for disposing the ever increasing waste being generated every day. Therefore, the Solid Waste Management Rules contemplate source segregation, creation of composting yards for the purpose of preparing organic manure with bio degradable waste, recycling and treatment of non bio degradable waste such as plastics and using the remaining for construction purposes like road laying and ultimately to send a minimum quantity of non bio degradable inert materials to the scientifically designed landfill sites which require bare minimum area.

66. In fact, as per our suggestions the Government of Tamil Nadu has brought out Tamil version of the Solid Waste Management Rules, 2016 with various photographs, demonstrating the procedure to be followed for scientific disposal of solid waste and copies have been sent to all the civic authorities in the State such as Corporations, Municipalities and Panchayats. We hope and trust that the local civic body and District Administration, Thiruvannamalai takes steps for the purpose of implementing the said Rues in letter and spirit. The already ongoing STP

work shall be completed as quickly as possible in accordance with law to enable the domestic sewage to be treated by taking proper approval from the Tamil Nadu State Pollution Control Board.

67. We also place our sense of appreciation to Mrs. Nagasaila, Mr. V. Suresh and other learned counsel appearing for the applicants in various applications, apart from large number of local citizens who have taken interest and put forth their submissions, including the Lawyers from the court at Thiruvannamalai, apart from the District Collector and Superintendent of Police, Thiruvannamalai and the valuable assistance rendered by Mr E. Manoharan, learned Additional Government Pleader.

68. However, the above directions given by us are not exhaustive and as and when any contingency arises, it is for the District Administration, Municipality at the instance of the Government to include any other point that may be required for the proper implementation of the project and for protection of environment.

69. With the above directions, the applications are disposed of. There shall be no order as to cost.

Justice Dr.P.Jyothimani

Judicial Member

Shri P.S.Rao

Expert Member



**NGT**