

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 117 OF 2021 (SZ)**

**REPORT SUBMITTED BY THE EXECUTIVE ENGINEER, KOTTAYAM /
3RD RESPONDENT**

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Dated at Chennai on this the 13th day of November, 2021.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench



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No. D1/OA 117/2021/IA

Dated : 03-11-2021

From
The Executive Engineer.

To
The Advocate General
High Court
Ernakulam

Sir,

Sub : Compliance of Order of the National Green Tribunal, Southern Zone, Chennai,
hearing on OA117 and OA 184 dtd 5.10 2021 -report
submitting -reg

Ref : 1.Order of National Green Tribunal , Southern Zone , Chennai as per hearing
on OA117 and OA 184 Dtd 5.10 2021

I may invite kind attention to the ref (1). As regard to this, I may report that on
compliance with the order of Honorable National Green Tribunal,

- 1) A joint committee report on OA 117, signed by all the five members were submitted
by the District Collector to Advocate General on 18.08.2021.
- 2) The statement of Facts on OA117 /2021, from this office was submitted to that
office on 08.07.2021 by hand .
- 3) Reply statement to the Tribunal order on OA117 /2021 was submitted to that office
on 24.06.2021 via mail.

OA184/2021, filed by Sri Abraham Mathew, related to Desilting work in Meenachil River regarding the destruction of petitioner's boundary.

The OA 184 came up for hearing before Honorable National Green Tribunal, on 18.08.2021, and before that, the Joint committee had submitted the report on OA117/2021, hence there was no mention about OA 184 in the report.

- 1) The joint committee report consisting of members as ordered by NGT for OA 184 was submitted on 15.09.2021 before hearing scheduled on 17.09.2021 which was later scheduled to 5.10.2021 and now up to 9.11.2021.
- 2) The statement of facts and the individual statement from this office was submitted along with the Joint committee report on 15.09 2021 to that office.

In the Joint committee report and in the Statement of facts, in the explanations for the allegations made in the Para 2 of the petition in OA184/2021, it is already stated that the alleged property comes in the end portion of the one of the proposed work, which have been initiated by Major Irrigation Department in Meenachil River and is one of the works related to OA 117/2021, and all the factual are well explained in the Joint Committee report and Statement of facts and the main conclusion arrived in Joint committee Report of OA 184 is as stated below

- On verification of the Survey records of the alleged property, by the survey department, it is understood that the alleged portions of the applicants property is the purampoke of Meenachil river, which is the land assigned to him years back. Instead, during survey of his possession, it is found that, there is river purampoke of about 6.498 cents on the western side and he is enjoying the benefits, which is demarcated by the taluk surveyor, by fixing survey stones.
- Loss of 4 cents of his property, which was identified in Taluk survey, has been lost years back as he himself has mentioned in his representation dated 26.06.2021 (Annexure 4 of OA184).
- **The irrigation department has not initiated any earthwork or dredging works in the alleged portion or in the surroundings.** Hence no restitution of property needed.
- Only bamboo bushes leaning in to the river, which caused obstructions to flow were cut using cutting machines. Here the force of flow is towards the opposite bank, which was already in dangerous condition.

- Items for planting bamboos, ramacham etc are provided for necessary Bio restoration in these works in Meenachil river.

In addition to the documents mentioned above. I may be permitted to point out the following facts.

1) Owing to the heavy rainfall associated with recent cyclones in Arabian Sea severe casualties occurred in Kottayam and Idukki district, in the third week of October 2021 and the incessant raining is continuing, the floodwater level in Meenachil river overtopped the banks ,causing hazardous and miseries to a large number of people residing near the river bank. **Also it is noticed that several trees and branches and bamboo bushes carried by the flood water caused major obstructions at the bridges and other structures in the river which worsened the effects of flooding. Thus removal of any obstructions to flow , as per duties entrusted with irrigation department as listed in Orange Book of Disaster management must be ensured for effective flood mitigation.**

In the present unpredictable Climatic conditions of extreme rainfall and Cloud bursts experienced in Kerala., severe flood calamities are to be expected in future. The only way out to eliminate the adverse effects of flood hazard is

1)by redeeming the river to its original width and depth, so that it can have a free flow without any hindrance ,2) by reinstating the floodplains as such, without encroachments ,there by retrieving the original flood waterway of Meenachil river.

As the works arranged in Meenachil river are crucial with regard to disaster management, in the present scenario of unpredictable Climatic conditions of extreme rainfall and Cloud bursts, I humbly request, Honourable Tribunal to issue favourable orders, so as to continue with the works under the monitoring of District Disaster Management Authority , for the prevention of further damages to life and property of Flood affected victims of Kottayam area.

Yours faithfully,



EXECUTIVE ENGINEER.