

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 128 OF 2021 (SZ)**

**STATEMENT FILED BY THE MINOR IRRIGATION SUB DIVISION,
PATHANAMTHITTA / 7TH RESPONDENT**

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Dated at Chennai on this the 23rd day of November 2021.

M/s. E.K.KUMARESAN

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



Office of the Assistant Executive Engineer
Minor Irrigation Sub Division
Pathanamthitta
Pin No.689645
E-mail: ptamisubdivision@gmail.com

No.E2-110/2012

Date:29/10/2021.

To

The Advocate General
Kerala, Ernakulam.

Sir,

Sub:- OA.128/2021 Filed by Sri.Ibrahim Karim, before the National Green Tribunal, Chennai - reg:-

- Ref:- 1) Order of NGT in OA No. 128/2021 dated 17/06/2021.
2) Order of NGT in OA No. 128/2021 dated 02/09/2021.
3) Letter no. C2-3608/21, dated 20/10/2021 from the Divisional forest Officer, Ranni to the Advocate General kerala.
4) Letter no. SN2 OA-128/2021, dated 28/10/2021 from the Advocate General.

In response to the references cited above , I may report the following for favour of further action.

Vide Order No.GO (Rt) 1184/2009/GAD dated 08/09/2009, Government accorded sanction for the construction of a pilgrim centre at Ranni in Pathanamthitta District and the Executive Engineer, PWD Buildings Division, Pathanamthitta was the executing agency of the work. Sri.Ibrahim Karim filed OA No.128/2021 (SZ) before the National Green Tribunal against the ongoing construction of the multi utility complex . The date of hearing of the case was on 17/06/2021 and on that day itself the Hon'ble Tribunal directed to form a committee comprising the District Collector Pathanamthitta, the Divisional Forest Officer Ranni and Members from various Departments including one member from the Irrigation Department and directed the committee to submit a report.

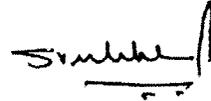
(P.T.O)

As per the reference 3rd cited, the committee submitted the report to the Advocate General. In the report, it is reported that Klappana-Madatharuvi Stream flows 800m north west from the proposed construction site and the site falls within the flood plain of Meenmuttippara-Aithala stream passing along the southern border of the project area. In the report it is also submitted that no streams or water flow is obstructed by the proposed work and since no structure /streams/ water body of Irrigation Department comes in the project area, no sanction or permission is required for the construction of the building from Irrigation Department.

I may report that as per Kerala Irrigation and Water conservation Act -2003 and its subsequent amendments, Irrigation Department is the Authority to grant permission only to construct install, fix or lay any structure over, across, along or inside an Irrigation work and since no such work is existing here, no permission is required from the Irrigation Department.

I humbly request that the above mentioned facts may be considered as the reply from the part of the Department and that may be accepted . I may also request that since Irrigation Department is not empowered to permit or obstruct the proposed construction work, Irrigation Department may be excluded from the list of respondents in this case.

Yours Faithfully,



ASSISTANT EXECUTIVE ENGINEER

Counter Signed By



EXECUTIVE ENGINEER
Minor Irrigation Division
Pathanamthitta

E-mail ID :- eemipta@gmail.com

P.S.KOSHY
Executive Engineer

SN 2.

MM
16-11-21

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SN.

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No.A2-2349/2021

Date:15/11/2021

To

The Advocate General,
Kerala.

Sir,

Sub:- OA 128/2021 – filed by Sri.Ibrahim Karim before the Hon'ble
National Green Tribunal Chennai - reg:-

- Ref:- 1) Order of NGT in OA No. 128/2021 & IA No 166/2021
dated 28/10/2021.
2) Email.Dated:10/11/2021 received from National Green Tribunal –
Chennai.
3) Letter No E2-110/2012 dated 12/11/2021 from the Assistant
Executive Engineer, Minor Irrigation Sub Division , Pathanamthitta

As per the order of the Hon'ble National Green Tribunal referred above,
Assistant Executive Engineer , Minor Irrigation Sub Division, Pathanamthitta has
been impleaded as 7th respondent in OA No. 128/2021 .Vide para 4 of the order ,
Irrigation department is directed to file independent statement regarding the
proposed project . In the above circumstances, I am submitting herewith the
statement for further necessary action.

Yours Faithfully,


Executive Engineer

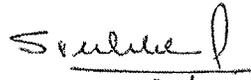
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Statement regarding the construction of a pilgrim centre at Ranni submitted before the Hon'ble National Green Tribunal

Vide Order No.GO(Rt) 1184/2009/GAD dated 08/09/2009, Government accorded sanction for the construction of a pilgrim centre at Ranni in Pathanamthitta District and the Executive Engineer, PWD Buildings Division, Pathanamthitta was the executing agency of the work. Sri.IbrahimKarim filed OA No.128/2021 (SZ) before the National Green Tribunal against the ongoing construction of the multi utility complex . The allegation of the petitioner is that the structure requires necessary environmental clearance but these were not obtained for the construction. Vide para 4 of the Order of the NGT in OA No. 128/2021 & IA No 166/2021 dated 28/10/2021 ,Irrigation Department is directed to report whether the construction of the structure requires any permission from Irrigation Department.

I may report that Klappana-Madatharuvi Stream flows 800m north west from the proposed construction site and the site falls within the flood plain of Meenmuttippara-Aithala stream passing along the southern border of the project area and no streams or water flow is obstructed by the proposed work.

I may also report that as per Kerala Irrigation and Water conservation Act - 2003 and its subsequent amendments ,Irrigation Department is the Authority to grant permission to construct install, fix or lay any structure over, across,along or inside an Irrigation work. Since there exist no Irrigation work on that area, no such permission is required for the construction of the building from Irrigation Department.



ASSISTANT EXECUTIVE ENGINEER
Minor Irrigation Sub Division,
Pathanamthitta
(with the consent of Higher Officials)

Counter Signed


EXECUTIVE ENGINEER
Minor Irrigation Division,
Pathanamthitta