

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

**STATEMENT OF FACTS SUBMITTED BY THE EXECUTIVE
ENGINEER, PUBLIC WORKS DEPARTMENT / 3RD 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

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എക്സിക്യൂട്ടീവ് എഞ്ചിനീയറുടെ കാര്യാലയം,
പൊതുമരാമത്ത് വകുപ്പ് (കെട്ടിട വിഭാഗം),
പത്തനംതിട്ട - 689645

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നമ്പർ: എ9- 1124/2021

തീയതി: 25/10/2021

പ്രേക്ഷകൻ

എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ

സീക്രട്ടറി,

അഡ്വക്കേറ്റ് ജനറൽ,
കേരളാ ഹൈക്കോടതി,
എറണാകുളം.

സർ,

വിഷയം: - ബഹു. നാഷണൽ ഗ്രീൻ ട്രൈബ്യൂണൽ മുമ്പാകെയുള്ള
Application No. 128/2021 ൽ കാര്യവിവരപത്രിക സമർപ്പിക്കു
ന്നത് - സംബന്ധിച്ച്

സൂചന: - അങ്ങയുടെ 25/10/2021 ലെ SN 2- OA/28/2021 നമ്പർ കത്ത്.

ഈ കാര്യാലയത്തിന്റെ അധികാര പരിധിയിൽ ഉൾപ്പെട്ട റാന്നി ഇട്ടിയപ്പാറ
പിൽഗ്രിം സെന്റർ നിർമ്മാണവുമായി ബന്ധപ്പെട്ട് നാഷണൽ ഗ്രീൻ ട്രൈബ്യൂണൽ
മുമ്പാകെയുള്ള Application No. 128/2021 ൽ ഹാജരാക്കുന്നതിനുള്ള കാര്യവിവര
പത്രിക ഇതോടൊപ്പം സമർപ്പിക്കുന്നു.

വിശ്വസ്തതയോടെ,

ഉള്ളടക്കം - കാര്യവിവര പത്രിക - 1


എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ

Statement of Facts submitted in the Application No. 128/2021 Filed by Sri. Ibrahim Karim
before the Hon'ble Green Tribunal (South Zone) Chennai

I am the 3rd respondent in this Application No. 128/2021. I am submitting the Statement of facts for the above application.

1. The averments in Para 1 to 12 of the case are not applicable to the 3rd respondent and the details are known only to the Petitioner.
2. The averments in para 13 of the Petition relates to the land fillings. The earth is filled to maintain the approved level quantity which was low level area of the site. It has not created any new imbalancing or water logging when there is a raise of water level in Pamba river, which never causes damage and destruction to environment or any other properties.
3. The averments in Para 14 of the petition are not applicable to the 3rd respondent .
4. The averment in Para 15 of the petition are entirely not true. These are defines the information from the investigative journalist of Marunadan Malayalee. These informations are not relevant facts about the construction of Ranny Ittiyapara Pilgrim Centre. That statement fraudulently created by the Petitioner and submitted before the Hon'ble tribunal, to create a unwanted litigation against the department.
5. The averments in Para 16 of the petition is entirely not true. The total area of the Pilgrim Centre is already limited to 18720/m² due to the lack of Government Funds. Therefore the environment permit is not necessary under reference cited in order No. CE/BL/PTA/A1/5260/2018 dtd: 03/01/2020 of Chief Engineer Buildings Thiruvananthapuram.
6. The averments in Para 17 to 29 is false. The department have taken all necessary steps and follows up all laws and procedure of a building construction. The intention of the Petitioner is to obstruct the construction of proposed work as Ittiyapara – Pilgrim Centre. The Petitioner is against the Principles of sustainable development of the Government and Infrastructure development of the department. The department already limited the proposed are of the building to 18720/m² and limit 11 floor to 9 floor. Hence it is not necessary to take clearance certificate from Kerala State Environmental impact Assessment Authority.

II. Grounds

The averments in Ground A(1) if false. Construction of Ittiyapara Pilgrim Centre of Building area comprising 11 floor with a total area of 22351.90/m² are already limited to 9 floors and 18720/m². The department already seeking Clearance Certificate from Environmental Authority. But the authority informed to the department, needn't

any clearance certificate for the construction below 20000/m². The Environmental Certificate is required for only the construction above the area of 20000/m².

Ground A VII

The averments in Ground A VII is not true. The all construction are undertaken by the Government only obtaining with valid building permit under the relevant Kerala Municipality Act 1994. The PWD Department have taken all necessary steps and follow up for construction of a building.

Ground E & F

The averments in the Ground E 1 to IX are not applicable to the 3rd respondent.

Ground G

The averments in Para Ground G is not true. The respondent No. 3 already follow the matter of Para 6 of the Environmental Impact Assessment Notification 2006 Mandates, that is the person before commencing a construction activity shall obtain Environmental clearance.

The petitioner had filed this application with the intention to create unreasonable litigation against the department and obstruct infrastructure development or principles of sustainable development of the State.

Hence the Hon'ble Tribunal may be pleased to dismiss the application with cost from the applicant.


EXECUTIVE ENGINEER