

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.No. 128 of 2021 (SZ)

IN THE MATTER OF:

Ibrahim Karim,
S/o. Ibrahim
Pallivasal Estate, Factory Division,
Munnar P.O. – 685612.

...APPLICANT

v.

The State of Kerala,
Rep. by its Chief Secretary,
Government Secretariat,
Thiruvananthapuram-695001 & others.

...RESPONDENTS

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

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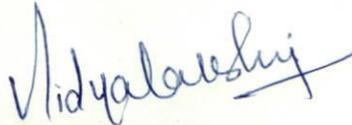
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1.	10.12.2021	REPLY FILED ON BEHALF OF THE 2 ND RESPONDENT	1-4

Dated at Chennai on this 10th day of December, 2021


COUNSEL FOR 2ND RESPONDENT

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I, **RANI R.S.**, wife of Mr.R Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 2nd Respondent. I crave leave of the Hon'ble Tribunal to file reply as and when additional facts are available to the Respondent.
2. It is submitted that the above application has been preferred by the Applicant herein for the following relief:-

INTERIM RELIEF

During the pendency of the above Original Application, this Hon'ble Tribunal may be pleased to issue an order or direction to the 3rd Respondent not to proceed with the construction of the Multi-Utility Complex (comprising 11 floors with a total area of 22,351.90 square meters) upon the land belonging to 1st Respondent (by filling enormous areas of the Klappana-Madatharuvi Stream-cum-Wetland basin) in Ittiyappara Town of Ranni Taluk in pathanamthitta District, until Environmental Clearance is obtained from the Kerala State Environmental Impact Assessment Authority.

PRAYER

In view of the facts and grounds elaborated in the proceeding Paragraphs 4 & 5, the Applicant prays for the following relief:-



Ranni

RANI. R.S
Deputy Secretary to Govt. &
Legal Officer
State Environment Impact Assessment Authority
4th Floor, KSRTC Bus Terminal Complex
Thiruvananthapuram-1
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- 1) Declare that, the ongoing construction of the Multi-Utility Complex (comprising 11 floors with a total area of 22,351.90 square meters), upon the land belonging to 1st Respondent (by filling enormous areas of the of the Klappana-Madatharuvi Stream-cum-Wetland basin) in Ittiyappara Town of Ranni Taluk in pathanamthitta District, until Environmental Clearance is obtained from the Kerala State Environmental Impact Assessment Authority is illegal; and
- 2) Issue an order or direction to the 3rd Respondent to restore the specific area of Klappana-Madatharuvi Stream-cum-Wetland basin' in Ittiyappara Town of Ranni Taluk in Pathanamthitta District; presently under construction of the Multi-Utility Complex (comprising 11 floors with a total area of 22,351.90 square meters), within a timeframe to be stipulated by this Hon'ble Tribunal; and
- 3) Issue an order or direction to the 3rd Respondent to submit appropriate application under Paragraph 6 of the Environmental Impact Assessment Notification, 2006 seeking Environmental Clearance, within a timeframe to be stipulated by this Hon'ble Tribunal; and
- 4) Issue an order or direction to the 2nd Respondent to consider the application of the 3rd Respondent to be under Paragraph 6 of the Environmental Impact Assessment Notification 2006, and conduct and conclude an Environmental Impact Assessment, within a timeframe to be stipulated by this Hon'ble Tribunal; and
- 5) Issue an order or direction to the 3rd Respondent not to proceed with the construction of the Multi-Utility Complex (comprising 11 Floors with a total area of 22,351.90 square meters) upon the land belonging to 1st Respondent (by filling enormous area of the Klappana –Madatharuvi Stream-cum-Wetland basin') in Ittiyappara Town of Ranni Taluk in Pathanamthitta District, until Environmental Clearance is obtained from the Kerala State Environmental Impact Assessment Authority; and
- 6) Issue an order or direction to the 3rd Respondent to find an alternate suitable site for the construction the of Multi-Utility Complex (comprising 11 floors with a total area of 22,351.90 square meters), without filling any areas of the Klappana-Madatharuvi Steam-cum-Wetland basin' in Ittiyappara Town of Ranni Taluk in Pathanamthitta District and further set them at liberty to proceed with such construction activity on condition of obtaining statutorily mandated Environmental Impact Assessment Authority; and
- 7) Pass such any other direction, order or relies, as this Hon'ble Tribunal may deem fit in the interest of justice, equity and good conscience.



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 Legal Officer
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3. It is submitted that this respondent denies all the allegations and averments raised against this Respondent by the Applicant except that are specifically admitted. It is submitted that the 2nd Respondent submit certain facts, which are necessary for the present application, are placed hereunder in seriatim.

4. It is submitted that the Hon'ble Tribunal vide Order dated 05.08.2021 had directed as follows:-

“Considering the circumstances, we feel that some time can be granted to the Committee as well as other official respondent to file report and their independent statements. They are directed to submit the respective report to this Tribunal on or before 02.09.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of image PDF along with necessary hardcopies to be produced as per Rule.”

5. It is submitted that this Respondent **has not received any application for Environmental Clearance for the alleged project and no EC is issued by SEIAA to this project** in Klappana-Madatharuvi Steam-cum-Wetland basin' in Ittiyapara Town of Ranni Taluk in Pathanamthitta District.

6. It is submitted that the 3rd Respondent had filed a Report on 05/08/2021 before the Hon'ble Tribunal has stated as follows:-

Para 2

*“the contractor started the pilling work at the site and is in slow progress. There was no pathway inside the site and the trespassers were not allowed to enter the site. The work was terminated at the risk and cost of the Contractor on 24.05.2019 due to the huge delay in construction process. The proposed area of the building was 22351.90m². **But due to non availability of fund, total area to be constructed has been reduced to 18,720.4m² by Chief Engineer (Document-I), since the area was reduced to 18,720.4m², no environmental clearance is required for the work (Document-2, Page 4, Item No.8A)”***

However, it is submitted that prior EC is mandatory for all projects of more than 20,000 Sq.mtr as per EIA Notification, 2006. It is further submitted that since no application is before this Respondent, this respondent is unable to ascertain the actual extent of the project.



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Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to consider the plea and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 10th day of December, 2021

Ranne

2ND RESPONDENT

VERIFICATION

I, **RANI R.S.**, wife of Mr. R. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 6 are true to the best of my personal knowledge and paras 1 to 6 believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 10th day of December, 2021

Ranne

2ND RESPONDENT



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