

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)**

**ORIGINAL APPLICATION NO. 128 OF 2021 (SZ)**

**AFFIDAVIT FILED BY THE 7<sup>TH</sup> RESPONDENT/SUPERINTENDENT  
ENGINEER, IRRIGATION DEPARTMENT.**

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Dated at Chennai on this the 2<sup>nd</sup> day of June, 2022

**M/s. E.K.KUMARESAN**

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

(1)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI**

**O.A. No.128 of 2021**

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

.. Applicant

Vs

State of Kerala & 5 Ors.

... Respondents

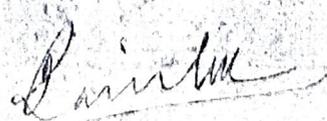
**AFFIDAVIT FILED BY THE 7<sup>TH</sup> RESPONDENT**

I, Rajesh K, working as the Superintending Engineer in the Minor Irrigation Circle, Department of Irrigation, Government of Kerala, Ambalamukku, Kowdiar P.O., Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the 7<sup>th</sup> Respondent in this Original Application and that I am fully conversant with the facts of the case as disclosed from the relevant records and hence competent to swear to this Affidavit.

2. It is respectfully submitted that as per order dated 29.03.2022, this Hon'ble Tribunal directed submission of reports by the concerned Departments of the Government of Kerala to be ready for the next hearing and accordingly I am submitting this Report on behalf of the Dept. of Irrigation, Government of Kerala.

3. It is respectfully submitted that as per Sec.5 of the Kerala Irrigation & Water Conservation Act, 2003, "No person or agency or local authority shall construct any reservoir or anicut or weir or any other permanent structure in or across any water course for the purpose of diverting water there from except with the previous sanction of the Government or such authority as may be authorized by the Government in that behalf and subject to such terms and conditions as the Government or such Authority may impose".

  
Superintending Engineer  
Minor Irrigation Circle  
Thiruvananthapuram

4. It is respectfully submitted that as per Rule 5-A of the Kerala Irrigation & Water Conservation (Amendment) Rules, 2018, "Grant of permission to construct, install, fix or lay any structure over, across, along or inside an irrigation work, the Superintending Engineer under whose jurisdiction the irrigation work fall shall be the authority under Sec.5 of the Act to grant permission to construct, install, fix or lay any structure over, across, along or inside an irrigation work". Since the structure is not proposed to be constructed over, across, along or inside any water body, No- objection certificate from Irrigation Department is not required.

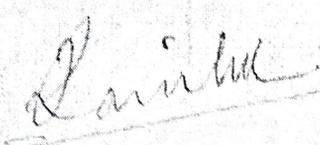
5. It is respectfully submitted that Flood Plain is not defined as per the Kerala Irrigation & Water Conservation Act, 2003. The decision regarding fixing the buffer zone, flood plain etc. is to be taken at Government level. The flood plain is yet to be demarcated by the Irrigation Department.

6. It is respectfully submitted that all the facts stated above are true to the best of my knowledge, belief and information.

7. Therefore, it is humbly prayed before this Hon'ble Tribunal to consider the reply and pass suitable order and thus render Justice.

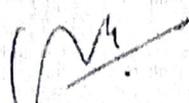
Dated at Thiruvananthapuram on this 23<sup>rd</sup> day of April, 2022.

Solemnly affirmed and signed at  
Thiruvananthapuram on this  
the 23<sup>rd</sup> day of April, 2022 in my presence



DEPONENT

**Superintending Engineer,  
Minor Irrigation Circle  
Thiruvananthapuram**



**TECHNICAL ASSISTANT /  
ASST: ExE: ENGINEER  
MINOR IRRIGATION CIRCLE**