

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

ORIGINAL APPLICATION NO. 128 OF 2021

In the matter of:

Ibrahim Karim, Munnar

----Applicant

-VS-

State of Kerala, Rep by its Chief Secretary,
Thiruvananthapuram and ors

----Respondent(s)

**REPORT FILED BY EXECUTIVE ENGINEER, PUBLIC WORKS
DEPARTMENT, PATHANAMTHITTA/3RD RESPONDENT**

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Dated at Chennai on this the 06th day of February, 2023.

for. G. K. Kumaresan
06/2/23

M/s. E.K.KUMARESAN

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

Report in OA 128/2021 before the Hon'ble National Green Tribunal South Zone, Chennai.

I am submitting herewith a detailed report as per the directions of the Hon'ble National Green Tribunal in order dated 05.01.2023 in OA 128/2021.

Envisioning the possibilities of a pilgrim center that could be used as a base camp for the pilgrims coming from far and wide, the State Government of Kerala had undertaken the Project of a Sabarimala Pilgrim Centre. For this project a suitable location was acquired in Ranny Pazhavangadi by the Ranny Pazhavangadi Gramapanchayth. An extent of 110.28 Ares of land had been acquired for the purpose and the work "Construction of Sabarimala Pilgrim Centre" is entrusted with PWD (Buildings) and vide GO(Rt) No.1550/2014-15 dated 27/11/2013 Administrative Sanction for Rs 16.50 Crores had been accorded for the entire Project.

The work was awarded to M/S Roger Mathew & Co. and agreement executed vide Agmt.No.23/SEBSC/2014-15 dated 30.09.2014 and the contractor had started work in the acquired land on 10/10/2014. The construction work is in its initial stages and so far the contractor has completed 310 piles and an amount of Rs 2,67,87,072/-had been paid to the contractor towards bill payment of the work he had done so far. An amount of Rs.1,41,983/-is the outstanding balance bill amount payable to the Contractor. Apart from the payments made to the Contractor, an amount of Rs.2,13,57,444/-is to be remitted by the Government of Kerala before the Hon'ble Sub Court Pathanamthitta, Kerala in different LAR Cases.

Out of the 110.28 Ares of land acquired for the Sabarimala Pilgrim Centre Project certain portions of land were included in the Data bank as wet land and to make necessary amendments in the Data Bank based on the report of the local level monitoring committee, Gazette Notification No.1348 dated 25.04.2022 had been published removing the survey no's included in the Data Bank as wet land.

The Hon'ble Green Tribunal's apprehension that the Sabarimala Pilgrim Centre Project will end up to be like the one in Marad is farfetched as the land acquired for the Project Construction of Sabarimala Pilgrim Center is not situated in an ecologically sensitive zone. This fact is evident from the number of constructions already in place in the area. The site had been inspected as per the directions of the Hon'ble Tribunal and findings are reported as below.

The Klappana - Madatharuvi stream is a small stream that flows through a culvert of span 3.5 to 4 metre and gains strength only during heavy rains. More than 60 residential and commercial buildings (including multi storied buildings) are seen in 150meter vicinity of the stream. Within 80 meters of the stream three residential buildings are seen situated. All those buildings have been legally constructed as per the norms of the Building Construction Act and after obtaining permit from the Grama panchayath concerned. No violations in the construction of any buildings have been so far reported in the area. The project is an Ecofriendly Project. The flow of the stream is not in any way obstructed by the proposed construction of Sabarimala Pilgrim Center. As regards the waste generated by the Pilgrim Center efficient waste management methods are

also being implemented once the Project is completed and the center starts functioning. Utmost care will be taken to not to pollute the water stream in any way by recycling the waste generated by the pilgrims using the shelter.

The Hon'ble Tribunal may kindly note that for the lakhs of Lord Ayyappa devotees coming to Sabarimala from different parts of the country, staying in Sabarimala Poonkavanam at all times is not possible as it is part of the Periyar Tiger Reserve and such a huge influx of devotees cannot be accommodated in the forest as it will damage the ecology of the forest and also pose a threat both to human and wild animals in the area. Hence time limit is set by the government from time to time for entering the shrine. Even though the Government has envisaged various methods to regulate the inflow of the devotees into the temple at times it becomes quite difficult to manage the huge crowd of devotees entering the area. The importance of Sabarimala Pilgrim Center comes into prominence here as the place can be used as a breaker wherein the devotees could be accommodated and manage the crowds without inconveniencing the devotees. The devotees could be asked to stay at the Pilgrim Center and they could be sent for darshan in small manageable groups thereby avoiding the unnecessary crowding of devotees and avoid accidents that may occur from it. Thus the Pilgrim Center will be an effective base camp to avoid crowding of temple premises and the roads to the shrine which is now a very serious problem being faced by the authorities. Since there is no other place to accommodate large masses of devotees enroute to Sabarimala Temple and accommodating such a crowd in forest area is not feasible, the Sabarimala Pilgrim Center at Ittiyappara in Ranny Pazhavangadi will prove to be a boon to the pilgrims. Moreover pilgrims coming from other States will find it a blessing as they can climb Sabarimala after a short rest at the center and also for those who intend to climb the Hills upon daybreak can spend the night in safety rather than in the outskirts of the forest.

No other suitable land could be found to acquire for the Project and also Government funding in the matter is not possible as already funds had been released and land acquired for the same. Moreover 5 LAR's are pending in Sub Court Pathanamthitta (LAR 70/2011, 71/2011, 72/2011, 74/2011, 86/2011) and a WP(C) no. 23474/2022 in the High Court of Kerala.

It is humbly brought to the notice of the Hon'ble Tribunal that more than 3.5 crores had already been spent for the project and another 2.5 crores need to be deposited before the Sub Court, Pathanamthitta for satisfying the decrees in various LAR's. Hence it is humbly prayed that taking into note the importance of such a project to the devotees of Lord Ayyappa and also taking note of the burden so far it has brought to the State exchequer and in case the project is not completed or shifted to another place will further burden the State exchequer leading to irreparable loss, the OA may be decided in favour of the State.



EXECUTIVE ENGINEER

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