

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN
IA NO.71 OF 2020
IN
O.A No.166 OF 2020

IN THE MATTER OF

Irugu Ramesh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 (MINISTRY
OF FOREST, ENVIRONMENT AND CLIMATE CHANGE)

Mrs.SUMATHI
COUNSEL FOR MoEF&CC

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INDEX

S.N	Particulars	Page No.
1.	Reply affidavit of MoEFCC	
2.	Copy of the notification for declaration of ESZ around Pulicat Bird Sanctuary [Annexure-1]	

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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 (MINISTRY
OF FOREST, ENVIRONMENT AND CLIMATE CHANGE)
MOST RESPECTFULLY SHOWETH:-**

I, Dr.C.Palpandi, S/o P.Chendurpandi, aged about 37 years working as Scientist 'C' in the Regional Office of the Ministry of Environment, Forest & Climate Change (MoEF&CC) at Chennai, the deponent herein do hereby solemnly affirm and state on oath as under:-

1. That I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the Respondent No.1 (MoEF&CC) on the basis of the official records maintained therein.
2. It is submitted that Pulicat Lake is the second largest brackish water lagoon/wetland in India spread over Andhra Pradesh and Tamil Nadu which attracts winter migratory birds and is an important feeding ground for a variety of aquatic and terrestrial birds like Greater and Lesser Flamingoes, Painted Storks, Egrets, Grey Pelicans, Grey Herons and a variety of water birds and is famous for large number of migratory birds visiting during winter as the lake offers food and protection from predators. In addition, the

(D. C. Palpandi)
Scientist 'C'

lake is home to different categories of fauna which *inter-alia* includes invertebrates and many other bird species.

3. It is submitted that Greater Flamingo is an endangered species requiring protection and visits the Pulicat Lake during October, coming from Rann of Kutch and returns back during April.
4. It is submitted that the answering respondent Ministry having recognised the need for protection of the rich and diverse ecology in and around Pulicat Lake issued the final Eco-Sensitive Zone around Pulicat Bird Sanctuary vide number S.O 1736(E), dated 26.06.2015, after following due procedures. The said notification specifically provides the extent of the ESZ to be 2.0 kms from North to South all along the western boundary of the Pulicat Bird Sanctuary.

5. It is submitted that there are total 23 villages falling under the Eco-Sensitive Zone and this includes Tada Kandriga village, in Tada Mandal, in Nellore District, wherein, the specific grievance of the applicant in the instant matter is centred.

6. It is submitted that the said notification on ESZ around Pulicat Bird Sanctuary, bearing S.O.1736 (E), dated 26.06.2015, provides for regulation or prohibition or promotion of activities in the said ESZ areas at specific paras of the said notification.

7. It is submitted that the said notification at para 4 provides for list of activities prohibited or to be regulated within the ESZ and at Sl. No. 12 of the table provides the following:

Construction activities:

(i) From the boundary of Pulicat Bird Sanctuary upto a distance of 100 meter in the Eco-sensitive Zone, no new construction of any kind shall be

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Chennai-600 032.

allowed except tubewell chambers of dimension not more than 100 cubic inches.

(ii) *The construction of any building more than two storeys (twenty five feet) shall not be allowed in the Eco-sensitive Zone area between 100 to 500 meters from the boundary of the Pulicat Bird Sanctuary.*

(iii) *The lying of new high tension transmission wires shall not be allowed from the boundary of Pulicat Bird Sanctuary to a distance of five hundred meters in the Eco-sensitive Zone.*

A copy of said notification is annexed herein as **Annexure-R1**.

8. It is humbly submitted that the said notification also provides that the provisions of the notification shall be implemented by the Monitoring Committee, the details including its composition of which, are provided at para no. 5 of the said notification.
9. It is humbly submitted that the State Government is duty bound to implement the provisions of the said notification in true spirit, considering that the same has been duly notified after extensive consultation with the State Government.
10. It is humbly submitted that the answering respondent without prejudice reserves his right to file an additional affidavit at a later stage, if so necessary.
11. It is humbly submitted that in view of the above mentioned facts, this answering respondent Ministry humbly submits that the Hon'ble Tribunal may pass such order as may deem fit in the interest of justice.

C. Palpandi

Dr. C. Palpandi
Scientist 'C'

Government of India
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DEPONENT

VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at..... on this.....day of....., 2020.

C. Palpandi
Dr. C. Palpandi
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