

From

N.Gnanasekar B.E
Joint Committee Member &
Superintending Engineer PWD WRO
Tamilnadu Basin Circle,
Tirunelveli.

To

The Govt. Standing Counsel
National Green Tribunal
South Branch
High Court, Madras.

Sir,

Sub : OA 172/2020 Construction Check Dam at Erayumantharai – Joint
Committee Members WRD report submitted regarding.

I submit herewith the Joint committee report with type set in respect of the
case OA 172/2020 to file before the Honourable National Green Tribunal ordered
dated 08.09.2020.

I enclosed herewith the soft copy and hardcopy of the report and type set.

Encl: Softcopy and Hardcopy of the report.


Joint Committee Member &
Superintending Engineer, PWD, WRO
Tamilnadu Basin Circle,
Tirunelveli

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE , CHENNAI
Original Application No: 172 of 2020

IN THE MATTER OF

Association of Deep Sea going Artisanal
Fishermen
Rep.by its Vice president,
Mr.Selvoriyan. A
Kanyakumari District.

Versus

The Union of India and others

... Respondent(s)

Report of Joint Committee Member, WRD

I, N.Gnanasekar, the Superintending Engineer, P.W.D, Thamirabarani Basin Circle, Tirunelveli and Member of Joint Committee submit the report as follows.

Based on the Honourable Green Tribunal order in the original application No. 172/ 2020(SZ) the following officials inspected the check dam site and the Fishing Harbour area at Thengapattinam/ Erayumanthurai on 8/12/2020.

(i) The Sub Collector, Padmanabhapuram, (ii) Senior Officer from the Ministry of Environment, Forest and Climate Change (MoEF & CC), Regional office, Chennai, (iii) Senior Officer from State Coastal Zone Management Authority, Chennai, (iv) The Superintending Engineer, P.W.D, Thamirabarani Basin Circle, Tirunelveli.

The Government of Tamil Nadu have accorded administrative sanction for the work of Construction of Check Dam across Kuzhithuraiyar near Erumanthurai in Kanniyakumari District for Rs.1537.07 lakhs vide GO.Ms.No: 26 Dated: 24.08.2018. The work is in progress and about 34% of work physically completed and an expenditure of Rs.4.34crores has been incurred so far.

Thamirabarani also called Kuzhithuraiyar is a perennial river having flood carrying capacity of 42,700 cusecs in Kanniyakumari District. It runs for about 60 Km

distance and confluences into Arabian Sea near Erayumanthurai. Backwater Kayal that formed at the confluence of the river with Arabian Sea and the sandy mouth has been removed at the confluences of the river due to Fishing Harbour works. As a result of this, sea water intruded with river water and salty water has been spreaded around more than 48 villages in the upstream side for a length of 13.00 Km affecting the population of around 2.00 lakhs. Along the course of river there are lot of TWAD Board Infiltration wells and the water is being pumped for supplying to nearby villages for drinking purposes from these wells.

Since the river bed is lower than the Mean Sea Level it is very much essential to arrest the Sea water intrusion. Hence the check dam is being constructed across Kuzhithuraiyar for a length of 130m and keeping the crest level of the check dam at +1.00 m above Mean Sea Level.

During the monsoon season due to littoral effect of sea tides the river mouth at the estuary of river used to get closed by sand sediment and which acted as natural barrier for preventing back water entry and preventing the mixing of saline water with river water which had been the natural phenomenon and whenever there is flow in the river the sand bar gets opened and flow of water got discharged into the sea and when water recedes, the sand bar got formed automatically and preventing the sea water intrusion. Due to the Construction of Fishing Harbour the river mouth was opened for vessel movement and sea water entered into the river. The salinity the happened due to the Harbour works, the ground water in the adjoining acquifers, openwells, borewells became saline and which are difficult to utilise for domestic and agricultural purposes.

It is submitted that no fisherman would be affected due to the construction of the check dam since the same is being constructed 800m away from the mouth of the river. The flow of river water also would not affect due to the said construction. In order to develop the livelihood of the fishermen, the Government has formulated a new Fishing Harbour at Thengapattinam. For which, the Public Works Department vide CE letter No : TS/DO.III/C.9747/06 dated : 04.07.2006 have given its consent to transfer of poromboke land for the formation of the said Fishing Harbour project at

Thengapattinam subject to the following conditions:

- The entire length of bar mouth may be left as it is in order to allow the entire flood water of the Kuzhithurayar river (Kanniyakumari District) in to the Arabian Sea and the proposed infrastructural facilities located at the bar mouth for the Fishing Harbour Project can be relocated at the right bank of the river.
- One check dam across the river well within the distance of 1.00 km from Thengapattinam in the upstream side of the river shall be provided in order to avoid sea water intrusion during hightides.

Therefore, the said Fishing Harbour Project can be developed based on the above said conditions only.

It is submitted that since the river bed is- 3.25m lower than the Mean Sea Level, the Sea water is mixed with the river water and the same becomes as salty which spoils the ground water as salty and this salty water is being used for drinking and agricultural activities by the people of the villages in an around the river bank and the locality. Since, the public at large have been suffered due to the salty ground water, they started protesting to restore the river water in its previous position. Hence the State Government has passed the said G.O., to construct a Check Dam with the height of 4.25m from the bed of river upto the top the existing stagnated water level during high tide period which will resist the sea water into the river. Since the top of the check dam will be as same as the level of existing stagnated water level during high tide period always there will be water nappe over the check dam from upstream to downstream side.

It is pertinent to note that since the bed of the river is very much lower than the Mean Sea Level, water is always stagnating in Kuzhithuraiyar for about 3m depth for a length of 13km throughout the year. However, even after the completion of the said proposed construction, the steady river water flow will occur and the river confluences with sea without any obstruction. Therefore, the reproduction and for laying eggs and other eco systems would not affect due to the proposed construction of the said check dam which is 800m (aerial distance) and 1.88 km (along the river path) away from the river mouth. The construction of check dam is made in the river

itself within the banks and existing top level only, so there will be no additional inundation and outflanking in the river and no submergence in the adjoining places. There will be only the downward flow of fresh water from upward to downward. The fresh water above check dam would be eco-friendly which will be helpful for flora and fauna and since downward flow would not be blocked which would never ever prevent any upcoming nutrients of fresh water into the sea. The check dam barrier is only meant to restore the earlier existed condition.

Further, the need of construction of Check Dam at this place became essential due to the removal of sand bar for the construction of fishing harbour at the estuary of river so it will only bring the earlier situation before the construction of Fishing Harbour.

The Draft notification of Coastal Regulation Zone, 2011 was published vide SO No:229/(E) dated 15th september2010. The CRZ map indicating LTL, HTL and classification of variation of CRZ zones etc. was approved on 24-10-2018 by Ministry of Environment and Forest, NewDelhi. The GO(3D) No: 26 Public Works (W1) department dated 24-08-2018 for the construction of check dam was issued on 24-8-2018 and preliminary works were started. The check dam under construction is 800 m away from HTL, and proposed location does not come under any CRZ zone as per the map available with the District Coastal Management plan authority. It is emphasized that the CRZ 2011 map was issued on 24-10-2018 which is only after the issuance of the GO date (24-8-2018) for the work. Hence obtaining CRZ clearance from the authorities was not arisen.

The petitioner himself is taking inconsistent plea with the intention to misuse the river and the river bank for the landing of their boats and other purposes beyond the harbour area. Further it is submitted that the development along coastal for fish landing and berthing of fishing vessels crafts are to carried out accordingly to the "Comprehensive shore line protection management plan for entire Tamilnadu coast May 2016" prepared by the prestigious Indian Institute of Technology, Madras (popularly known as IIT Madras) and approved by the Government of Tamil Nadu for the proper implementation and maintenance of entire coast of Tamil Nadu . In the above plan the planning for development of fish landing centers will be carried out

broadly under two categories viz “i) Development of fish landing centers in gaps of existing coastal protection measures and ii) conversion of existing coastal protection measures to fish landing centers with possibility for further expansion and these expansion works are being carried out by the Fisheries Department of Government of Tamilnadu.

It is submitted that Thiru A.Sesadimai, President Association of Deep Sea Going, Artisanal Fisherman, Shark Street, Thoothoor post, Kanyakumari District has filed a writ petition W.P (MD) No: 27380 of 2019 in the Honourable Madurai bench of Madras High Court seeking order of injunction from proceeding with the check dam construction work and it is still pending before the Honourable Madurai bench of Madras High Court.

In light of the circumstances explained above it is submitted that due to the removal of sand bar from the river mouth and reduction of river width from 800m to 75m at river mouth for Fishing Harbor works caused sea water intrusion. The sea water intruded around 13km along the river in the upward direction and water became salty and also spoiling the adjoining aquifer, openwells, borewells etc. In order to safeguard the livelihood of people on banks of river the checkdam is being constructed and which is the only meant to restore the preexisted condition. Hence there is no violation of environment laws and no damage caused to environment including river bed and surrounding area due to the construction of checkdam.


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THE TYPESET

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Certified as true copies of the original documents dated at Chennai on this th day of December, 2020.


**Joint Committee Member &
Superintending Engineer, PWD, WRO
Thamirabarani Basin Circle,
Tirunelveli**

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9/2/2018	

ABSTRACT

Water Resources Department — Construction of 15 numbers of Check Dams in various Districts and 2 numbers of Anicuts in Ramanathapuram District at an estimated cost of Rs.6178.148 lakh with NABARD loan Assistance under RIDF XXIV for the year 2018-19 – Sanction accorded – Orders issued.

Public Works (W1) Department

S.O. (3D) No. 26

Dated: 24.08.2018
விளம்பி, ஆவணி-8,
திருவள்ளூர் ஆண்டு 2049.

Read:

1. From the Chief Engineer, Plan Formulation, Water Resources Department, Chennai Letter No. B/Announcement-2017-18/2017, dated 08.12.2017.
2. From the Deputy General Manager, NABARD letter No. NB. TN. SPD / 126 / RIDF-6 / RIDF XXIV / 2018-19, dated. 19.07.2018.

ORDER:-

The Hon'ble Chief Minister has announced on the floor of the assembly during the Public Works Department's Demand on 28.6.2017, that in order to recharge the ground water and to direct water from rivers to fill up the Tanks, it is planned to construct new Check Dams, sub surface dykes and anicuts at a cost of Rs.1000 Crore in 3 years. During this year, Check Dams and sub surface dykes would be constructed in 75 places and Anicuts in 10 places in the State at a cost of Rs.350 crore.

2. Based on the above announcement of the Hon'ble Chief Minister, the Chief Engineer, Plan Formulation, Water Resources Department, in his letter first read above, has sent a proposal for the above Work as detailed below: -

1. Construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram village in Bodinayakanur Taluk in Theni District

This scheme envisages construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram Village in Bodinayakanur Taluk of Theni District. The length of the proposed Check Dam is 22.00m and height is 1.5m. By implementing this scheme, about 149.00 acres of ayacut will be benefited

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through 45 Nos. of wells. The estimated cost works out to Rs.72.00 lakh as per the schedule of rates for the year 2017 - 18.

II. Construction of a Check Dam across Vaigai river near Solaithevanpatti in Vallalnadhi Village in Andipatti Taluk in Theni District

This scheme envisages construction of a Check Dam across Vaigai river near Solaithevanpatti in Vallalnadhi Village in Andipatti Taluk in Theni District. The length of the proposed Check Dam is 80.00m and height is 1.5m. By implementing this scheme, about 565.65 acres of ayacut will be benefited through 148 Nos. of wells. The estimated cost works out to Rs.289.00 lakh as per the schedule of rates for the year 2017 - 18.

III. Construction of a Check Dam across Pillayaroothu odai in Devaram Village in Uthamapalayam Taluk in Theni District

This scheme envisages construction of a Check Dam across Pillayaroothu odai in Devaram Village in Uthamapalayam Taluk in Theni District. The length of the proposed Check Dam is 16.00 m and height is 1.5 m. By implementing this scheme, about 138.61 acres of ayacut will be benefited through 71 Nos. of wells. The estimated cost works out to Rs.36.00 lakh as per the schedule of rates for the year 2017 - 18.

IV. Construction of a Bed Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidaikurichi Village in Ambasamudram Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidaikurichi Village in Ambasamudram Taluk in Tirunelveli District. The length of the proposed Check Dam is 60.00m and height is 1m. By implementing this scheme, about 225.00 acres of ayacut will be benefited through 9 Nos. of wells. The estimated cost works out to Rs.174.00 lakhs as per the schedule of rates for the year 2017 - 18.

V. Construction of a Check Dam across Chittar river at Downstream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Chittar river at downstream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District. The length of the proposed Check Dam is 80.00m and height is 1.5m. By implementing this scheme, about 184.00 acres of ayacut will be benefited through 19 Nos. of wells. The estimated cost works out to Rs.180.00 lakh as per the schedule of rates for the year 2017 - 18.

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VI. Construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District.

This scheme envisages construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District. The length of the proposed Check Dam is 58.50m and height is 1m. By implementing this scheme, about 125.20 acres of ayacut will be benefited through 78 Nos. of wells. The estimated cost works out to Rs.218.00 lakh as per the schedule of rates for the year 2017 - 18.

VII. Construction of a Check Dam across Hanumanadhi at Downstream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Hanumanadhi at downstream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District. The length of the proposed Check Dam is 58.50m and height is 1m. By implementing this scheme, about 186.80 acres of ayacut will be benefited through 55 Nos. of wells. The estimated cost works out to Rs.302.00 lakh as per the schedule of rates for the year 2017 - 2018.

VIII. Construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyanakudi Village in Kadayanallur Taluk in Tirunelveli District

This scheme envisages construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyanakudi Village in Kadayanallur Taluk in Tirunelveli District. The length of the proposed Check Dam is 30.00m and height is 0.9m. By implementing this scheme, about 299.35 acres of ayacut will be benefited through Achanthikulam Channel and by 40 Nos. of wells. The estimated cost works out to Rs.217.00 lakh as per the schedule of rates for the year 2017 - 18.

IX. Construction of a Check Dam across Nichabanadhi in Panaiyur Village in Sankarankovil Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Nichabanadhi in Panaiyur Village of Sankarankovil Taluk in Tirunelveli District. The length of the proposed Check Dam is 32.80m and height is 1.5m. By implementing this scheme, about 204.00 acres of ayacut will be benefited through 54 nos. of wells. The estimated cost works out to Rs.113.00 lakh as per the schedule of rates for the year 2017 - 18.


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X. Construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 36.00m and height is 1.5m. By implementing this scheme, about 231.15 acres of ayacut will be benefited through 10 nos. of wells. The estimated cost works out to Rs.87.00 lakh as per the schedule of rates for the year 2017-18.

XI. Construction of a Check Dam across Uppodai river in Chidampampatti Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Chidampampatti Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 41.00m and height is 1.5m. By implementing this scheme, about 227.94 acres of ayacut will be benefited through 8 nos. of wells. The estimated cost works out to Rs.108.00 lakh as per the schedule of rates for the year 2017-18.

XII. Construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District

This scheme envisages construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District. The length of the proposed Check Dam is 40.00m and height is 1.5m. By implementing this scheme, about 564.28 acres of ayacut will be benefited through 15 nos. of wells. The estimated cost works out to Rs.233.00 lakh as per the schedule of rates for the year 2017-18.

XIII. Construction of 2 nos. of Check Dams across the arms of Vembar river near Vembar village and Periyasampuram village in Vilathikulam Taluk in Thoothukudi District.

The proposed Check Dams are located 1.5Km from the sea and lies in the drought prone block of the Vembar Sub basin.

a) Check Dam across the arm of Vembar river near Vembar village :

This scheme envisages construction of a Check Dam across the Vembar river in Vembar Village in Vilathikulam Taluk in Thoothukudi District. The length of the proposed Check Dam is 140.00m and height is 1.8m with 2 nos of scour vents on either side.

b) Check Dam across the arm of Vembar river near Periyasampuram Village :

This scheme envisages construction of Check Dam across the Vembar river in Periyasampuram Village in Vilathikulam Taluk in Thoothukudi District. The length of the proposed Check Dam is 170.00m and height is 1.5m with 2 nos of scour vents on either side.


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By implementing this scheme, the Ground water table and water potential in the Vembar and Periyasamipuram Village will improve and 572.80 acres of ayacut will be benefited through 52 nos. of wells. Sea water intrusion will be arrested and fresh water can be stored in the upstream of the Check Dam and Tharuvai areas. The estimated cost works out to Rs.1900.00 lakh as per the schedule of rates for the year 2017 - 18.

XIV. Construction of a Check Dam across the Swetha Nadhi In Upstream of Kalliamman Koll In Kudamalai Village in Gangavalli Taluk In Salem District

In this scheme, it is proposed to construct a Check Dam of length 50m and height 1.50m across the Swetha Nadhi in Upstream of Kalliamman Koll in Kudamalai Village at Gangavalli Taluk in Salem District. The construction of the Check Dam will recharge 114 numbers of wells by the way of percolation through which 65.63 acres of ayacut will be benefited. The estimated cost works out to Rs 189.00 lakh as per the schedule of rates for the year 2017 - 18.

XV. Construction of a Check Dam across the Ponniyar River in SF NO:194 of Ernapuram Village in Magudanchavadi Block of Sankari Taluk in Salem district

In this scheme, it is proposed to construct a Check Dam of length 50m and height 1.50m across the Ponniyar River in SF NO: 194 of Ernapuram Village in Magudanchavadi Block in Sankari Taluk in Salem district. This construction of the checkdam will recharge 37 numbers of well by the way of percolation through which 116.25 acres of ayacut will be benefited. The estimated cost works out to Rs.95.00 lakh as per the schedule of rates for the year 2017 - 18

XVI. Construction of a Check Dam across the Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District

This scheme envisages construction a Check Dam of length 55m and height 1.50m across the Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem district. The construction of the Check Dam will recharge 69 numbers of wells by the way of percolation through which 43.875 acres of ayacut will be benefited. The estimated cost works out to Rs.245.00 lakh as per the schedule of rates for the year 2017 - 18.

XVII. Construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District

This scheme envisages construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai of Vilavancode Taluk in Kanyakumari District. The length of the proposed Check Dam is 130.00m and height is 4.25m. By implementing this scheme, sea water intrusion will be prevented and there by arresting sea water into the river. The Check Dam will act as a grade wall for rising the bed level of Kulithuraiyar by deposit of sand in future. The ground water quality in the nearby areas will be improved. The estimated cost works out to Rs.1600.00 lakh as per the schedule of rates for the year 2017 - 18.

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XVIII. Construction of a Check Dam across Gundar (Malattar) River near Sayalkudi village in Kadaladi Taluk in Ramanathapuram District

This scheme envisages construction of a Check Dam across Gundar (Malattar) River near Sayalkudi village in Kadaladi Taluk in Ramanathapuram District. The length of the proposed Check Dam is 140.00m and height is 0.9m. By implementing this scheme, about 430.22 acres of ayacut will be benefited through 19 nos. of wells. The estimated cost works out to Rs.333.00 lakh as per the schedule of rates for the year 2017 - 18.

XIX. Construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in TiruvadanaI Taluk in Ramanathapuram District

The scheme envisages construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in Kattiyavayal Village in TiruvadanaI Taluk in Ramanathapuram District. The total length of the proposed body wall is 30m in which the weir length will be 25m and the scour vent portion in each end will be 1.5m and height of the weir will be 0.92m. By implementing this scheme, about 549.06 acres of ayacut will be benefited.

The following provisions are made in the estimate,

- a) Construction of an Anicut with one head sluice
- b) Formation of Flood banks.

The estimated cost works out to Rs 198.00 lakh as per the schedule of rates for the year 2017 - 18.

XX. Construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District

The scheme envisages construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District. The total length of the Anicut is 53.00m and with two scour vents on either side and height of the weir is 1.05m. By implementing this scheme, about 377.75 acres of ayacut will be benefited.

The following provisions are made in the estimate,

- a) Construction of an Anicut with one head sluice
- b) Excavation of a supply channel
- c) Formation of Flood banks.

The estimated cost works out to Rs.296.00 lakh as per the schedule of rates for the year 2017 - 18.

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3. The Chief Engineer, Plan Formulation, Water Resources Department has requested the Government to send the above scheme to NABARD for loan assistance.

4. The proposal of the Chief Engineer, Plan Formulation, Water Resources Department was forwarded to NABARD at a cost of Rs.6178.148 lakh. (Restricting the expenditure towards Lumpsum Provision for Petty Supervision and Contingency Charges, excluding the price escalation charges). Subsequently, NABARD has sanctioned a sum of Rs.27875.36 lakh as RIDF loan for 62 Projects including this scheme vide its letter second read above.

5. Accordingly, sanction is accorded for the Work of Construction of 15 nos. of Anicut Check Dams in various Districts and 2 Nos. of Anicuts in Ramanathapuram District at an estimated cost of Rs.6178.148 lakh (Rupees sixty one crore, seventy eight lakh, fourteen thousand and eight hundred only) availing loan assistance from NABARD under RIDF-XXIV for the year 2018-2019 as detailed below:-

Sl. No.	Name of work	Total Estimate Amount (Rs. in Lakhs)
1	Construction of a Check Dam across Valaiyar near Mamarathuvayal in Boothipuram village in Bodinayakkanur Taluk of Theni District.	71.7200
2	Construction of a Check Dam across Pillayaroothu odai in Devaram Village of Uthamapalayam Taluk in Theni District	35.9200
3	Construction of a Bed Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukallidai kurichi Villgae in Ambasamudram Taluk in Tirunelveli District.	172.9030
4	Construction of a Check Dam across Chittar river at DownStream side of Nettur Anicut in Agaram Village in Veerakeralamputhur Taluk in Tirunelveli District	178.8515
5	Construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District.	216.6000

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6	Construction of a Check Dam across Hanumanadhi DownStream side of Arunthavapiratti Anicut in Surandai Village in Veerakeralampudur Taluk in Tirunelveli District	300.0500
7	Construction of a Bed Dam across Kottamalaiyar river offtake at Achanthikulam Channel in Puliyanakudi Village in Kadayanallur Taluk in Tirunelveli District	215.6097
8	Construction of a Check Dam across Nichabanadhi in Panaiyur Village in Sankarankovil Taluk in Tirunelveli District	112.8084
9	Construction of a Check Dam across Uppodai river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District	86.4442
10	Construction of a Check Dam across Uppodai river in Savalaperi Village in Kovilpatti Taluk in Thoothukudi District	232.0352
11	Construction of 2 nos of Check Dams across the arms of Vembar river near Vembar village and Periyasamipuram village in Vilathikulam Taluk in Thoothukudi District.	1798.2026
12	Construction of a Check Dam across Swetha Nadhi in Upstream of Kallamman Koil in Kudamalai Village in Gangavalli Taluk in Salem District.	187.5350
13	Construction of a Check Dam across Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District.	242.8250
14	Construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District.	1537.0705
15	Construction of a Check Dam across Gundar(Malattar) River near Sayalkudi village in Kadaladi Taluk in Ramanathapuram District.	317.7096

16	Construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in Tiruvadanai Taluk in Ramanathapuram District	189.6030
17	Construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District	282.2606
	Overall Total	6178.14,800

6. The expenditure sanctioned in para 5 above shall be debited to the following head of account opened under Demand No.40:01:

"4702 -00- capital outlay on Minor Irrigation 101 Surface Water State's Expenditure -- JV Construction of Check Dam and Anicuts across all River Basins of Tamil Nadu with NABARD Loan 16 Major Works."
(DPC: 4702 00 101 JV 1605)

7. The amount sanctioned in para 5 above will be met from the existing budget provision 2018-2019.

8. This order issues with the concurrence of the Finance Department vide its U.O. No.43522/PW-II/2018, dated 23.08.2018.

(BY ORDER OF THE GOVERNOR)

S.K.PRABAKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Engineer-in-Chief, Water Resources Department and Chief Engineer (General),
Public Works Department, Chennai - 5.
The Chief Engineer, Plan Formulation, Water Resources Department, Chennai - 5.
The Chief Engineer, Water Resources Department, Madurai Region, Madurai.
The Chief Engineer, Water Resources Department,
Coimbatore Region, Coimbatore.
The District Collector, Theni, Thirunelveli
Thoothukudi, Salem, Kanniyakumari & Ramanathapuram District.
The Treasury Officer, Theni, Thirunelveli
Thoothukudi, Salem, Kanniyakumari & Ramanathapuram
The Principal Accountant General (A&E / Audit - I,E&RSA), Chennai - 18
The Resident Audit Officer, O/o. Principal Accountant General
(General and Social Sector Audit), TN Secretariat, Chennai-9.

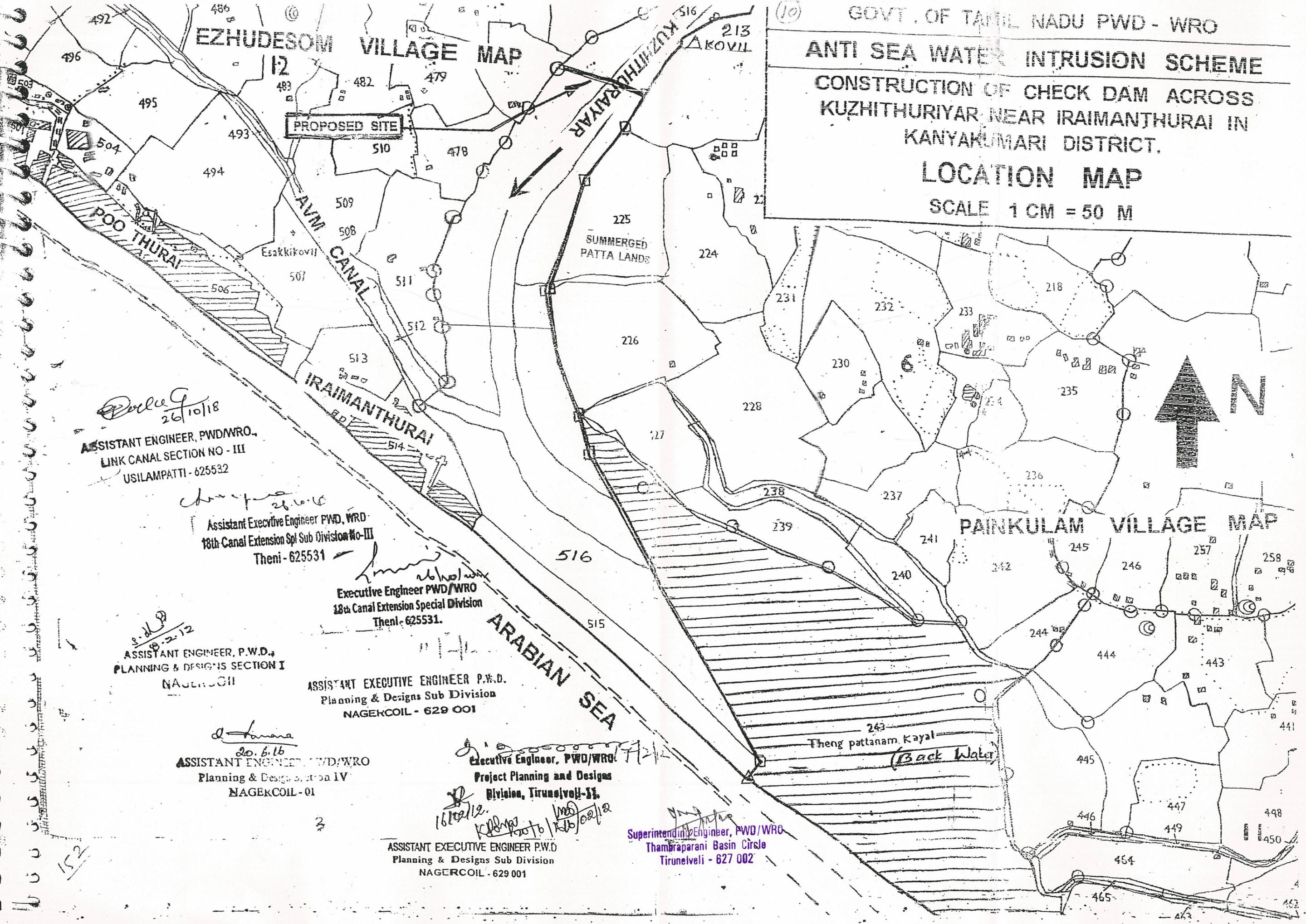
[Signature]
Superintending Engineer, PWD/11/30
Thambraparani Basin Circle
Tirunelveli - 627 002

ANTI SEA WATER INTRUSION SCHEME

CONSTRUCTION OF CHECK DAM ACROSS
KUZHITHURIYAR NEAR IRAIMANTHURAI IN
KANYAKUMARI DISTRICT.

LOCATION MAP

SCALE 1 CM = 50 M



[Signature]
26/10/18
ASSISTANT ENGINEER, PWD/WRO,
LINK CANAL SECTION NO - III
USILAMPATTI - 625532

[Signature]
26/10/18
Assistant Executive Engineer PWD, WRO
18th Canal Extension Spl Sub Division No-III
Theni - 625531

[Signature]
26/10/18
Executive Engineer PWD/WRO
18th Canal Extension Special Division
Theni - 625531.

[Signature]
8.2.12
ASSISTANT ENGINEER, P.W.D.,
PLANNING & DESIGNS SECTION I
NAGERCOIL

ASSISTANT EXECUTIVE ENGINEER P.W.D.
Planning & Designs Sub Division
NAGERCOIL - 629 001

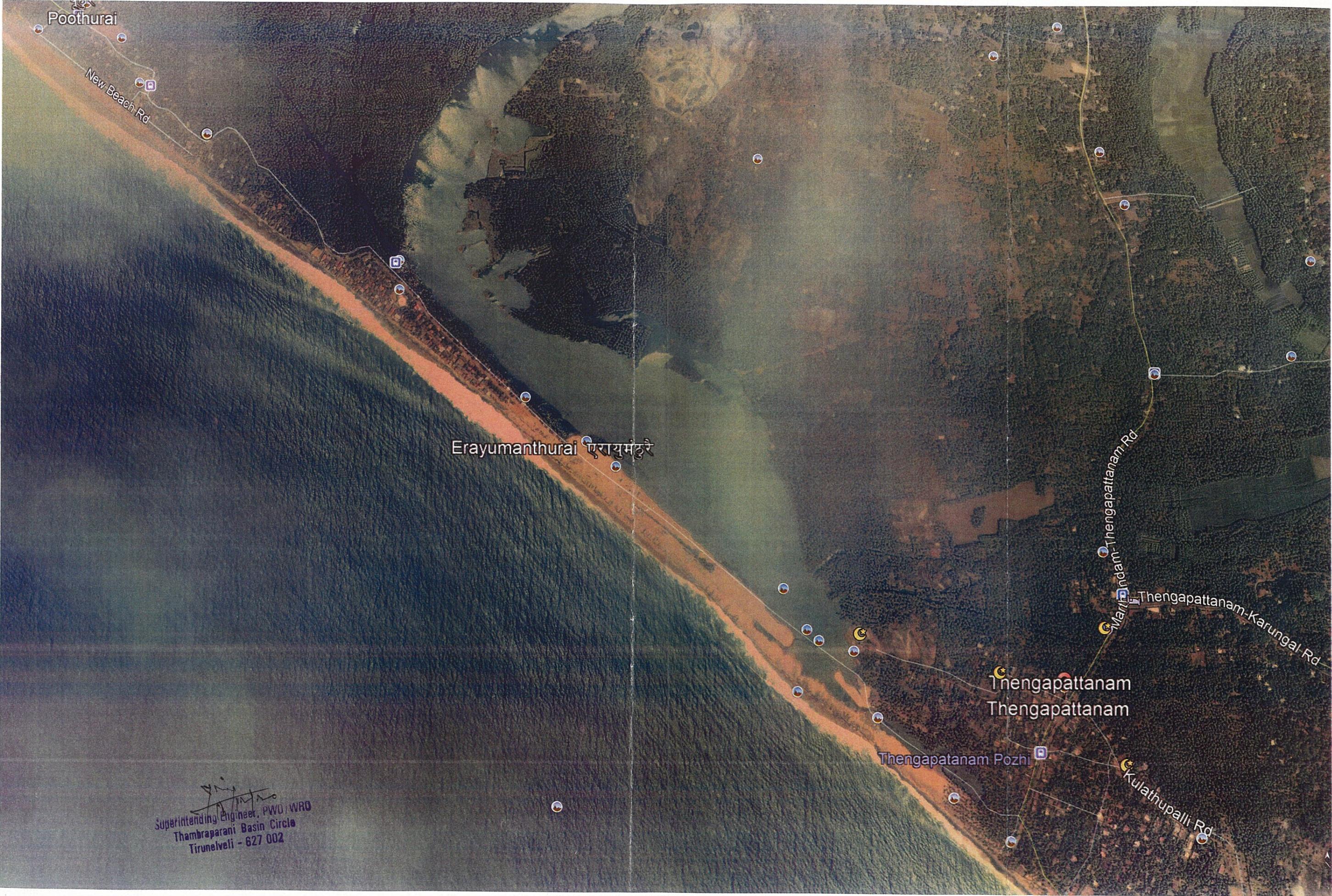
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20.6.16
ASSISTANT ENGINEER, PWD/WRO
Planning & Design Section IV
NAGERCOIL-01

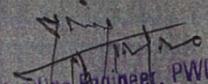
[Signature]
16/02/12
Executive Engineer, PWD/WRO
Project Planning and Design
Division, Tirunelveli-54.

ASSISTANT EXECUTIVE ENGINEER P.W.D
Planning & Designs Sub Division
NAGERCOIL - 629 001

[Signature]
Superintending Engineer, PWD/WRO
Thamraparani Basin Circle
Tirunelveli - 627 002

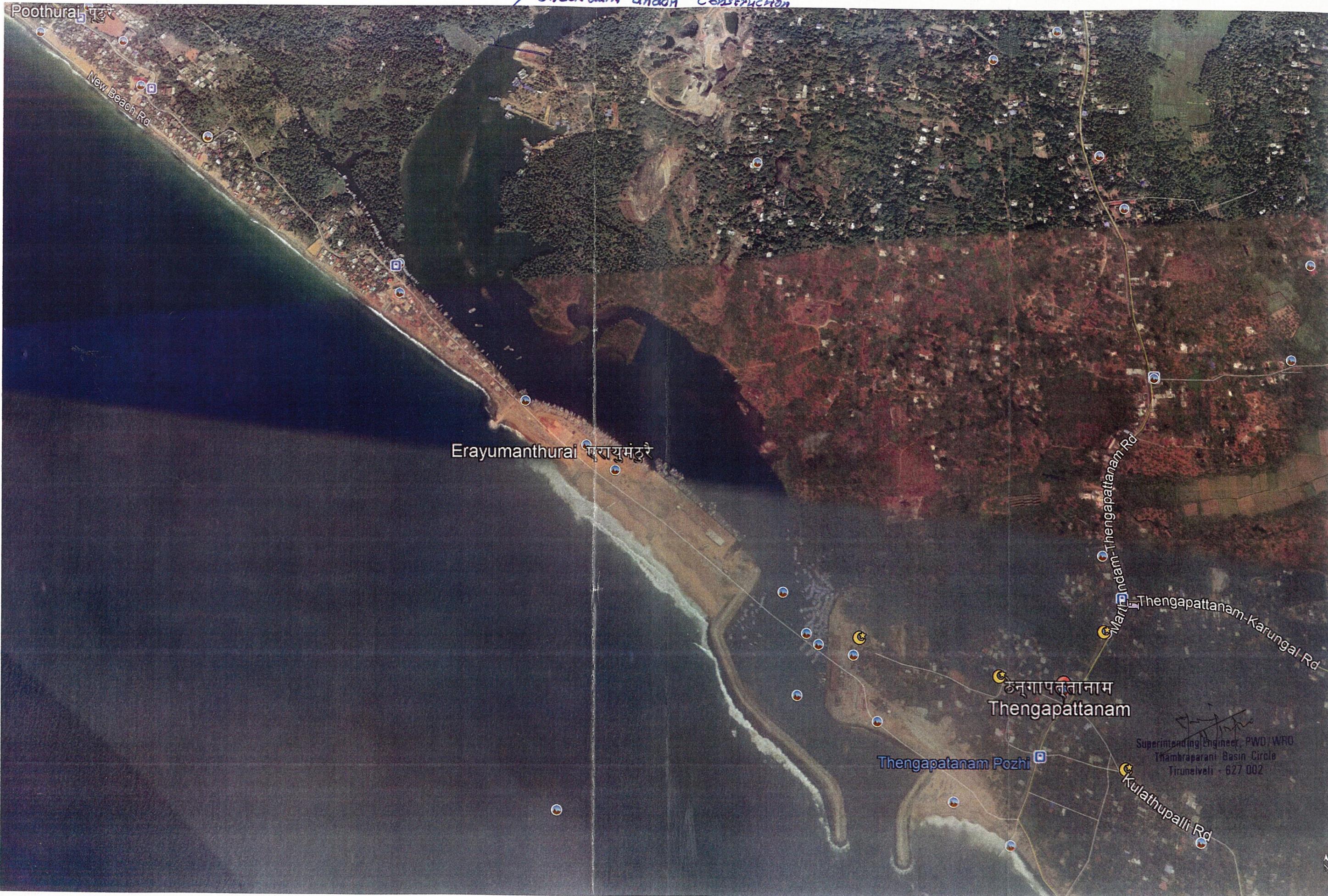
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 Superintending Engineer, PWD, WRO
 Thambaparani Basin Circle
 Tirunelveli - 627 002

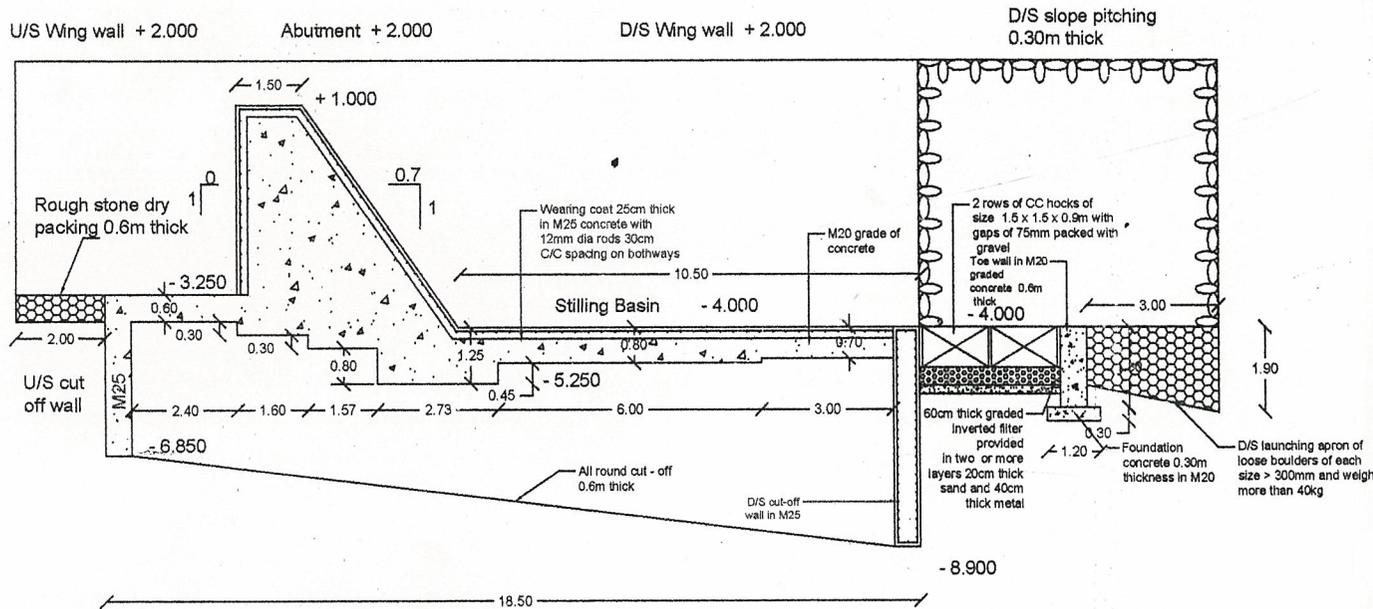
12.
Check dam under construction

Google map - Recent imagery



CONSTRUCTION OF CHECK DAM ACROSS KUZHITHURAIYAR NEAR ERAIMANTHURAI IN KANYAKUMARI DISTRICT

ESTIMATE AMOUNT - Rs.1537.07 LAKHS



HYDRAULIC PARTICULARS

1) M.F.D	1209.10 cumecs or 42700 cusecs
2) Crest level	+ 1.000 m
3) FMWL	+ 4.950 m
4) RWL	+ 4.500 m
5) Total length of weir	130.00 m
6) U/S bed level	- 3.25 m
7) D/S bed level	- 4.00 m
8) D/S Basin level	- 4.00 m
9) Height of weir	4.25 m
10) Total Floor Length	18.50 m

SECTION AT X - X

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

PUBLIC WORKS DEPARTMENT
WATER RESOURCES ORGANISATION

From
Er. R.V.S. Vijayakumar, M.E. M.I.E. M.B.A.,
Chief Engineer, WRO/PWD,
Madurai Region,
Madurai 625 002.

To
The District Collector,
Kanniyakumari District,
Nagercoil.

7212

Letter No. TS/D.O.III/C.9747 / 06/ dated 04.07.2006.

Sub: Land transfer -- Vilavancode taluk-Painkulam village -- R.S. No.248,
446, 465 and 467 / 14. -- Ezhudesam village -- R.S. No. 516 / 1 --
Land required for Thengapattinam Fishing Harbour -- reg.

Ref: 1.G.O.Ms.No. 216, Animal Husbandry, Dairying and Fisheries
(FS-1) Department, Dated:21.12.2005.

2.Your D.O. letter No. M3 / 48927 / 05/ dated:02.06.2006.

With reference to your letter cited, I furnish the details as below.

The Government in their G.O. first cited, have issued orders accepting the proposal of the Director of Fisheries for the "Formation of a New Fishing Harbour Thengapattinam in Kanniyakumari District". The above Fishing Harbour Thengapattinam site was inspected by the Executive Engineer, PWD/WRO Madayar Basin, Division, Nagercoil on 07.03.2006 and the following were observed.

According to the proposal, two break waters (wind ward and the leeward) are to be constructed at the confluence point of the Tambiraparani river (Kuzhithurai river) with the Arabian Sea.

The windward and the leeward back waters are so arranged that an effective opening of 75.00 metre only is available, even though an opening of 180.00 mere has been provided at the Bar Mouth point. The remaining length of Bar Mouth area is proposed to be developed for other infrastructural facilities for the proposed Fishing Harbour project.

The function of Bar Mouth, which has been formed naturally to a length of about 800 metre at the confluence point, will get opened automatically, during heavy discharges due to rain and flood period and the entire flood water will discharge into the sea. When the process of discharge got completed, the Bar Mouth will automatically get closed due to Ocean force, which is a natural phenomenon.

(c.5)

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

But, as per the project proposal, an effective opening of only 75 metre, which is insufficient to discharge the 4,00,000 cusecs of flood water.

Moreover, the scheme proposal is to elevate the bar mouth to (+)2.00 metre above MSL, which will cause the submerSSION of the entire area for Thengapattinam to Kuzhithurai, if the flood water 4,00,000 cusecs is not discharged into sea.

Regarding the request for Land transfer, the required lands are classified as Lake, Odai, Water course and River.

S.No.	Village	R.S.No.	Classification	Extent in Hectares	Extent requested in sq.m.
1	Painkuliam	243	Lake	25.74.0	20,123.60
2	Painkulam	446	Odai	0.27.5	309.00
3	Painkulam	465	Water course	0.24.0	591.00
4	Painkulam	467/14	River	0.16.0	1,401.00

The above required lands are classified as Lake, Odai, Water course and River, the Government of Tamilnadu is the competent enough to effect the land transfer, since there is already a ban on transfer of lands, classified as River, River poramboke and Water courses as per Government letter No.712, Revenue, Dated 29.07.1997.

Therefore, action has to be initiated, only by the user department for getting concurrence from the Government in supercession of the ban orders issued in the Government order.

Seawater Intrusion because of providing a permanent opening of 75.00 metre in the Bar Mouth.

In the proposed Fishing Harbour Project, it is proposed to provide a permanent opening between the two Break waters for the venturing of Fishing Trawlers, Launches, Vallams, catamaran in and out of the Sea

As the opening is a permanent one, for each and every tidal rise (which is a natural phenomena of the sea) massive quantum of sea water will enter as the Back water and upstream stretch of the river and in due course of time, the entire stretch of the river and Ground water from Thengapattinam to Kuzhithurai bridge will become saline.

Therefore, a check dam across the river within 1.00 K.M. from Thengapattinam in the upstreamside of the River shall be provided.

[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

- 3 -

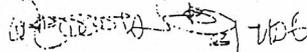
Hence, based on the report submitted by the Executive Engineer, PWD, Kodayar Basin Division, WRO, Nagercoil, after a thorough inspection of the site and concurrence of the Special Chief Engineer, PWD, Tambiraparani Basin Circle, WRO, Tirunelveli and as this project is seem to be an important one which will cater the urgent needs of the coastal public, I recommend for the transfer of poramboke land, which are necessitated by the above project, subject to the following conditions.

i) The entire length of bar mouth may be left as it is in order to allow the entire flood waters of the Tambiraparani river (Kanniyakumari District) into the Arabian sea and the proposed infrastructural facilities located at the Bar Mouth for the Fishing Harbour Project can be relocated at the right bank of the river.

ii) One check dam across the river, well within the distance of 1.00 K.M. from Thengapattinam in the upstreamside of the river shall be provided in order to avoid sea water intrusion during high tides.

Based on the above, necessary enterupon and the approval for transfer of the above said poramboke lands may be obtained from the Government.

1/3


for Chief Engineer, WRO,
Madurai Region, Madurai-2.


6/1/2006


Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

Explanation: The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

December, 1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.
- Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).
- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-
- (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
- (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
- (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
- (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.
- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-
- (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) storm water drains and ancillary structures for pumping;
- (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;
- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.
- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

- (a) those rare minerals not available outside the CRZ area,
- (b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

- (a) in the areas which are inhabited by the local communities and only for their use.
- (b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

- (i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;
- (b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14th September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).
- (c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002


Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
- (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
- (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;
- (ii) the following activities shall require clearance from MoEF, namely:-
- (a) those activities not listed in the EIA notification, 2006.
- (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
- (c) construction, operation of lighthouses;
- (d) laying of pipelines, conveying systems, transmission line;
- (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
- (g) Mining of rare minerals as listed by the Department of Atomic Energy;
- (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
- (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

- (i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-
- (a) Form-1 (Annexure-IV of the notification);
- (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)
- (c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
- (d) Disaster Management Report, Risk Assessment Report and Management Plan;
- (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;
- (f) Project layout superimposed on the above map indicated at (e) above;

[Signature]
 Superintending Engineer, PWD/WRQ
 Thambraparani Basin Circle
 Tirunelveli - 627 002

சென்னை மாநகராட்சி
 திட்டமிடல் மற்றும்
 கட்டுமானத்துறை
 திட்டமிடல் மற்றும்
 கட்டுமானத்துறை

- (g) The CRZ map normally covering 7km radius around the project site.
 - (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
 - (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;
- (ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-
- (a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
 - (b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;
- (iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.
- (vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.
- (v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
- (b) the compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

CRZ I, II, III, IV
 State Pollution Control Board
 Thambaparani Basin Circle
 Tirunelveli - 627 002

Superintending Engineer, PWD/WRO
 Thambaparani Basin Circle
 Tirunelveli - 627 002

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMA s;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMA s have already been notified by MoEF in terms of Orders of Hon'ble


 Superintending Engineer, PWD/WRO
 Thambaparani Basin Circle
 Tirunelveli - 627 002

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
- (i) these are not used for any commercial activity
 - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-

- (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
- (b) Corals and coral reefs and associated biodiversity;
- (c) Sand Dunes;
- (d) Mudflats which are biologically active;
- (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
- (f) Salt Marshes;
- (g) Turtle nesting grounds;
- (h) Horse shoe crabs habitats;
- (i) Sea grass beds;
- (j) Nesting grounds of birds;
- (k) Areas or structures of archaeological importance and heritage sites.

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

Explanation.- For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;

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(iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

(iv.) CRZ-IV,-

- A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;
 (ii) the CRZ areas of Kerala including the backwaters and backwater islands;
 (iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

8. Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-

- (a) projects relating to Department of Atomic Energy;
 (b) pipelines, conveying systems including transmission lines;
 (c) facilities that are essential for activities permissible under CRZ-I;
 (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
 (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
 (f) development of green field airport already approved at only Navi Mumbai;

- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

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 Tirunelveli - 627 002

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- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal

communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of

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Thambaparani Basin Circle
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schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;

- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
- (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

- (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-
 - (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.
 - (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19th February, 1991, unless specified

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Handwritten signature and official stamp of the Superintending Engineer, PWD/WRO, Thambraparani Basin Circle, Tirunelveli - 627 002.

otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i) (2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
 - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
 - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

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(iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
 - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
 - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
 - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
 - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
 3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
 4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.
- (e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.
- (f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

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- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981 or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.
- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas


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- shall be surveyed and management plan prepared for protection of these turtle nesting sites;
- (viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).
4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutch in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall inter alia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

[F.No.11-83/2005-IA-III]
J. M. MAUSKAR, Addl. Secy.


Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

P1



F. No. 12-8/2018-IA-III
Government of India
Ministry of Environment, Forest & Climate Change



Telefax: 011-24695338
e-mail: w.bharat@nic.in
Indira Paryavaran Bhavan, Jor Bagh,
Lodi Road, New Delhi-110003.
Dated: 24.10.2018

To, ✓
The Member Secretary,
Tamil Coastal Zone Management Authority
& Director (Environment)
Department of Environment & Forest
Government of Tamil Nadu
Ground Floor, Panagal Building
Saidapet, Chennai – 600 015

Sub: Coastal Zone Management Plan of Tamil Nadu - reg.

Sir,

This has reference to letter nos. R.C.No.P1/1655/2016, dated 06.07.2018 and No.10243/EC-3/2017-17, dated 30.07.2018 furnishing therein the Coastal Zone Management Plan (CZMP) of Tamil Nadu, drawn as per the provisions of the Coastal Regulation Zone Notification, 2011.

2. In this regard, it is to state that based on the recommendation made by the National Coastal Zone Management Authority in its 35th Meeting held on 24.09.2018, the Ministry of Environment, Forest and Climate Change conveys its approval of the CZMP for the State of Tamil Nadu.

This issues with the approval of the Competent Authority.

Yours faithfully,

(W. Bharat Singh)
Director/ Sc 'F'

Copy to:

1. The Director, National Centre for Sustainable Coastal Management, Anna University Campus, Chennai – 600025, Tamil Nadu.
2. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), Ist and IInd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai – 600 034.
3. Guard File.

(W. Bharat Singh)
Director/ Sc 'F'

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

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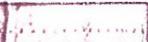
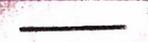
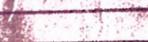
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FISHING VILLAGE

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ERAY/MANTHURAI
FISHING VILLAGE

PAIN KULAM

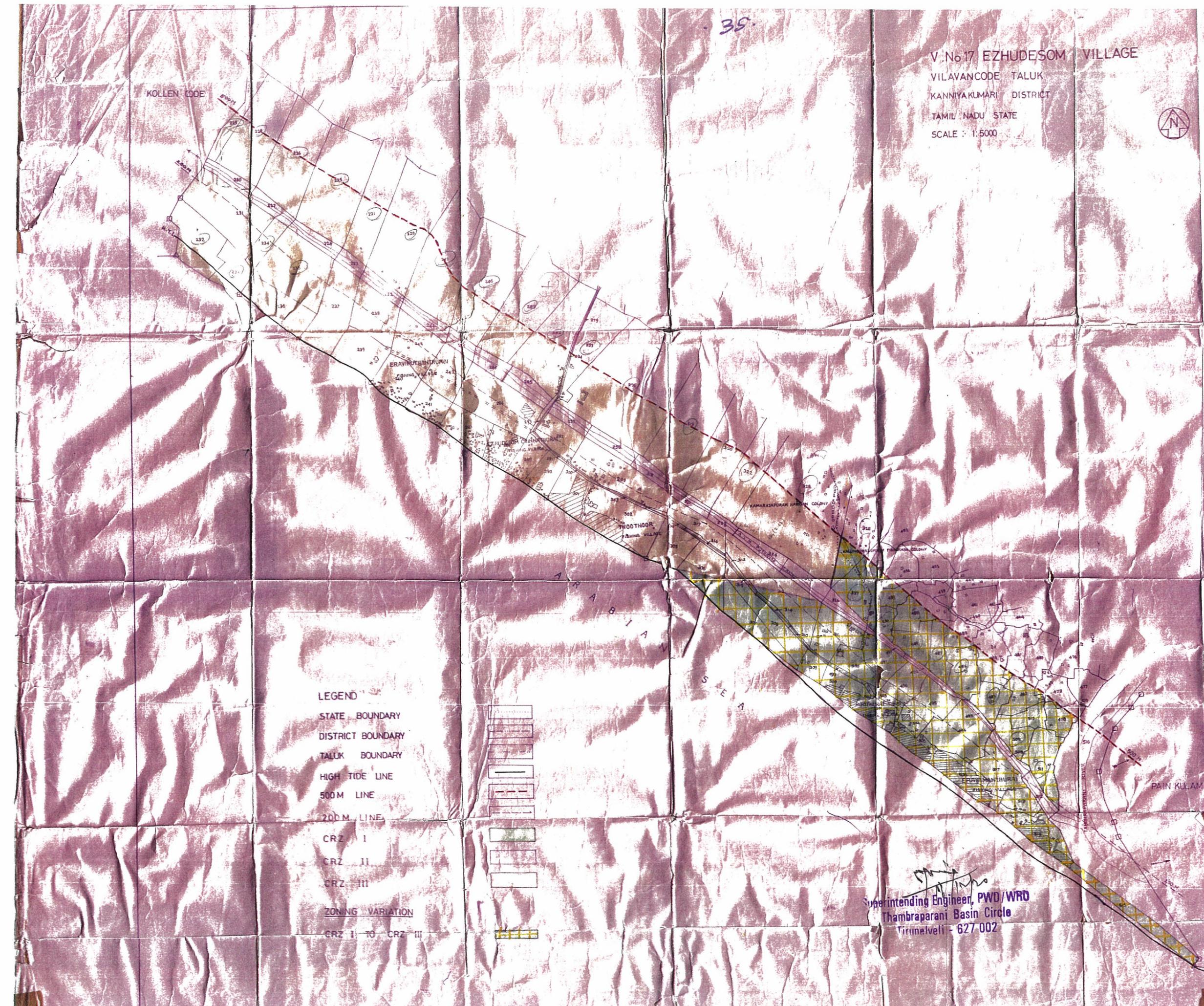
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-  STATE BOUNDARY
-  DISTRICT BOUNDARY
-  TALUK BOUNDARY
-  HIGH TIDE LINE
-  500m LINE
-  200m LINE
-  CRZ-I
-  CRZ-II
-  CRZ-III

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Trinaveli 627 002

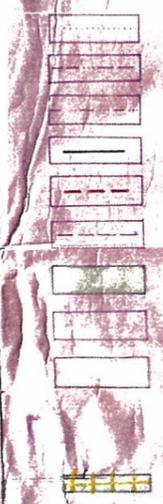
35.

V.No.17 EZHUDESOM VILLAGE
VILAVANCODE TALUK
KANAIYAKUMARI DISTRICT
TAMIL NADU STATE
SCALE : 1:5000



LEGEND

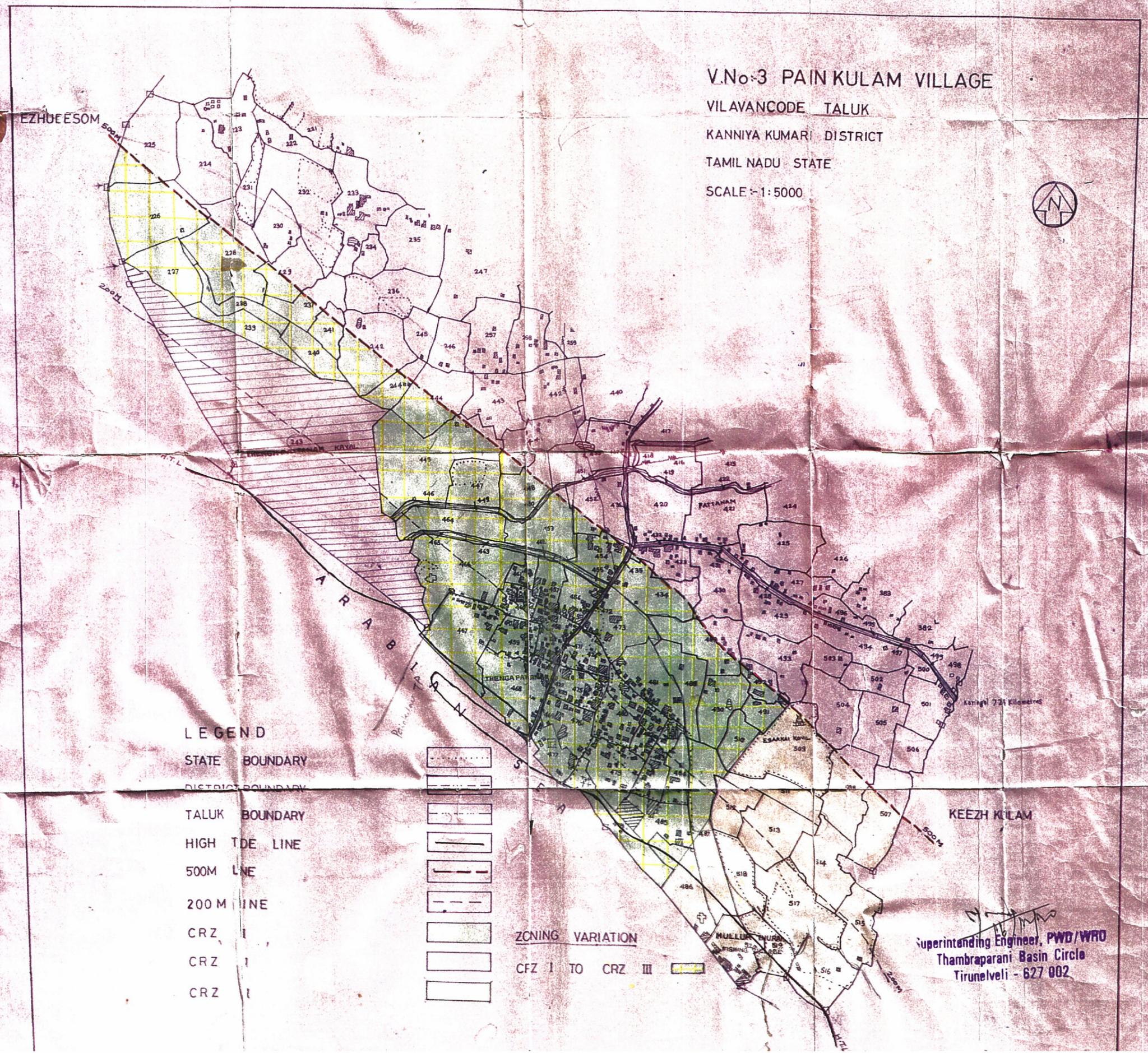
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- DISTRICT BOUNDARY
- TALUK BOUNDARY
- HIGH TIDE LINE
- 500 M LINE
- 200 M LINE
- CRZ - I
- CRZ - II
- CRZ - III
- ZONING VARIATION
- CRZ - I TO CRZ - III



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Thambraparani Basin Circle
Tirunelveli - 627 002

30/10/2015
30/10/2015

V.No:3 PAIN KULAM VILLAGE
VILAVANCODE TALUK
KANNIYA KUMAR DISTRICT
TAMIL NADU STATE
SCALE :- 1:5000



LEGEND

- STATE BOUNDARY
- DISTRICT BOUNDARY
- TALUK BOUNDARY
- HIGH TDE LINE
- 500M LNE
- 200 M LINE
- CRZ I
- CRZ II
- CRZ III

ZCNING VARIATION

CFZ I TO CRZ III

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

A. Sesadimai,
President,
Association of Deep Sea Going
Artisanal Fishermen,
Shark Street, College Road,
Thoothoor Post,
Kanyakumari District.

... Petitioner

-Vs-

1. The Union of India,
Rep. by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and Wild Life,
Paryavaran Bhavan,
Jorbag Road, New Delhi.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Chennai.
3. The District Collector,
Kanyakumari District at
Nagercoil.
4. The Director,
Fisheries Department,
Nagercoil.
5. The Joint Director,
Fisheries Department,
Nagercoil.
6. The Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil, Kanyakumari District.

S. Sesadimai
PRESIDENT



[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

- 38
7. The Assistant Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil,
Kanyakumari District.
 8. The Executive Engineer,
Fishing Harbour Project,
Nagercoil,
Kanyakumari District.
 9. The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Nagercoil,
Kanyakumari District.
 10. The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Nagercoil,
Kanyakumari District.

... Respondents

AFFIDAVIT OF THE PETITIONER

I, A.Sesadimai, S/o. Anthonipillai, Christian, aged about 55 years, residing at No.3-10-235, Stage Vilakom, Thoothoor, Vilavancode Taluk, Kanyakumari District now temporarily come down to Madurai, do hereby solemnly affirm and sincerely state as follows:

1. I am the President of Association of Deep Sea Going Artisanal Fishermen and as such I am well acquainted with the facts and circumstances of the case. I am filing the present Writ Petition as Public Interest Litigation based on my personal knowledge. I have not filed any other similar Writ Petition or any Public.

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of Corns:

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Signature
PRESIDENT
Association of Deep Sea Going
ADSGAI
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

Interest Litigation seeking very same relief. I am a fisherman. I am not an Income Tax assessee. I am not having any exclusive personal interest in filing the present Writ Petition. If this Hon'ble Court finds that the Writ Petition is for any personal gain or motive, I am bound to pay any costs ordered by this Hon'ble Court. I am filing this Writ Petition utilizing my own funds. -39.

2. I respectfully state that, I am filing the present Writ Petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River.

3. I respectfully state that, I am the President of Deep Sea Going Artisanal Fishermen Association and was elected as such in the year 2016 and the term of office is 3 years. There are 90 members in the society. The members are from boat owners and there is another Boat Union namely St. Thomas Boat Union, which is also supporting the case of the petitioner herein. The said union has got 70 members/boat owners on their role.

4. I respectfully state that, I am a fisherman and the petitioner association/society is a society of Artisanal Traditional Fishermen of Kanyakumari District, who are completely dependent on the Thengaipattinam

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S. S. Srinivas
PRESIDENT



[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

originates in the southern end of the Western Ghats. It is relevant to note that the Western Ghats have been declared by the UNESCO to be world heritage site and it houses many biodiversity hotspots.

5. I submit that Thengaipattinam Village is a coastal town which is 35 kms away from the Nagercoil, headquarters of the Kanyakumari District and 45 kms away from the Trivandrum, capital city of Kerala. It shares borders with Mullimoodu and Eraimanthurai on the Western side, Panankalmukku and Mullorthurai on the East, Amsi on the North and the Arabian Sea on the South. It is well connected with nearby villages and town by road and waterways. It is a flat, plain land with intermittent rocky hills - Chentapalli Parai on the eastern side and Aartupalli Parai on the western side. The Kovalam - Colachel Canal, popularly known as AVM Canal (Anandha Victoria Martandavarma Canal) which passes through this Town linking up-to Kanyakumari. This water way was operation from Mandaikadu to Poovar 30 years ago. In some places it is filled with coconut trees and suffered encroachment. AVM Canal merges with Kuzhithurai River at Thengaipattinam and known as Valiyar. The development process mooted to revive AVM Canal waterways would link Thengaipattinam with Kanyakumari in the east and Kasargode in the north-west in Kerala, when it becomes operational. The Valiyar, a tributary of Kuzhithurai river known as Thamiraparani flown and merges with Arabian Sea here.

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PRESIDENT

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Thambraparani Basin Circle
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livelihood for thousands of fishermen from more than 20 coastal villages and hamlets in and around Thoothoor, Chinathurai and Neerodi regions. If the harbour is developed taking into consideration of the revenue to Government, then not only the life of fishermen is saved but also the fishing industry of the Government will be highly developed. There is no proper infrastructure for the fishermen, which made them to go out of State thereby the revenue to the Government of Tamil Nadu also gets reduced and the same gets increased to other states. Fishermen around 15 villages will get affected if the above orders are not quashed by this Hon'ble Court

7. The Kuzhithuraiyar River Originates from the Western Ghats as Chinna Thamiraparani and passing through about 60 kilometers, meets the Arabian Seas by an estuary in Thengaipattinam Village, Kanyakumari District. It is also noted that Kuzhithuraiyar is the only perennial fresh water river that originates in Tamil Nadu and Drains into the Arabian Sea.

8. The Kuzhithuraiyar river has a catchment area in the Western Ghats and also receives water from Kothaiyaru, Mulliyaru and Paralaiyar, which joins the river at Moovattamugam before draining into the sea. As a result of the same, having regard to the fact that it originates from the Western Ghats which is home to unique species and also the fact that various small rivers join into Kuzhithuraiyar, makes it a biodiversity for various indigenous fresh water flora and fauna. It is a very nutrient rich water which is rich in fish production.

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S. S. Srinivasan
PRESIDENT



[Signature]
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Thambraparani Basin Circle
Tirumalveli 627 002

- 42.

Eraimanthurai Villages on either side of _____ respectively. The estuary serves as the confluence point for the fresh water from the river and the saline water of the sea, resulting in formation of a eco tone environment, which provides for high level of Nutrients in both the sediments of the river and the sea, making it a most productive natural habitat.

10. I respectfully state that, due to the above fact the estuary has many rare species of fish and marine life as also aquatic plants. The nutrient rich waters created by the steady confluence of the river water and the sea water, is required for certain marine species for reproduction and for laying eggs which could not undertake the same in the concentrated water of the sea. Further, the natural movement of the river water into the sea through the estuary enriches the continental shelves, contributing to the eco system therein.

11. The livelihood of the fishermen of our village and adjoining villages are dependent on the fishing. The excessive quarrying of the river bed for sand had already had a grave impact on the fragile eco system which was ultimately banned by the District administration after prolong protest.

12. I respectfully state that, after the banning of quarrying of the sand by the State and illegal extractors, the river has been able to redeem itself slowly to an extent. Therefore, the river water moves freely into the estuary and then into the sea.

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PRESIDENT

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Superintending Engineer, PWD/WRO
Chambraparani Basin Circle



CSW/OWS, assigned on 10/10/2000
10/10/2000

the place where the Thamiraparani river joins the Arabian Sea, the petitioner's Association sent a representation in October 2017 to the Chief Minister Cell. The Association suggested that if really the respondents want to construct a check dam, the same can be done in the South of Ganapathiyam Kadavu bridge. The representation seems to have been forwarded to the Executive Engineer, Nagercoil who replied by letter dated 24.11.2017 that the said area comes within the jurisdiction of the 9th respondent and therefore petitioner's association was asked to contact him. Thereafter on the representation sent by the petitioner, a reply was sent by the 10th respondent stating that unless the check dam is constructed in the mouth of the river in the place where the river opens, the river water cannot be prevented from becoming salty. The request of the public was considered as such and it was decided constructing the check dam at Parakani.

14. On coming to know about the proposal of construction of check dam, the petitioner's association sent a representation in October 2017, which was replied by the Executive Engineer, Fishing Harbour Project, Nagercoil by his letter dated 24.11.2017 that the jurisdiction comes within 7th respondent and directed the petitioner's association to approach the 4th respondent.

15. Thereafter the petitioner's association sent a representation dated 22.03.2018 to the Joint Director, Fisheries Department, Nagercoil with a copy to all the

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Thamraparani Basin Circle
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Superintending Engineer, PWD/WRO
Thamraparani Basin Circle
Tirunelveli - 627 002

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Department sanction has been sought for from the Government for construction of check dam at Parakkani at a cost of Rs.16 crores and was waiting for the same. The object of construction of check dam is to avoid sea water entering the river and decided to construct the same across the river. Only if it is constructed at the mouth of the river, the same can be achieved. Further the project is to prevent river water from becoming salty and taking into consideration of long pending demand of the public, the proposal has been sent.

16. By reply dated 09.04.2018 from the 8th respondent, to the representation of the petitioner dated 22.03.2018, it is stated that the same comes within the jurisdiction of the 7th respondent and directed the petitioner to approach the 7th respondent. It is relevant to note that the petitioner received a reply from the very same office from the 6th respondent giving some reasons for construction of check dam. If really they do not have jurisdiction, then how the respondents 6 and 7 defends the project is an issue.

17. Once again the petitioner received a communication dated 10.04.2018 from the 6th respondent stating the object of the construction of check dam.

18. In the meanwhile, the 7th respondent has sent a communication to the 5th respondent regarding the project. Thereafter the impugned order dated 24.08.2018 has been passed.

S. S. Srinivasan
PRESIDENT



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Thambraparani Basin Circle
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respondents had already sent the proposal for construction of check dam at Parakani, it estimated the cost of Rs.17 crores and awaiting reply from the Government.

20. After passing of the Impugned Order dated 24.08.2018, the petitioner's association sent the representation dated 01.02.2019 to the Chief Minister, requesting not to construct any check dam at Parakani by giving the details of the problems faced by fishermen.

21. The said representation was forwarded to the 9th respondent and he replied on 08.04.2019 that by construction of the check dam at Parakani, the drinking water for 20 villages will be meted out and the area having been chosen on after site inspection, the request of the petitioner cannot be considered. The petitioner's association also received an identical reply dated 08.05.2019 from the 9th respondent.

22. Thereafter the petitioner's association sent a petition under Sec.6 of the Right to Information Act, seeking for a copy of environmental clearance certificate, permission obtained under coastal regulation, Administrative and Technical sanction, Project report and details of the tender. The petitioner was replied on 18.06.2019 stating that there is no environmental clearance certificate and permission of coastal regulation. In respect of other queries, I was asked to make payment to get the details. In respect of payment made by the contractor, the details were not furnished. By letter dated 25.06.2019, I paid the charges for getting the copies. On 20.06.2019 the

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 Thambraparani Basin Circle
 Tirunelveli - 627 002

[Signature]
PRESIDENT



Thengaipattinam, if the check dam is proceeded at Parakani. By communication dated 12.07.2019, a reply was sent giving some reasons why it was decided to construct a check dam at Parakani. On 19.07.2019 the petitioner's association sent a representation to the 3rd respondent enclosing a report from the Expert why the check dam should not be constructed. Though the Expert had given an opinion, he is afraid of the consequences, as he being a Retired Government Servant.

23. The petitioner's association received the impugned order and the other documents sought for under the RTI Act. Once again the petitioner's association sent a representation on 27.09.2019 and the same was replied by the letter dated October 2019 with the same reasons.

24. On coming to know of the seriousness involved in the matter, all the political parties at Thoothoor Panchayat also sent a representation to the 3rd respondent seeking for his interference.

25. The Right to Life of the fishermen was not given any importance by the respondents and they proceeded to issue the impugned order and the consequential proceeding.

26. By virtue of the impugned G.O, the respondents decided to construct a check dam at Parakkani and if the same is allowed to happen in the place where the respondent has decided, the fishermen will be highly

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[Signature]
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Harbours in Karnataka, Kerala, Maharashtra and
Tamil Nadu. Deep Sea fishing is an important talent that is
available only with the fishermen of Kanyakumari
District and they are forced to approach the neighboring
States Kerala and other States as mentioned above and the
facilities of deep sea fishermen are highly utilized by the
above said State Governments and are benefited by huge
revenue.

27. In so far as deep sea fishing is concerned, a big
sea shore is very much essential and by virtue of the
construction of the check dam there will be a reduction
in the length of the seashore which ultimately affects
the right to work of the fishermen.

28. It is also relevant to note that the tides will be
very high during the month of August and several deaths
had occurred during this period. It is relevant to note
that every June and July of the year that is during
banned period the number of boats will be verified by
the board formed by the respondent. The reduction in the
number of boats can be seen from the records maintained
by the Board.

29. When the factual matrix stood thus, the 2nd
respondent issued a Government Order in G.O. (3D).No.26,
dated 24.08.2018, deciding to construct a check dam
across the Kuzhithuraiyar River near Eraimanthurai and
Thenkaipattinam across the river of the length of 130
meters and for a height of 5 meters. It is to be noted

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PRESIDENT

ADSGAF
INDIA

68. achieve the
same purpose.

30. However, by constructing a dam for 5 meters is only to collect the sedimentation/sand and to facilitate illegal quarrying. By placing an artificial barrier for the free confluence of the fresh water with the sea water, the eco system would be completely destroyed and the proposed action would not be in consonance with the doctrine of public trust and sustainable development.

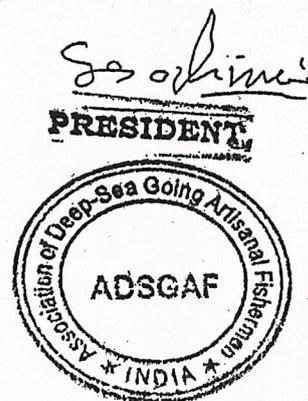
31. I respectfully state that, it has to be further noted that, the construction of a check dam across the river is a construction larger than 20,000 sq.mtrs and therefore requires a prior environmental clearance as per the Environmental Clearance Regulation, 2006 framed in furtherance of Rule 5 of the Environmental Protection Rules, 1986. It is also to be noted that one of the essential features of an environmental clearance is holding of public hearing/consultation so that the local people who would be affected by the project would be heard before clearance is granted for effecting such development.

32. In the present case, no environmental clearance has been accorded as on today nor has any public hearing conducted in connection therewith. However the respondents are taking active steps to prevent course of the river so as to effect construction. It is also relevant to note that, the coastal regulation zone

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...shed on 08.01.2011, which had been formulated to
...at the livelihood of the fishermen communities and
...protect the coastal structure by promoting
...ustainable development, declares as coastal regulation
...to mean any land area between high tide line and
...meters on the land ward side.

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The coastal regulation zone also included any land
...having tidal influence water bodies. A tidal influence
...body means and includes an estuary, river and back
...water. Further regulation 3 of the said notification,
...prohibits activities of land reclamation, building or
...disturbing natural course of sea water except when such
...activities conducted by an agency nominated by the
...ministry of Environmental and Forest. Therefore, as the
...construction of the check dam would interfere with the
...confluence of sea water with natural water being carried
...on in a tidal influence water body, the construction is
...prohibited under the said notification.

?

34. Further it is to be noted that as stated supra,
...the estuary serves as biological active mud flats
...providing areas for aquatic breeding, turtle nesting
...grounds and ecologically sensitive bio spot and the same
...is categorized as coastal regulation zone I, and no
...construction of any kind can be made in the same except
...as provided under regulation 8 of the said notification.
...As the activity of the construction of the check dam is
...not enumerated under Rule 8(I)(i) of the said
...notification, the construction of check dam is in
...violation of the said notification and is prohibited by
...the same.

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S. S. Sathyanarayanan
PRESIDENT

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Thambraparani Basin Circle
Tirunelveli - 627 002

S. S. Sathyanarayanan
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
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drinking water in Mankadu area. It is relevant to note that the distance between Parakani and the place where the check dam is going to be constructed is 6 kms away from the area where the drinking water are drawn by the public namely Mankadu. No drinking water pipes or bore well is available on the south of the Mankadu Bridge. It lies only on the north of the Mankadu Bridge. So for as the check dam is concerned, the same lies on the south of Mankadu Bridge and that too at a distance of 6 kms. Therefore the reason assigned by the respondents to protect the drinking water from being affected by sea water is not correct. The proposal of construction of check dam seems to have been approved even before making any local inspection in so far as the location of the check dam is concerned.

36. The sea and the river are natural resources and the way Thengaipattinam harbour has been formed will in no way affect the river. It is also to be seen that until the river water arises to the level of check dam, there is no flow of river water into the sea. During rainy season, till the river reaches the height of the check dam, the river water will spread over the lands and residence of the fishermen and thereby there is every possibility of danger to human life and their properties.

37. When there was an announcement, in the year 2017 about the construction of check dam, the petitioner association and other fishermen approached the 3rd

S. S. Srinivasan

PRESIDENT

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harbour and the space that are required for stacking boats would not get affected and all endeavors will be taken to safeguard the interest of the fishermen.

38. Even during the visit of the Central Minister to the District, he announced that the check dam will be constructed in Paruthikadavu whereas the check dam is under construction in Parakani, which is not the place announced by the Minister. Even the cost will be reduced if the check dam is constructed little 4 kms away from the place where now it is commenced. This is by way of suggestion from the fishermen, if the respondents really want to construct the check dam.

39. It was also informed the petitioner by the Minister that the right to life and the property of the petitioner and all other fishermen who are living there sufficiently protected. When this is the factual situation it is quite unfortunate the respondent without following the procedure contemplated under the Act and without obtaining Environmental Clearance, not replying to the representation of the petitioner, silently proceeding with the construction of check dam.

40. Since, the Writ Petition involves public interest, the petitioner sangam also made attempts to get opinion from Expert and the Expert Opinion also annexed along with the representation. The respondents are not even prepared to make a visit to the concerned place particularly when objections are raised by the local public, why they should not be proceeded. The

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PRESIDENT
Association of Deep-Sea Going Artisanal Fishermen
ADSGAF

... has been sanctioned the respondent should not proceed with the construction of check dam. The Residents of the area was not at all enquired. There was no public hearing. The grievance of the requirements of the fishermen was not heard at all before initiating steps for check dam.

41. I respectfully state that, further, it is to be noted that if the check dam is allowed to be constructed, large areas of agricultural lands and other lands adjoining the river bund would be sub merged and the trees will fall down. It is to be noted that, the Hon'ble Supreme Court has in T.N.Godavarman Thirumulpad -Vs- Union of India, prohibited the falling of spontaneous trees for any developmental activities except with the consent and prior permission of the committee constituted by the Supreme Court in respect therefore the apex court itself. However, in the present case, large number of spontaneous trees are sought to be removed for the purpose of the said check dam in violation of the dictum of the Hon'ble Supreme Court.

42. Further, if the check dam is constructed it would also extinguish the livelihood of the fishermen of the area as they would not be in a position to undertake fishing either in the estuary or in the sea with their native traditional boats which would be in violation of their fundamental rights of livelihood under Article 21 of the Constitution of India. Further, by construction of the check dam, the fresh water movement to the sea through estuary would be greatly hampered and would

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PRESIDENT

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silt in the sea water (saline hard water) entering the estuary and with no or little fresh water, it would completely destroy the agricultural activities and ground water/ drinking water of Thengaipattinam, Eraimanthurai and adjoining villages.

Hence, we preferred a representation to the respondents on various dates particularly on 21.06.2019 detailing the above. The 10th respondent has rejected the same, by the order dated 19.07.2019. Further, as the entire project is undertaken to facilitate to have captive sedimentation of river sand and silt of the purpose of the plundering the same for legal quarrying, the respondents are taking active steps to effect construction with militant haste. Only in September 2019, I received the copy of the Impugned Order and other documents. Hence, having no effective and efficacious alternative remedy, I am constrained to file the present Writ Petition under Article 226 of the Constitution of India.

44. The impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Eraimanthurai in Kanyakumari District is concerned is challenged in the present Writ Petition on the following among other

GROUNDS

- a) The impugned order is illegal as the same has been passed without public hearing.

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[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
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[Signature]
PRESIDENT



- 54.
- c) The respondents failed to see that there will be a reduction in the seashore or harbor, which will affect the profession of the petitioner's association.
 - d) There is no nearby public using drinking water or bore well as stated by the respondents as a reason for construction of check dam.
 - e) The impugned order is illegal as the same is without obtaining Environmental Clearance Certificate.
 - f) The impugned order is illegal as the same is against the Costal Regulation Zone.
 - g) The impugned order is liable to be quashed as the same will affect the flora and fauna in the said place.
 - h) The impugned order is direct conflict with the object or purpose sought to be made.

It is prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate Writ or Order or Direction particularly in the nature of Writ, calling for the records relating to the impugned order passed by the 2nd respondent in

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24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Eramanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

45. I submit that if the check dam is constructed, it would also extinguish the livelihood of the fishermen of the area as they would not be in a position to undertake fishing either in the estuary or in the sea with their native traditional boats which would be in violation of their fundamental rights of livelihood under Article 21 of the Constitution of India. Hence an order of injunction has to be granted restraining the respondents from constructing or proceeding with the construction/development of the check dam across the Kuzhithuraiyar River. Otherwise the fishermen in that area will be put to serious hardships and mental agony.

It is therefore prayed that this Hon'ble Court may be pleased to grant an ORDER OF INJUNCTION restraining the respondents from constructing or proceeding with construction/development of the check dam across the Kuzhithuraiyar River in furtherance of the impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018, pending disposal of the above Writ Petition and thus render justice.

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Tirunelveli - 627 002


PRESIDENT



... could not be filed as the same was not served on the petitioner. Hence the production of the original has to be dispensed with.

It is therefore prayed that this Hon'ble Court may be pleased to DISPENSE WITH the production of the original impugned order passed by the 2nd respondent in G.O.(3D)No.26, Public Works (W1) Department, dated 24.08.2018, and thus render justice.

S. S. Srinivas

PRESIDENT



Solemnly affirmed at Madurai on this 1st day of December -2019. The contents of this affidavit was read out & explained to the deponent in Tamil who perfectly understood the same and signed his name in my presence.

Before me

Advocate - Madurai

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[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002

(UNDER ARTICLE 226 OF CONSTITUTION OF INDIA)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(SPECIAL ORIGINAL JURISDICTION)

W.P. (MD) No. of 2019

A. Sesadimai,
President,
Association of Deep Sea Going
Artisanal Fishermen,
Shark Street, Collège Road,
Thoothoor Post,
Knayakumari District.

... Petitioner

-Vs-

1. The Union of India,
Rep. by its Secretary,
Ministry of Environment and Forest,
Department of Environment, Forest and Wild Life,
Paryavaran Bhavan,
Jorbag Road, New Delhi.
2. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Chennai.
3. The District Collector,
Kanyakumari District at
Nagercoil.
4. The Director,
Fisheries Department,
Nagercoil.
5. The Joint Director,
Fisheries Department,
Nagercoil.
6. The Executive Engineer,
Public Works Department (WRO),
Planning and Design,
Nagercoil,
Kanyakumari District.

[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
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Public Works Department (WRO),
Planning and Design,
Tiruchirappalli,
Tiruchirappalli District.

The Executive Engineer,
Kallar Harbour Project,
Tiruchirappalli,
Tiruchirappalli District.

The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Tiruchirappalli,
Tiruchirappalli District.

The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru Irrigation System,
Tiruchirappalli,
Tiruchirappalli District.

... Respondents

WRIT PETITION

The Address for service of all notices and processes
of the above named petitioner is that of his counsel
J. ANANDHAVALLI, Advocate, at No.85, Lawyers
Chamber, High Court Building, Madurai-23.

The Address for service of all notices and processes
of the respondents are the same as stated above.

For the reasons stated in the accompanying
affidavit it is prayed that this Hon'ble Court be
pleased to issue a WRIT OF CERTIORARI or MANDAMUS or
other appropriate Writ or Order or Direction
particularly in the nature of Writ, calling for the
records relating to the impugned order passed by the 2nd
respondent in G.O. (3D) No.26, Public Works (W1)

Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 902

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Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 902

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Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Eramanthurai in Kanyakumari District is concerned, quash the same and consequently forbear the respondents from constructing any structure or construction across Kuzhithuraiyar River, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Madurai on this the 19th day of December-2019

Counsel for Petitioner


Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002



CHECKDAM AT ERAYUMANTHURAI - DURING THE JOINT COMMITTEE INSPECTION


Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli - 627 002



SHOT ON OPPO
Tamil Nadu

CHECKDAM AT ERAYUMANTHURAI - DURING EXECUTION OF WORK

[Signature]
Superintending Engineer, PWD/WRO
Thambraparani Basin Circle
Tirunelveli 627 002