

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

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)

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BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI

Original Application No. 172 of 2020

Between:

Association of Deep Sea Going Artisanal Fishermen  
Represented by its Vice President, Mr.Selvoriyan. A  
Shark Street, College Road,  
Thoothoor - 629 176  
Kanyakumari District,  
Tamil Nadu

... Applicant

-/And/-

1. The Union of India,  
Rep.by its Secretary,  
Ministry of Environment and Forest,  
Department of Environment, Forest and Wild Life,  
Paryavaran Bhavan,  
Jor Bagh Road, New Delhi - 110 003
2. The State of Tamil Nadu,  
Rep.by its Principal Secretary,  
Public Work Department,  
Fort St.George, Chennai - 600 009.
3. The State of Tamil Nadu  
Rep.by its Principal Secretary  
Department of Environment & Forests,  
St.George Fort,  
Chennai - 600009
4. Engineer in Chief (Water Resources Organisation) and Chief Engineer  
(General)  
Public Works Department,  
Chepauk, Chennai - 600 005
5. District Collector,  
Kanyakumari District  
Nagercoil - 629 001
6. Member Secretary  
State Coastal Zone Management Authority (SCZMA)  
No.1, Jeenis Road, Panagal Building  
Ground Floor, Saidapet, Chennai - 600 015
7. Executive Engineer,  
Public Works Department (WRO),  
Kodiyaru Irrigation System  
Nagercoil - 629001

... Respondents

COUNTER AFFIDAVIT FILED BY THE 7<sup>th</sup> RESPONDENT

I, A.Vasanthi, Daughter of Thiru P.Abraham, aged about 52 years, working as Executive Engineer, WRO/PWD, Kodayar Basin Division, Nagercoil now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:-

I respectfully submit that I am the 7<sup>th</sup> Respondent herein and as such I am well acquainted with the facts of the case from the available records and filing the present counter affidavit on behalf of myself and 2<sup>nd</sup> Respondents in the above application. I have read the application of the applicant and I deny all the allegations except those that are specifically admitted hereunder.

1. This respondent has no remarks on the paragraphs 1 to 3 of the application.. However, the applicant is hereby put to strict proof of the same.
2. With regard to the averments in paragraphs 4 to 9 of the application is not fully correct. It is submitted that the applicant himself admitted that the major part of Kanniyakumari District is drained by principal rivers namely Kodayar and Paralayar and their tributaries. Further, the applicant himself admitted that the river water is the main source of irrigation system. General Public at large are using the river water for their agricultural activities and drinking water purpose. Moreover, there are lot of TWAD Board Infiltration and wells and the river water is being pumped for the purpose of supplying to nearby villages for drinking purposes from these wells. Several Lakhs of people are the beneficiaries of the said drinking water supply. As admitted by the applicant that the Tamirabarani (Kuzhithuraiyaru or Kuzhithurai river) is one of the important river of the district which flows in the central part of the district and drain in the Melpuram, Kuzhithurai, Munchirai and Killiyur blocks. From the said admitted fact, it is crystal clear that the public at large in Kanyakumari District are the beneficiaries of the river water which is used for agricultural activities and drinking purpose.
3. The averments stated in the paragraph 10 of the application are absolutely false and hence denied. The reasons stated for the sea water intrusion are absolutely false. It is submitted that Tamirabarani also called Kuzhithuraiyar is a perennial river having floor carrying capacity of 42,700 cusecs in Kanyakumari District. It runs for about 60 km distance and confluences into Arabian Sea near Erayumanthurai. During flood season, the sandy mouth of river automatically opens and the river water enters into the sea. The sandy mouth of the river had been stopping the salty sea water intrusion into river. In

order to construct the Fishing Harbour, the said sandy mouth of the river was removed. Therefore, after the construction of Fishing Harbour, the sea water intruded with the river water resulting in the spreading of the salty sea water in more than 48 villages, due to which the river water and ground water became unfit for drinking and agricultural purposes. Therefore, the general public living in that locality were demanding the government to construct a check dam in order to prevent sea water intrusion and restore the river in the earlier condition. There were various demonstrations conducted by the general public as well as several political parties to stop the salty sea water intrusion by constructing a check dam across the river. Based on the request of the general public and several political parties, in order to prevent salination of river water, the Honorable Chief Minister had announced the construction of check dam across Kuzhithuraiyar near Erayumanthurai and various other locations upon Public Works Department's demand on 28.06.2017 that in order to recharge the ground water and to prevent sea water intrusion in to the river water. Accordingly, G.O.(3D) No.26 dated 24.08.2016 was passed by the State of Tamil Nadu for the welfare of the general public at large. As per the said G.O., 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 thereby arresting sea water into the river. The Check Dam will act as a grade wall for raising the bed level of Kuzhithuraiyar by deposit of sand in future. The estimated cost works out to Rs. 15.37 Crores. Since, the said G.O., was passed by the Government for construction of check dam which is for the welfare of the public at large, the same cannot be quashed. The construction of the check dam is in progress and 40 percentage of work has been completed and an expenditure of Rs 5.64 crores has been incurred so far. The height of body wall is 6.25m from river bed to top crest level (i.e., 5.25m+1m). It is imperative to note that the said construction is only to stop the sea water intrusion into the river water. At any point of time in future, the flow of the water would not be stopped since the construction is within the water level. Even now the general public who are suffered due to the salty sea water intrusion are demanding the

speedy completion of the said check dam. Therefore, the construction of the said check dam is highly necessary and the same would not affect the applicant or others. The applicant is hereby put to strict proof of the rest of the averments in the said paragraphs.

4. The averments in Paragraphs 11 to 13 of the application are not fully correct. It is submitted that the AVM Canal (Anantha Victoria Marthandavarman Channel) is the water way project which was abandoned at the construction time by the Maharaja of Travancore in the year 1867 itself. A small stretch from Poovar to Thengapattinam only partially functioned and remaining portion had not been executed and is not functional. Further, it is submitted that the Valliyar river is an independent river system and not a tributary of Kuzhithuraiyar river and these facts and other averments contained in the application are irrelevant for the construction of the said Check Dam. The applicant is hereby put to strict proof of the rest of the averments in the said paragraph.
5. The averments in paragraphs 14 to 33 of the application are not fully correct. It is submitted that the sea water intrusion is not only on the opposite direction of the sea but also in the parallel side of the river also. Further, in order to develop the livelihood of the fisherman, the Government has formulated a new Fishing Harbour at Thengapattinam. For which, the Public works Department vide its letter No. TS/D.O.III/C.9747/06 Dated 04.07.2006 has given its consent to transfer the poramboke land for the formation of the said Fishing Harbour project of Thengapattinam *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 water of the Tamirabarani 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 the right bank of the river.

j) 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 high tides.

Therefore, the said Fishing Harbour Project can be developed based on the above said conditions only. *The public works department had given its consent to transfer its land in the river for the fishing harbor project with the condition that a 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 high tide.* However, to the contrary, on agreeing to the said terms only the fishing harbor project was completed. The aforementioned cannot be breached. This is the clear case of estoppel and also violation of the said consent letter dated 04.07.2006 given by the PWD.

Further, it is submitted that the development along coast for fish landing and berthing of fishing vessels/ crafts are to be carried out according to the "Comprehensive shore line protection management plan for entire Tamil Nadu coast May 2016" prepared by the prestigious Institution of Indian 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 Tamil Nadu.

6. It is submitted that the Kuzhithuraiyar river is an important river of Kanniyakumari District. However, during the non monsoon season due to littoral effect of sea tides the river mouth at the estuary of river closes due to sand sediment which acts as natural barrier for preventing back water entry and preventing the mixing of saline sea water with river fresh water which had been the natural phenomenon. Whenever the flood comes in the river, the sand bar gets opened automatically and flood water discharges in to the sea when water recedes in the river, the sand bar is automatically formed which prevents the saline water mixing with the fresh water of river. However, after

construction of the above stated Fishing Harbour at the Estuary of Thambiraparani river the sand bar was completely removed for the movement of boat and vessels due to which the saline sea water enters in to the river is throughout the year causing salination of river water for the stagnated water for the 13km length from sea to upward direction in the river. Since the salinity happened due to harbor in the river made all the ground water in to saline water along adjoining aquifers which resulted in all open wells as well as bore wells which are being used for domestic purposed and agricultural purposed of the both sides of the river, all the drinking water sources along the sides and around of river become saline water. All drinking waters sources of TWAD Board and Pañchayats in Vilavancode, Killiyoor taluk have become completely saline and unfit for drinking. The general public living in that locality demanded the construction of a check dam in order to prevent sea water intrusion and restore the river in the earlier condition. Several protests made by the general public at large to that effect. In the year 2006 by forecasting these happenings, the Chief Engineer, PWD/WRO, Madurai Region, Madurai laid the condition that one check dam across the river shall be within the distance of 1.00 km from the Thengapattinam river mouth in upstream side of the river shall be provided in order to avoid sea water intrusion during high tides by laying the above condition only the PWD concurrence for land transfer for the construction of Thengapattinam Fishing Harbour had been vide its Letter No. TS/ D.O.III/ C.9747/ 06 dated 04.07.2006. Further, it is submitted that the check dam is proposed with crest Level of +1.00m with reference to Mean Sea Level based on the existing stagnated water level only. The check dam will act as a concrete artificial barrier subsequent to the removal of natural sand bar due to the fishing harbor construction which will be preventing the back sea water entry in to the river, and in the course of time the upstream saline water for the length of 13.00km would be converted in to saline free fresh water which would be used for drinking purpose and artificial recharges of saline free fresh water could be enhanced near the surrounding areas. The construction of Check dam is made in the river itself within the banks and top level of crest is

kept in the existing stagnated water level only, so there will be no additional inundation in the river and no submergence in the adjoining places. Since the construction of the check dam is made within the banks of river, there is no submergence and land acquisition, so removal of tress for this construction of this work also would not arise. There will only be 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 it would never ever prevent any upcoming nutrients of fresh water into the sea. The check dam barrier is only meant to restore the fresh water which existed earlier. 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 to restore the river system which existed prior to the construction of fishing harbour. The check dam will act as an artificial barrier for preventing the intrusion of sea saline water in to the river and the top level of dam is kept +1.00m level and the top of the check dam body wall would be just 10cm above the level of existing stagnated water during high tides and 50cm above level of existing stagnated water during low tides and allowing the smooth passage of upward river water into the downward to sea. There will be only the down flow of fresh water from upward to downward. The future stagnated the fresh water above check dam would be eco friendly which will helpful for flora and fauna and since downward flow not blocked which would never ever prevent any upcoming nutrients of fresh water in to the sea, the check dam barrier is only meant to restore the earlier existed condition. Moreover, it is the duty of the Government to protect the fresh river water, ground water and drinking water which are essential for the livelihoods in the above said more than 48 villages and that locality. Article 21 of our Constitution guarantees right to life to every citizen of India. In *Sunil Batra v. Delhi Administration* (ii), the Honourable Supreme Court of India reiterated with the approval the above observations and held that the "Right to life" included the right to lead a healthy life so as to enjoy all faculties of the human body in their prime conditions. To lead a healthy life, pure water is the

fundamental one and so the government is responsible to protect the same. Therefore, the Government has passed the said G.O.(3D) No. 26 dated 24.08.2016 in order to protect the river water, ground water and drinking water in that locality. Further, it is submitted that the officials have sent appropriate replies to the applicant in respect of the construction of Check Dam across the river. But the applicant suppressed the same and has filed this application with unconnected reasons and concocted stories with the intention to stop project and to use the river and its bank for the landing and berthing of their boats and establishing Ice plants. The applicant himself admitted his purposes in his letters which were sent to this respondent.

7. It is submitted that since the river bed is -3.25 meter lower than the sea water level and so the sea water is mixed with the river water and the same become as salty which spoils the ground water as salty which is being used for drinking and agricultural activities by the people of the villages in and around the river bank and the locality. Since, the public at large have been suffered due to the salty ground water; they and several political parties 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 4.25meter from the bed of river up to the top of the existing stagnated water lever during high tide period which will resist the sea water in to the river. It is reiterated that the construction of the check dam is from the bed of river up to +1.00m with respect to MSL. After the completion of the said construction of the said check dam, the river water flow confluences steadily with sea without any obstruction. Therefore, the reproduction and for laying eggs and other eco systems would not affect due to the construction the said check dam which is 800m away from the river mouth. The purpose of the check dam is to stop the sea water which reverses in to the river and as it happens now. The intention of the applicant is to use the river and its bank for the landing and berthing of their boats, establishing ice plants, dockyards beyond the harbour area illegally. Even though, the applicant clearly knows about the said fact, he purposely suppressed the same with the intention to mislead the court and

getting an order from this Honourable Court to stop the construction of the check dam project which is beneficial for more than 48 villages in that locality. Further, it is submitted that no fisherman would be affected due to construction of the check dam since the same is being constructed 800 meter away from the mouth of the river. The flow of river water also would not affect due to the said construction. It is submitted that the place where the check dam is being constructed was identified by the officials of PWD after due inspection in order to stop the sea water intrusion into the river water and to ensure free flow of flood discharge into the sea as stated supra. However, the applicant has falsely submitted the facts of the said construction of the check dam in order to mislead the Honourable Tribunal.

Further, the said construction of the check dam would not stop the flow of the river into the sea at any point of time even during the monsoon and flood situation. Moreover, the said check dam is being constructed based on the demand of the general public who are doing agricultural activities and using the river water as drinking water through Panchayat/TWAD. When those people are demanding the construction of the said check dam, this applicant is showing false sympathy against their will. On the other hand, the intention of the applicant is to use the river and its bank for the landing and berthing of their boats. But he purposely suppressed the same.

Further, as per the Coastal Regulation Zone Notification was published in the Gazette of India vide Number S.O. 114 (E), dated 19<sup>th</sup> February 1991 and subsequently amendments were made as per the S.O. 329 (E) dated 12<sup>th</sup> April 2001 vide sub section 2 (viii) of the coastal Regulation Zone notification is produced below.

2. Prohibited Activities: The following activities are declared as prohibited within the Coastal Regulation Zone namely;

viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge.

Therefore, it is crystal clear that there is no environmental clearance certificate and permission of coastal regulation required to construct the check dam as stated above. Moreover, since there is no need to obtain environmental clearance certificate, the question of public hearing/ consultation also does not arise. The construction of check dam is done as per the regulation 2 (viii) of the said Notifications.

Further it is submitted that 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, New Delhi. However, 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 which is prior to the approval of the Coastal Zone Management Plan (CZMP) of Tamil Nadu. Thus, the provision of CRZ notification 2011 will not apply and the prior one should be followed. 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 does not arise.

It is submitted that as per Gazette Notification of India, Extraordinary Part-II and section 3. Sub - Section (ii) Ministry of Environment and Forests, New Delhi 14<sup>th</sup> September 2006. The saline water preventive structure does not

come under categories A or B of schedule (See paragraph 2 and 7) List of Projects or activities requiring prior Environment clearance. Since the Environmental clearance is not required for the structure for prevention of salinity ingress activities, the related Public Consultation for the commencement and Construction Check dam does not arise.

8. Further, it is submitted that the construction of check dam at Parakani would not affect the harbor at Thengapattinam. Because, the harbor is situated on the mouth of the river, but the check dam is being constructed 800 meter away in the shortest way from the bar mouth of the river whereas the real path of river from river mouth to this check dam construction place is more than 1.80 km distance. Therefore, Construction of the check dam is no way connected to the fishing harbour. Further, as stated supra, since the check dam is being constructed 800 meter away from the bar mouth of the river, it would not affect biological active. The applicant himself is taking inconsistent pleas with the intention to misuse the river and river bank for the landing of their boats and other purpose beyond the harbour area. In fact, all the general public in that locality, all the political parties and social; workers made protest against the delay of construction of the said check dam at Parakani. The said incidents were published in the leading Tamil and English Newspaper. Several representations and complaints were also received by the respondents to speed up the construction of the said check dam in order to protect the river water, ground water and drinking water in the locality. It is imperative to note that people of more than 48 villages affected due to salty river water and ground water and also the public bore wells and pipes etc., Further since the sea water is mixing with the river water of Tamiraparani and due to intrusion of saline water in to the Tamiraparani (Kuzhithurai) river, water is not suitable for drinking or irrigation purpose and the same is likely to cause other environmental issues and health hazards.

9. One B.Paulraj filed a writ petition bearing W.P(MD) No.7069 of 2019 before the Honourable High Court of Madras Madurai Bench against the principal Secretary, Public works department and others seeking issuance of a Writ of Mandamus directing the respondents in the said writ (W.P(MD) No.7069 of 2019) to take immediate steps to construct a check dam in the Parakani (Erayumanthurai) Area at Vilavancode Taluk in Kanniyakumari District to obstruct the sea water intrusion between Mangadu to Thengapattinam of Thampiraparani (Kuzhithurai) River based on G.O(3D) No.26, P.W(W1) Dept/dated 24.08.2018 issued by the Department of PWD, Tamil Nadu within the time frame fixed by this court. The Hon'ble Madurai Bench, Madras High Court emphasized the importance of construction of check dam and directed the PWD officials/respondents to ensure that the construction of Check dam is completed before the rainy season, so that there will not be any obstruction of the work and further inconvenience to the public can be prevented. Therefore, the construction of the check dam is under progress and the same will be completed within the stipulated scheduled time.
10. It is submitted that due to the formation of the said fishing harbour, the sand bar completely removed due to which the entry of the saline sea water into the river is being happened throughout the year which caused river water into salinity for the stagnated water for the 13Km length from sea to upward in the river. Therefore, the general public in that localities are the aggrieved but not this applicant. Further, it is submitted that the applicant's association and other fisherman are the beneficiaries of the new fishing harbour. The Government has constructed the new fishing harbour in order to develop the livelihoods of the fishermen. But the applicant has not appreciated the same and is suppressing the truth before this Honourable Tribunal. The cause of death is not due to the ongoing construction work. It was due to the heavy waves in the sea. Moreover, the check dam is being constructed 800m aerial distance from the river mouth.

During the normal season the water flows over the crest of the body wall and pushes the sea water towards the seaward direction and confluences with the sea. There will not be any reduction flow due to the construction since the flow is not obstructed and moreover kuzithuraiyar is a perennial river water will be flowing throughout the year. The construction of the check dam will not result in any sand deposit in the river mouth. Generally in fishing harbour works the river mouth should be periodically dredged and the responsibility lies with fisheries department.

The AVM canal is located at 770 m away the check dam and salinity happened just because of the opening of river mouth for the construction of fishing harbour and not by the construction of check dam. On the other hand the steady flow water in kuzhithriyar will convert it as fresh water. The coffer dam is temporary structure to facilitate the day to day construction activities and to divert the water. It will be removed completely from the river once the construction of the check dam is over. It will not alter the course of the river as stated in the report.

The bed of the river is excavated to attain the foundation depth of the check dam. The debris will be removed completely once the construction is over and river bed will be brought back to the preexisted condition. The ultimate aim of the project is to bring back the river saline free as it existed before the construction of the check dam. There are no environmental damages made to the river bed.

It is alleged by the Applicant that the boats of the fishermen cannot go to kuzhithuraiyar if the check dam is constructed. It is stated that fisherman can fish with their traditional fishing using Katumaram and fishnets even in the upstream side of the check dam rather than using steam engine boats. There is no usual practice of fishing in the Kuzhithuraiyar river. From the above allegation itself it is confirmed that the intention of the Applicant is to berth their boats in the river.

11. Further, it is submitted that one A.Sesadimai, President Association of Deep Sea Going, Artisanal Fisherman, has already filed a writ petition W.P (MD) No.27380 of 2019 before the Honourable High Court of Madras Madurai Bench seeking order of injunction for the above said construction of check dam. One of the serious allegations in the said writ petition is that the petitioner and boat owners will not be able to berth their boats in the river. Since, the Honourable High Court did not grant any injunction in that writ petition, now the Selvoriyan. A, Vice President of Association of Deep Sea Going, Artisanal Fisherman filed this false and vexatious application before this Honourable Tribunal in order to stop the construction with selfish motive. The applicant is taking different stands in this application by stating that this respondent violated the environment. The petitioner in the above said writ and the applicant in this application are from the same root. As explained supra, there is no violation by this respondent in the construction of the said check dam. Since, it is the duty of the Government to guarantee the right to life to every livelihood of people under Article 21 of our Constitution, the construction of the check dam is highly necessary to protect the river water from salty seawater intrusion. There is no violation of environmental laws and also no damage has been caused to environment and this respondent is constructing the check dam in order to protect the environment.

The Petitioner is guilty of Forum shopping. The above application has been filed for collateral purposes and it is motivated.

It is relevant to point out that the Ministry of Environment and Forests by notification dated 19.02.1991 declared that coastal stretches of seas, bays, estuaries, creeks, rivers, backwaters, which are influenced by tidal action (in the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line and the HTL as Coastal Regulation Zone and prohibited certain activities, 2(viii) reads thus:

*"land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of erosion and*

*maintenance or cleansing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress for sweet water recharge;*"

Under the 1991 notification, up to 500m of high tide line is classified as CRZ. The present project does not fall within the same. A copy of the notification is filed.

12. As submitted earlier, there is no violation of any environmental laws or no damage has been caused to the environment. Thus, the Respondent is not liable for restoration or any such alleged damage.
13. It is humbly submitted that the grounds stated in the application is incorrect, denied by the Respondent and is devoid of merits. This respondent has given his reply as stated above paragraphs and the same may be considered for the answer to the Grounds.
14. The applicant is hereby put to strict proof of all his averments in his application.
15. It is humbly submitted that, in view of the position stated above, the application is neither maintainable in law nor on facts. The application is liable to be dismissed with cost.

In the above circumstances I humbly pray that this Honourable Tribunal may be pleased to dismiss the application and pass such further or other orders as this Honourable Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this

The 28 day of January, 2021 he having

Signed his name in my presence

  
EXECUTIVE ENGINEER, PWD / WRO  
KODAYAR BASIN DIVISION, NAGERCOIL

BEFORE ME

ADVOCATE, CHENNAI



**ABSTRACT**

Water Resources Department — Construction of 16 numbers of Check Dams in various Taluqs and 2 numbers of Anicuts in Ramanathapuram District at an estimated cost of Rs.6178.145 lakh with NABARD loan Assistance under RIDF XXIV for the year 2018-19 — Sanction accorded — Orders issued

**Public Works (W1) Department**

1.C. (3D) No. 25

Dated: 24.08.2018  
சென்னை, ஆகஸ்ட்-8,  
பெங்களூர் துறை 2049.

**Read:**

1. From the Chief Engineer, Plan Formulation, Water Resources Department, Chennai Letter No. B/Announcement-2017-16/2017, 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.

**ROBB:**

The Hon'ble Chief Minister has announced on the floor of the assembly during the Public Works Department's Demand on 29.8.2017 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 mentioned above, has sent a proposal for the above Work as detailed below: -

**1. Construction of a Check Dam across Valsiyar near Mamarathuvayal in Boothipuram village in Bodinayakanur Taluk in Thuraiyur District**

This scheme envisages construction of a Check Dam across Valsiyar near Mamarathuvayal in Boothipuram Village in Bodinayakanur Taluk of Thuraiyur District. The length of the proposed Check Dam is 22.00m and height is 1.5m. By implementing this scheme, about 145.00 acres of ayacut will be benefited.

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 Solathevanpatti in Vallanadhi Village in Andipatti Taluk in Theni District

This scheme envisages construction of a Check Dam across Vaigai river near Solathevanpatti in Vallanadhi 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 555.95 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 Deveram Village in Uthamapalayam Taluk in Theni District

This scheme envisages construction of a Check Dam across Pillayaroothu odai in Deveram 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 138.81 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 offake in Therkkukalidaikurichi Village in Ambasamudram Taluk in Tirunelveli District

This scheme envisages construction of a Check Dam across Elumichaiyar river near Maruthankulam offake in Therkkukalidaikurichi 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 5 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 60.00m 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.

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 188.60 acres of ayacut will be benefited through 65 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 Kottamalalyar river offtake at Achanthikulam Channel in Pullyankudi Village in Kadayanellur Taluk in Tirunelveli District

This scheme envisages construction of a Bed Dam across Kottamalalyar river offtake at Achanthikulam Channel in Pullyankudi Village in Kadayanellur Taluk in Tirunelveli District. The length of the proposed Check Dam is 30.00m and height is 0.8m. By implementing this scheme, about 299.36 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.

X. Construction of a Check Dam across Uppodal river in Avudaiyammalpuram Village in Kovilpatti Taluk in Theothukudi District

This scheme envisages construction of a Check Dam across Uppodal river in Avudaiyammalpuram Village in Kovilpatti Taluk in Theothukudi 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 Uppodal river in Ghidamparampatti Village in Kovilpatti Taluk in Theothukudi District

This scheme envisages construction of a Check Dam across Uppodal river in Ghidamparampatti Village in Kovilpatti Taluk in Theothukudi 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 Uppodal river in Savalaperi Village in Kovilpatti Taluk in Theothukudi District

This scheme envisages construction of a Check Dam across Uppodal river in Savalaperi Village in Kovilpatti Taluk in Theothukudi 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 Theothukudi 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 Theothukudi District. The length of the proposed Check Dam is 140.00m and height is 1.0m 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 a Check Dam across the Vembar river in Periyasampuram Village in Vilathikulam Taluk in Theothukudi 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.

By implementing this scheme, the Ground water table and water potential in the Vembar and Periyasampuram 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 Tharuval 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 Kallamman 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 Kallamman 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 Ponnaiyar River in SF NO:194 of Ennapuram 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 Ponnaiyar River in SF NO: 194 of Ennapuram 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 of 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 Erailmanthurai in Kanyakumari District

This scheme envisages construction of a Check Dam across Kuzhithuraiyar near Erailmanthurai of Vitavancode 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 Kuzhithuraiyar by deposit of sand in fuldres. The ground water quality in the nearby areas will be improved. The estimated cost works out to Rs.1800.00 lakh as per the schedule of rates for the year 2017 - 18.

-6-

**XVIII. Construction of a Check Dam across Gundar (Malattar) River near Sayakkudi Village in Kadaladi Taluk in Ramanathapuram District**

This scheme envisages construction of a Check Dam across Gundar (Malattar) River near Sayakkudi 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 40.22 acres of ayacut will be benefited through 18 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 Tiruvadanal Taluk in Ramanathapuram District**

The scheme envisages construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in Kalliyavayal Village in Tiruvadanal 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 188.00 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.

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 Pemy Supervision and Contingency Charges excluding the price escalation charges). Subsequently, NABARD has sanctioned a sum of Rs.27875.36 lakh as RIDF loan for 52 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:-

S. No.	Name of work	Total Estimate Amount (Rs. in Lakhs)
1	Construction of a Check Dam across Velaayar near Mamarathuvayal in Edappuram village in Bodinayakkanur Taluk of Thanjavur District.	71.7200
2	Construction of a Check Dam across Pillayaroothu odal in Devaram Village of Uthamapalayam Taluk in Thanjavur District.	35.9200
3	Construction of a Bed Dam across Elumichaiyar river near Maruthankulam offtake in Therkkukalidaiyachi Village 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 Veerakeralampudhur Taluk in Tirunelveli District.	178.8515
5	Construction of a Check Dam across Hanumanadhi near infall point of Chittar river in Surandai Village in Veerakeralampudhur Taluk in Tirunelveli District.	216.6000

6	Construction of a Check Dam across Perumanadhi DownStream side of Aranthavipratti Anicut in Sittandai Village in Veerakeralampudur Taluk in Tirunelveli District.	300.0500
7	Construction of a Bed Dam across Kottamalaiyar river intake at Acharthukulam Channel in Puliyankudi 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 Uppodal river in Avudaiyammalpuram Village in Kovilpatti Taluk in Thoothukudi District.	88.4442
10	Construction of a Check Dam across Uppodal 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 Periyasempuram village in Vilathikulam Taluk in Thoothukudi District.	1798.2026
12	Construction of a Check Dam across Swetha Nadhi in Upstream of Kottamman Koi 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 Erathankurai in Kanyakumari District.	1537.0705
15	Construction of a Check Dam across Gundarj Malattarj River near Sayakkudi village in Kadaladi Taluk in Ramanathapuram District.	317.7086

16	Construction of an Anicut across Virusuliyar river to feed Mallanur tank and other tanks in Tiruvadanai Taluk in Ramanathapuram District	189,6000
17	Construction of an Anicut across Paralayar river to feed Perianaikulam Tank etc in Perianaikulam village in Kamuthi Taluk in Ramanathapuram District	282,2000
	Overall Total	6178,14,000

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

"4702 -03- 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-0/2018, dated 23.08.2018.

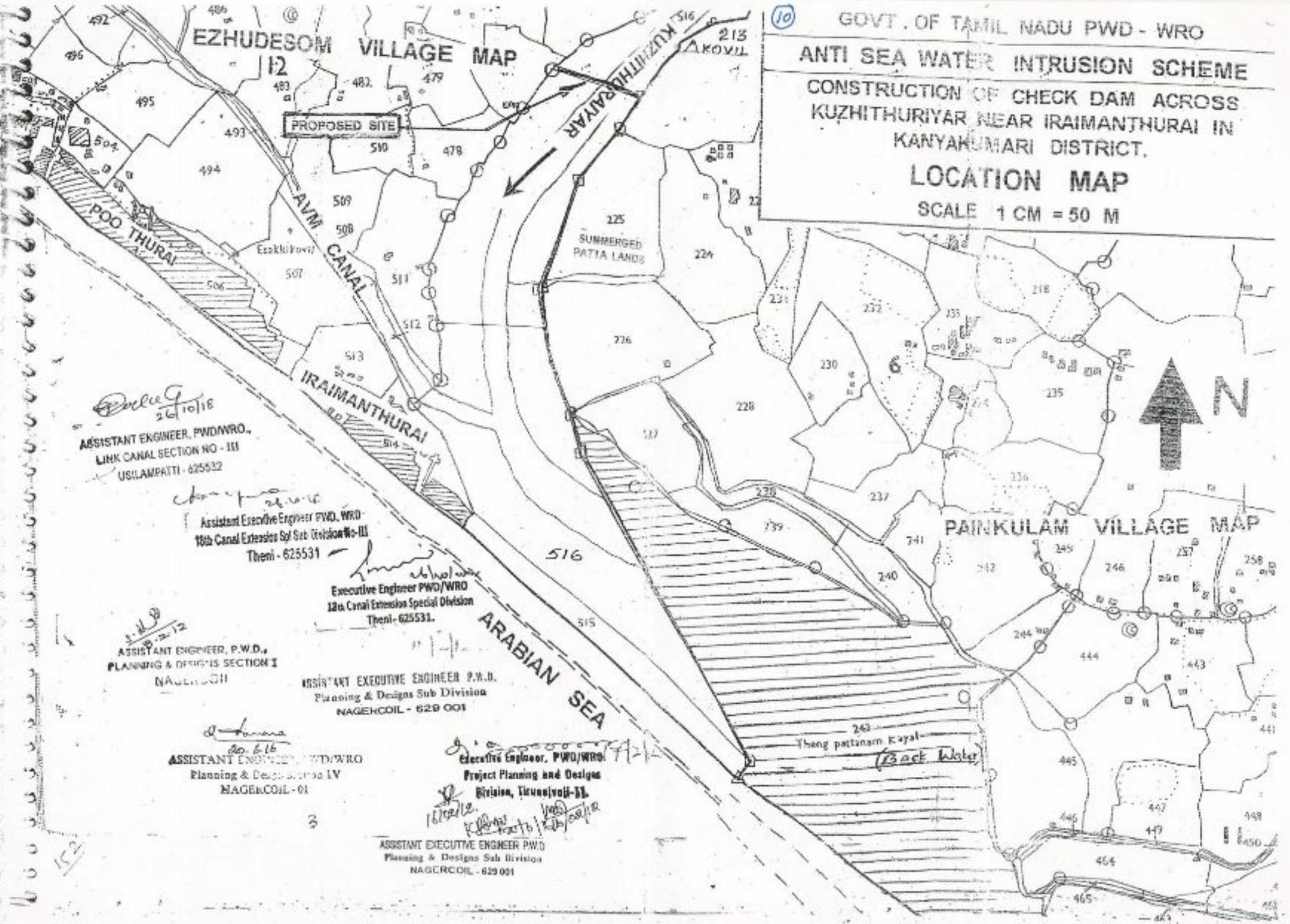
(BY ORDER OF THE GOVERNOR)

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  
Theothukudi, Salem, Kanniyakumari & Ramanathapuram District.  
The Treasury Officer, Theni, Thirunelveli  
Theothukudi, Salem, Kanniyakumari & Ramanathapuram  
The Principal Accountant General (A&E / Audit - I, E&RSA), Chennai - 18.  
The Resident Audit Officer, C/o. Principal Accountant General  
(General and Social Sector Audit), TN Secretariat, Chennai-8.

ANTI SEA WATER INTRUSION SCHEME  
CONSTRUCTION OF CHECK DAM ACROSS  
KUZHITHURIYAR NEAR IRAIMANTHURAI IN  
KANYAKUMARI DISTRICT.

LOCATION MAP  
SCALE 1 CM = 50 M



PROPOSED SITE

KUZHITHURIYAR

POO THURAI

AVM CANAL

IRAIMANTHURAI

SUMMERGED  
PATTI LANDS



PAINKULAM VILLAGE MAP

ARABIAN SEA

Thang pattanam Kayal  
(Back Water)

*[Signature]*  
26/10/18  
ASSISTANT ENGINEER, PWD/WRO,  
LINK CANAL SECTION NO - III  
USILAMPATTI - 625522

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

*[Signature]*  
26/12/12  
ASSISTANT ENGINEER, P.W.D.,  
PLANNING & DESIGN SECTION I  
NAGERCOIL

*[Signature]*  
26/10/18  
Executive Engineer PWD/WRO  
12th Canal Extension Special Division  
Theri - 625531.

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

*[Signature]*  
20.6.16  
ASSISTANT ENGINEER PWD/WRO  
Planning & Design Section IV  
NAGERCOIL - 01

*[Signature]*  
Executive Engineer, PWD/WRO  
Project Planning and Design  
Division, Tirunelveli-11

*[Signature]*  
16/12/12  
ASSISTANT EXECUTIVE ENGINEER PWD  
Planning & Design Sub Division  
NAGERCOIL - 629 001



Poothurai

New Beach Rd

Erayumanturai എറയൂർ

Thengapattanam  
Thengapattanam

Thengapattanam Pozh

Thengapattanam Rd

Thengapattanam Karungal Rd

Kulathupalli Rd



Peethurath

Erayumanturai

Thengapattanam

Thengapattanam Pozhi

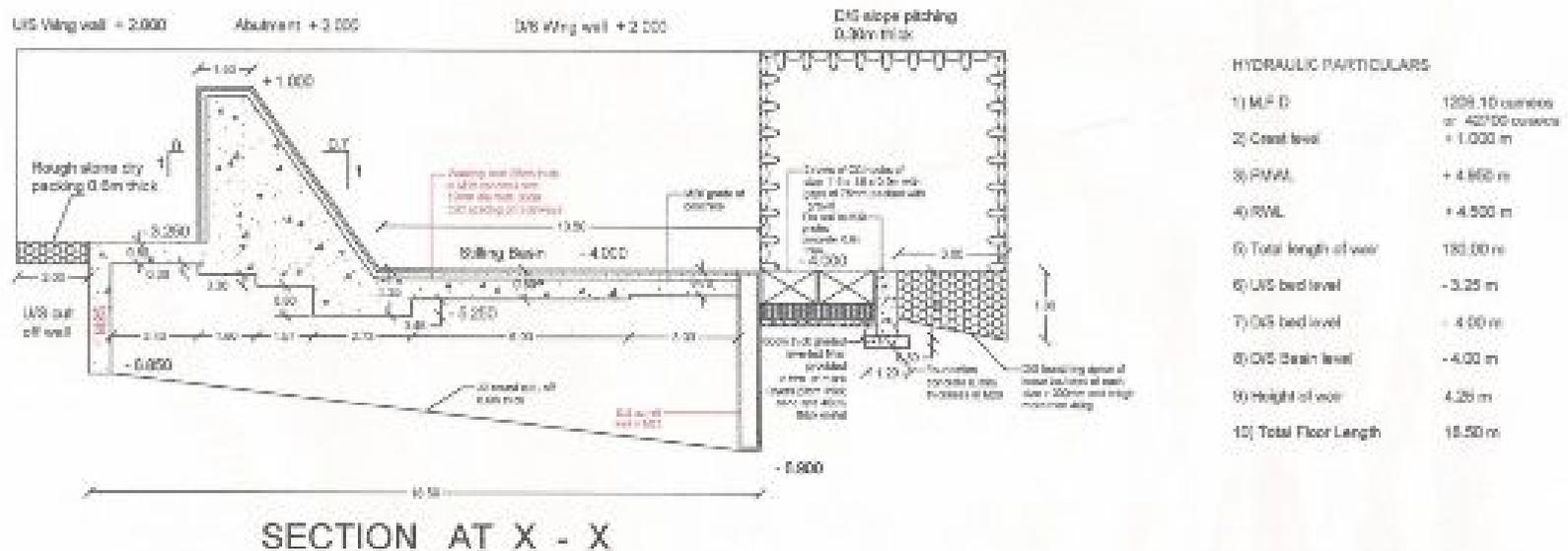
Marudam-Thengapattanam Rd

Kulathupalli Rd

Thengapattanam-Karungal Rd

## CONSTRUCTION OF CHECK DAM ACROSS KUZHITHURAIYAR NEAR ERAIMANTHURAI IN KANYAKUMARI DISTRICT

ESTIMATE AMOUNT - Rs. 1537.07 LAKHS



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.

17212

Letter No. TS/O.O./JC/8747 / 051 dated 04.07.2006.

Sub: Land transfer - Vilavancode taluk-Pairikulam village - R.S. No.243,  
446, 465 and 467 / 14, - Ezhudesam village - R.S. No. 516 / 1 -  
Land required for Thengapattinam Fishing Harbour - reg.

Ref: 1.G.O.Me.No. 316, Animal Husbandry, Dairying and Fisheries  
(FS-1) Department, Dated:21.12.2005.  
2.Your D.O. letter No. M3 / 48827 / 051 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 at Thengapattinam in Kanniyakumari District". The above Fishing Harbour - Thengapattinam site was inspected by the Executive Engineer, PWD/WRO, Kanyakumari 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 Tambraparani river (Kozhithurai river) with the Arabian Sea.

The windward and the leeward break waters are so arranged that an effective opening of 75.00 metre only is available, even though an opening of 100.00 metre 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.

(s.5)

35

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 submerision of the entire area for Thengapattinam to Kuzhithural, 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, Odal, Water course and River.

S.No.	Village	R.S.No.	Classification	Extent in Hectares	Extent requested in sq.m.
1	Painkulam	243	Lake	25.74.0	20,123.60
2	Painkulam	448	Odal	0.27.5	308.00
3	Painkulam	485	Water course	0.24.0	991.00
4	Painkulam	487/14	River	0.16.0	1,401.00

The above required lands are classified as Lake, Odal, 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 supersession 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, Valfams, 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 Kuzhithural bridge will become saline.

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

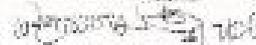
- 3 -

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 seen to be an important one which will cater the urgent needs of the coastal public, I recommend for the transfer of paramboke 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 Thargastinam in the upstreamside of the river shall be provided in order to avoid sea water intrusion during high tides.

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

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



(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 5<sup>th</sup> January, 2011)

COASTAL REGULATION ZONE NOTIFICATION  
MINISTRY OF ENVIRONMENT AND FORESTS  
(Department of Environment, Forests and Wildlife)

S.O.19(E)- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15<sup>th</sup> September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15<sup>th</sup> September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19<sup>th</sup> February, 1991 except as respects things done or omitted to be done before such supersession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

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-1. 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 28<sup>th</sup> July 1989, S.O.No.966(E), dated the 27<sup>th</sup> November, 1989 and GSR 1037 (E), dated the 5<sup>th</sup>

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).

- (ii) 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 fresh water 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

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.

(xii) 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 14<sup>th</sup> 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;

- (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;

- (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.
- (iv) 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 1<sup>st</sup> June and 31<sup>st</sup> 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<sup>ble</sup> 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 Sot all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

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 SCZMAs;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by MoEF in terms of Orders of Hon'ble

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;

## (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:-

- (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, suction 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

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.

(ii) 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 19<sup>th</sup> February, 1991, unless specified

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 Purnarvasan 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, CESSÉD AND UNSAFE BUILDINGS:**

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cesséd 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 alone 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

(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(ii)(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(ii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenant 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.

- (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

- 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 Kambhat and Gulf of Kutchchh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhatarkanika 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 interalia 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.

## MINISTRY OF ENVIRONMENT &amp; FORESTS

(Department of Environment, Forests &amp; Wildlife)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2)(v) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3)(d) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATING ACTIVITIES IN THE CRZ.

New Delhi, the 19th February, 1991

S.O. 114(E).—Whereas a Notification under Section 3(1) and Section 3(2)(v) of the Environment (Protection) Act, 1986, inviting objections against the declaration of Coastal Stretches as Coastal Regulation Zone (CRZ) and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O. No. 944 (E) dated 15th December, 1990.

And whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, and all other powers vesting in its behalf, the Central Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (on the landward side) upto 500 metres from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone; and imposes with effect from the date of this Notification, the following restrictions on the setting up and expansion of industries, operations or processes etc. in the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note.—The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers, creeks and backwaters may be modified on a case by case basis for reasons to be recorded while preparing the Coastal Zone Management Plans (referred to below); however, this distance shall not be less than 100 metre; or the width of the creek, river or backwater whichever is less.

## 2. Prohibited Activities :

The following activities are declared as prohibited within the Coastal Regulation Zone, namely :

- (i) setting up of new industries and expansion of existing industries, except those directly related to water front or directly needing foreshore facilities;
- (ii) manufacture or handling or storage or disposal of hazardous substances as specified in the Notifications of the Government of India in the Ministry of Environment & Forests No. S.O. 594(E) dated 7th July, 1989, S.O. 966(E) dated 27th November,

1989 and GSR 1037(E) dated 5th December, 1989;

- (iii) Setting up and expansion of fish processing units including warehousing (excluding hatchery and natural fish drying in permitted areas);
- (iv) setting up and expansion of waste mechanisms for disposal of waste and effluents, except facilities required for discharging treated effluent into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974; and except for storm water drains;
- (v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any, within a reasonable time period not exceeding three years from the date of this notification;
- (vi) dumping of city or town waste for the purposes of landfilling or otherwise; the existing practice, if any, shall be phased out within a reasonable time not exceeding three years from the date of this Notification;
- (vii) dumping of ash or any wastes from thermal power stations;
- (viii) land reclamation, bunding or disturbing the natural course of sea water with similar obstructions, except those required for control of coastal erosion and maintenance or clearing of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators, storm water drains and structures for prevention of salinity ingress and for sweet water recharge;
- (ix) mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas;
- (x) harvesting or drawal of ground water and construction of mechanisms therefor within 200 m of HTL; in the 200 m to 500 m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;
- (xi) construction activities in ecologically sensitive areas as specified in Annexure-I of this Notification;
- (xii) any construction activity between the Low Tide Line and High Tide Line except facilities for carrying treated effluents and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil, gas and similar pipelines and facilities essential for activities permitted under this Notification; and
- (xiii) dredging or altering of sand dunes, hills, natural features including landscape changes

for beautification, recreational and other such purposes, except as permissible under this Notification.

### 3. Regulation of Permissible Activities :

All other activities, except those prohibited in para 2 above, will be regulated as under :

- (1) Clearance shall be given for any activity within the Coastal Regulation Zone only if it requires water front and foreshore facilities.
- (2) The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely :
  - (i) Construction activities related to Defence requirements for which foreshore facilities are essential (e.g. slipways, jetties etc.); except for classified operational component of defence projects for which a separate procedure shall be followed. (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements, except in very special cases and hence shall not normally be permitted in the CRZ);
  - (ii) Operational constructions for ports and harbours and light houses requiring water frontage; jetties wharves, quays, slipways etc. (Residential buildings & office buildings shall not come within the definition of operational activities except in very special cases and hence shall not normally be permitted in the CRZ);
  - (iii) Thermal power plants (only foreshore facilities for transport of raw materials facilities for in-take of cooling water and out-fall for discharge of treated waste water/cooling water); and
  - (iv) All other activities with investment exceeding rupees five crores.
- (3) (i) The coastal States and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexures-I and II of the Notification and obtain approval (with or without modifications) of the Central Government in the Ministry of Environment & Forests;
- (ii) Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government, Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexures-I and II of the Notification; and

- (iii) In the interim period till the Coastal Zone Management Plans mentioned in para 3(3)(i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provisions of this Notification. State Governments and Union Territory Administrations shall ensure adherence to these regulations and violations, if any, shall be subject to the provisions of the Environment (Protection) Act, 1986.

### 4. Procedure for monitoring and enforcement :

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities at the State or Union Territory levels, as may be designated for this purpose, shall be responsible for monitoring and enforcement of the provisions of this notification within their respective jurisdictions.

[N. K-15019/1/84-IA-III (Vol. II)]

R. RAJAMANI, Secy.

#### ANNEXURE-I

#### COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

##### Classification of Coastal Regulation Zone :

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line of the landward side are classified into four categories, namely :

##### Category I (CRZ-I) :

- (i) Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, coral/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historical/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.
- (ii) Area between the Low Tide Line and the High Tide Line.

##### Category-II (CRZ-II) :

The areas that have already been developed upto or close to the shore-line. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

##### Category-III (CRZ-III) :

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These

will 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.

#### Category-IV (CRZ-IV)

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II or CRZ-III.

Norms for Regulation of Activities.

6(2) The development or construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms :

#### CRZ-I

No new construction shall be permitted within 500 metres of the High Tide Line. No construction activity, except as listed under 2(ii), will be permitted between the Low Tide Line and the High Tide Line.

#### CRZ-II

- (i) Buildings shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal Zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads/existing authorised structures shall be subject to the existing local Town and Country Planning Regulations including the existing norms of FSI/FAR.
- (ii) Reconstruction of the authorised buildings to be permitted subject with the existing FSI/FAR norms and without change in the existing use.
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.

#### CRZ-III

- (i) The area upto 200 metres from the High Tide Line is to be earmarked as 'No Development Zone'. No construction shall be permitted within this zone except for repairs of existing authorised structures not exceeding existing FSI, existing plinth area and existing density. However, the following uses may be permissible in this zone—agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.
- (ii) Development of vacant plots between 200 and 500 metres of High Tide Line in designated areas of CRZ-III with prior approval of MEF permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-D.

- (iii) Construction/reconstruction of dwelling units between 200 and 500 metres of the High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gothans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice the number of existing units; total covered area on all floors shall not exceed 33 per cent of the plot size; the overall height of construction shall not exceed 9 metres and construction shall not be more than 2 floors (ground floor plus one floor).
- (iv) Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

#### CRZ-IV

Andaman & Nicobar Islands :

- (i) No new construction of buildings shall be permitted within 200 metres of the HTL;
- (ii) The buildings between 200 and 500 metres from the High Tide Line shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Gravel and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment and Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-à-vis local conditions including hydrological aspects erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than

- 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- (iv) Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- (v) Dredging and underwater blasting in and around coral formations shall not be permitted; and
- (vi) However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of Ministry of Environment & Forests and in such designated stretches, the appropriate regulations given for respective Categories shall apply.

#### Lakshadweep and small Islands :

- (i) For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island. In consultation with the experts and with approval of the Ministry of Environment & Forests, keeping in view the land use requirements for specific purposes vis-a-vis local conditions including hydrological aspects, erosion and ecological sensitivity;
- (ii) The buildings within 500 metres from the HTL shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 per cent of the plot size and the total height of construction shall not exceed 9 metres;
- (iii) The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style;
- (iv) Corals and sand from the beaches and coastal waters, shall not be used for construction and other purposes.
- (v) Dredging and under water blasting in and around lagoons and coral formations shall not be permitted; and
- (vi) However, in some of the Islands, coastal stretches may also be classified into categories CRZ-I or II or III with prior approval of the Ministry of Environment & Forests. In such designated stretches the appropriate regulations given for respective categories shall apply.

#### ANNEXURE-II

#### GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST|VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists| visitors shall be subject to the following conditions :

- (i) The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the landward side) from the High Tide Line and within the area between the Low Tide and High Tide Line;
- (ii) The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetal cover;
- (iii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (iv) The overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- (v) Ground water shall not be tapped within 200 m of the HTL; within the 200 metre-500 metre zone it can be tapped only with the concurrence of the Central|State Ground Water Board;
- (vi) Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not

- be permitted within 500 metres of the High Tide Line;
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made. It must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent/solid waste shall be discharged on the beach;
- (ix) To allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 metres apart; and
- (x) If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.
- (xi) Approval of the State/Union Territory Tourism Department shall be obtained.
- 7(2) In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central/State Government/ Union Territories) construction of beach resorts/hotels shall not be permitted.

1/10/06

Original  
S.E., Fm

No.13-2006-1A-III  
Government of India  
Ministry of Environment & Forests  
(IA-II Section)

Pargasharan Bhawan,  
CGO Complex, Lodi Road,  
New Delhi - 110 003

Dated the 9<sup>th</sup> May, 2006

It is to advise to the  
S.E., A.P.O. & D. Dir. Environment

Sub: Construction of a Fishing Harbour at Thengapattinam, Villavancode Taluk, Kanyakumari District by Fisheries Department, Tamil Nadu Government - Environmental Clearance - regarding.

2  
17/5

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Reference is invited to letter No.31222/EC/3/2005-1, dated 13.12.2005 and No.4552/EC/3/2006-1, dated 6.3.2006 from Environment and Forests Department, Government of Tamil Nadu and letter No.23162/C-4/2004, dated 21.12.2005, No.23162/71/2004, dated 17.1.2006 and No.T/23162/2004, dated 21.2.2006 from Department of Fisheries, Tamil Nadu Fisheries Development Corporation Limited on the above subject was also taken into consideration.

The project involves construction of fishing harbour in Sy. Nos.243, 445, 446, 464, 465, 467, 468, 5112, 514, 516 and sea Portabaru at Thengapattinam, Villavancode Taluk, Kanyakumari District with a east side quay of length 280 m, land side quay of 140 m, Main Break Water of 580 m and inward breakwater of 120 m length. The project is proposed to be located in 55 kms West of Kanyakumari at 77°14'30"E and 8°54'N. About 750 mechanized boats, 300 boats and 400 catamarans to be accommodated. The total area envisaged for the project is 5.44 ha. For the formation of a diaphragm wall area and dredging of 2,40,000 m<sup>3</sup> sand is proposed. The site is proposed to be prepared by filling 1,60,000 m<sup>3</sup> of dredged sand. Apart from the construction of the Fishing harbour, other construction in connection with the harbour activities are auction hall, administration block, security room, wet landing shed, rest shed, gear shed, canteen, toilet block, workshop building, radio and communication centre, sloping hard and loading area. The estimated cost of the project is around Rs 30 crores.

The wastewater generation will be 3.7m<sup>3</sup>/day and it is proposed to construct septic tank for the same. The construction of breakwater is likely to block the southward littoral drift. Hence, strengthening the existing sea wall along the shore on the outside of both breakwaters for a total length of 150 m is proposed with rubble masonry to prevent erosion. The maximum water depth at the entrance is 5mts. The total curve length of the breakwater is 430 m and the south breakwater is of 150 mts. The landing length is about 400 mts in north-south directions. The draft of the entrance is 5 mts with an entrance width of 60 mts opening at the eastern side.

There are no critical habitats such as coral reefs, mangroves or sea grass beds in the region. The pure water demand of 84 m<sup>3</sup>/day is proposed to be met from groundwater (10m<sup>3</sup>/day by digging), rainwater harvesting (8 m<sup>3</sup>/day) and Municipal Water Supply (100 m<sup>3</sup>/day).

Environmental clearance under the CRZ Notification, 1991 is hereby accorded to the above project subject to strict implementation of the conditions as given below:

**A. SPECIFIC CONDITIONS:**

1. All conditions stipulated by Tamil Nadu Coastal Zone Management Authority should be strictly implemented.
2. All conditions should be carried out as per the Coastal Regulation Zone Notification, 1991.
3. No Objection Certificate from the Tamil Nadu State Pollution Control Board should be obtain before initiating the project.

Department of Animal Husbandry, Dairying and Fisheries, New Delhi  
 The Superintending Engineer,  
 Fishing Harbour Project Circle, Chennai-6.  
 The Accountant General, Chennai-18/18 (By Name)  
 The Accountant General, Chennai-35/35 (By Name)  
 The Treasury Officer, Kanniyakumari District.

Copy to  
 The Hon'ble Chief Minister's office, Chennai-9.  
 The Senior Personal Assistant to Minister (Fisheries), Chennai-9  
 Personal Assistant to Principal Secretary to Government,  
 Animal Husbandry, Dairying and Fisheries Department, Chennai-9  
 The Finance (AH&F) Department, Chennai-9  
 SF/SC

// Forwarded by order //

  
 (V. Rajendran)  
 Under Secretary to Government

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN  
AND  
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)NO.7069 OF 2019

B.Paulraj

:Petitioner

.vs.

1.The Principal Secretary,  
Public Works Department,  
Fort St.George,  
Chennai -600 009.

2.The District Collector,  
Office of the District Collector,  
Kanyakumari District.

3.The Executive Engineer,  
Tamil Nadu Water Supply and Drainage Board,  
Nagercoil,  
Kanyakumari District.

4.The Assistant Executive Engineer,  
WRD/PWD.,  
Kotaiyar Basin Sub-Division,  
Cheruppaloor,  
Kanyakumari District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani(Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of

Thamiraparani(Kuzhithurai) River based on G.o(3D) No.26, PW(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

For Petitioner :Mr.S.Vanchinathan  
For Respondents :Mr.A.Muthukaruppan  
Addl. Govt.Pleader

**ORDER**  
\*\*\*\*\*  
[Order of the Court was made by S.S.SUNDAR..J.]

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani(Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of Thamiraparani(Kuzhithurai) River based on G.o(3D) No.26, PW(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Thamiraparani river which flows from Thirparapu-Kuzhithurai-Thengaipattinam, finally ends up in Arabian Sea. It is

stated that from Mangadu to Thengaipattinam, there are seven villages and thousands of families are living on the banks of the river to a stretch of seven kilometers. It is also stated that the said river water is the main source of ground water, agriculture and drinking water, for all the people who are living in that stretch for about seven kilometers.

4. The grievance of the Petitioner is that sea water is mixing with the river water of Tamiraparani and due to intrusion of saline water into the Tamiraparani (Kuzhithurai) river, water is not suitable for drinking or irrigation purpose. It is also stated that increase in salinity in river water is likely to cause other environmental issues and health hazards. It is in these circumstances, the Petitioner has come forward with this Writ Petition for the relief, as stated supra.

5. It is also stated that despite passing of Government Order sanctioning and approving the scheme, construction of check dam has not been commenced.

6. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the construction work namely construction of Check Dam in the appropriate place

has been given to a Contractor, after following the tender process. Further, for construction of Check Dam, a sum of Rs.14,58,76,181/- has been approved and sanctioned by the Government. It is further stated that the work is likely to be commenced. It appears that the Contractor had also deposited the security deposit as per the tender conditions. It is further submitted that after appointment of Contractor and execution of contract, the Contractor has commenced the civil work.

7.The learned Additional Government Pleader appearing for the respondents also submitted that the respondents will ensure that the work is executed within the time stipulated in the agreement, without any delay.

8.Having regard to the nature of work undertaken by the respondents, the official respondents shall ensure that the construction of Check Dam is completed before the rainy season, so that there will not be any obstruction of the work and further inconvenience to the public can be prevented.

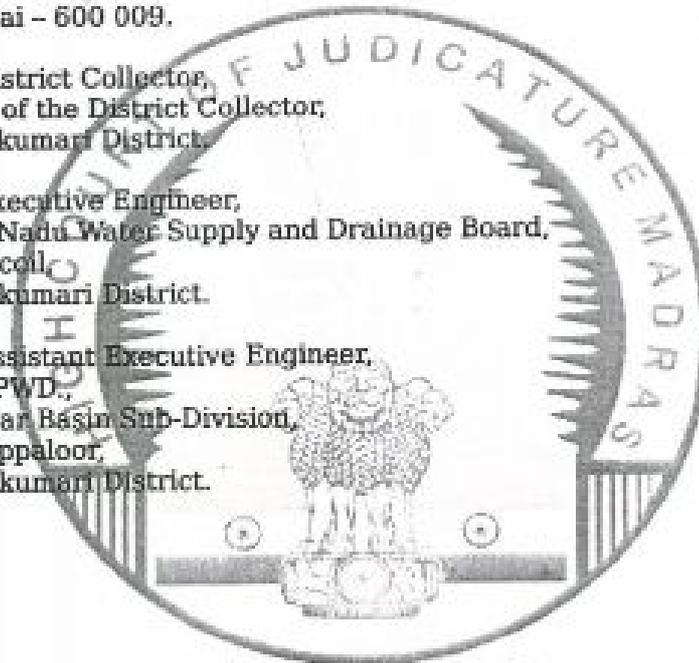
9.With the above direction, the Writ Petition is closed. No costs.

[N.K.K.J.] & [S.S.S.R.J.]  
01.04.2019

Index:Yes/No  
Internet:Yes/No  
vsn

To

- 1.The Principal Secretary,  
Public Works Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The District Collector,  
Office of the District Collector,  
Kanyakumari District.
- 3.The Executive Engineer,  
Tamil Nadu Water Supply and Drainage Board,  
Nagercoil,  
Kanyakumari District.
- 4.The Assistant Executive Engineer,  
WRD/PWD.,  
Kotaiyan Basin Sub-Division,  
Cheruppaloor,  
Kanyakumari District.



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6

N.KIRUBAKARAN, J.  
AND  
S.S.SUNDAR, J.

VSN



**ORDER MADE IN**  
**W.P(MD)No. 7069 of 2019**

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**01.04.2019**



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P1

F. No. 12-3/2018-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.PI/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 35<sup>th</sup> 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.

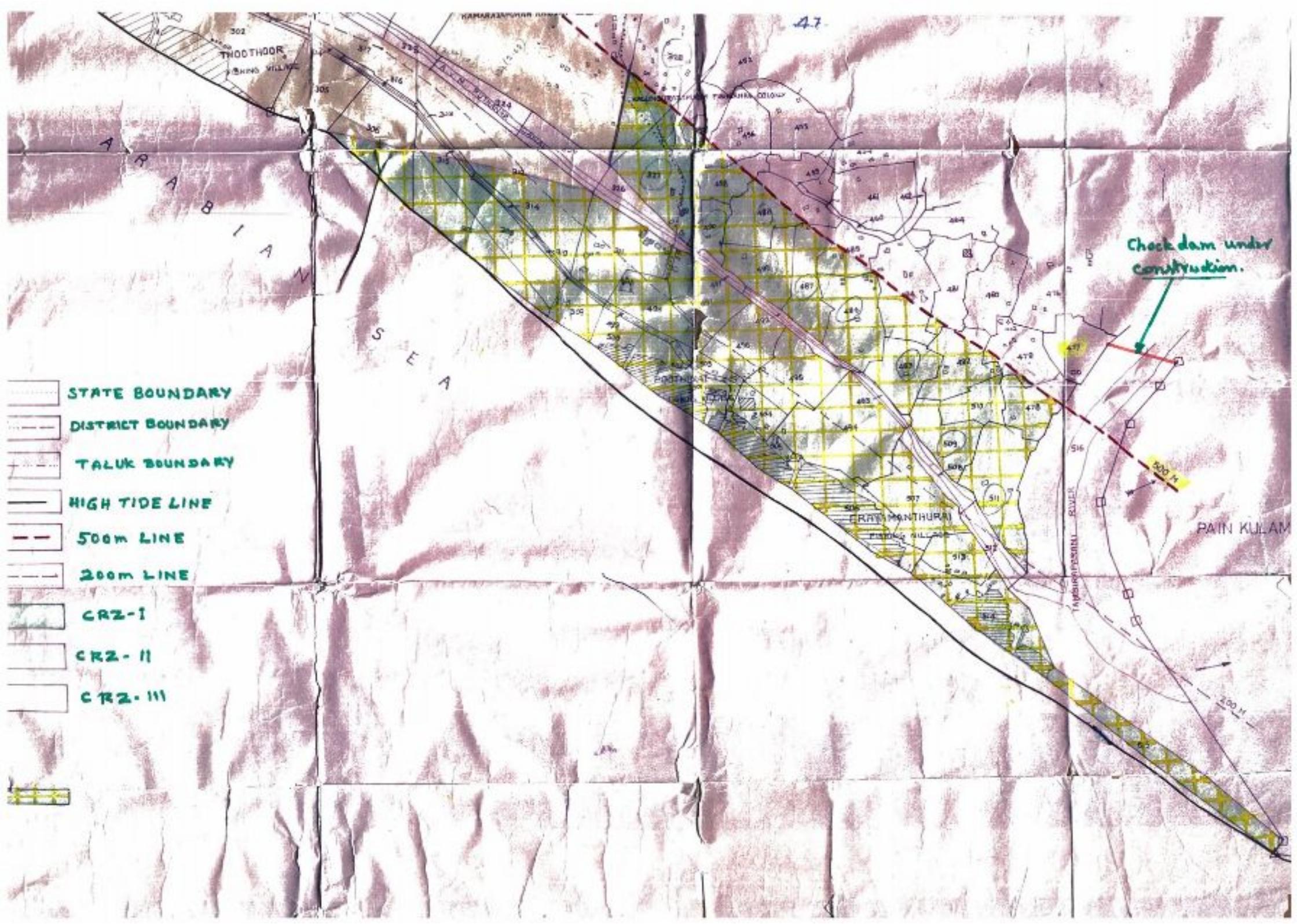
Yours faithfully,

  
(W. Bharat Singh)  
Director/ Sec '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), I<sup>st</sup> and II<sup>nd</sup> Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 600 034.
3. Guard File.

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



STATE BOUNDARY

DISTRICT BOUNDARY

TALUK BOUNDARY

HIGH TIDE LINE

500m LINE

200m LINE

CRZ-I

CRZ-II

CRZ-III

Check dam under construction.

PAIN KULAM

200 M

V. No. 17 EZHUDESOM VILLAGE  
MILAVANCODE TALUK  
KANNIYAKUMARI DISTRICT  
TAMIL NADU STATE  
SCALE: 1:5000

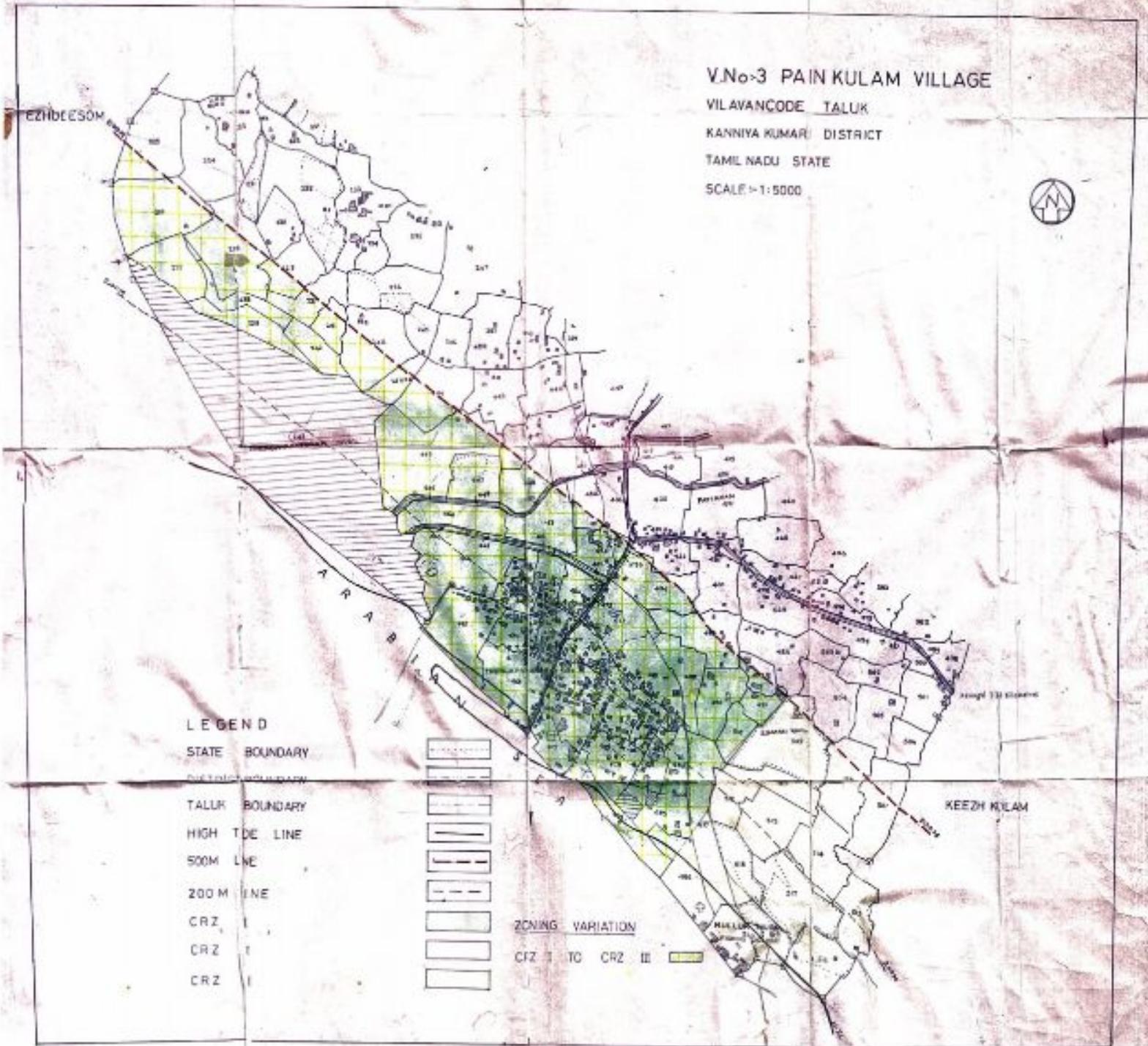


- LEGEND
- STATE BOUNDARY
  - DISTRICT BOUNDARY
  - TALUK BOUNDARY
  - HIGH TIDE LINE
  - 500M LINE
  - 200M LINE
  - CRZ - I
  - CRZ - II
  - CRZ - III
  - ZONING REGULATION
  - CRZ - I TO CRZ - II



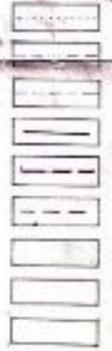
Handwritten notes and initials in the top right corner.

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



LEGEND

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



ZONING VARIATION

CRZ I TO CRZ III



50  
IN THE HIGH COURT OF JUDICATURE AT MADRAS

MADURAI BENCH

(SPECIAL ORIGINAL JURISDICTION)

W.B. (MD) No. 25737 of 2019

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.



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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

Page No.2

of Pages:

*Sesadimai*  
PRESIDENT



present 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.

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 (W) 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

*Sankar*  
PRESIDENT

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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.

*Saravanan*  
**PRESIDENT**

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...income for thousands of fishermen from more than 20 coastal villages and hamlets in and around Theethoor, Chinathurai and Naerodi 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 hotspot for various indigenous fresh water Flora and fauna. It is a very nutrient rich water which is rich in fish population.

5

Corns:

*Sachin*  
PRESIDENT



55

Erainanthurai Villages on either side of the estuary 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.

*S. S. Srinivasan*

**PRESIDENT**

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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 Ganapathiyas 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

*S. S. S. S.*  
PRESIDENT

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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.

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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

*S. S. Sharma*

**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

*Sobini*  
PRESIDENT

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of Harbours in Karnataka, Kerala, Maharashtra and  
Orat. 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  
State Kerala and other States as mentioned above and the  
interests 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 death  
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 Erainanthurai and  
Thenkaipattinam across the river of the length of 130  
meters and for a height of 5 meters. It is to be noted

*S. S. Srinivasan*  
**PRESIDENT**



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6/ 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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*S. S. Srinivas*  
PRESIDENT



... on 10.11.2011, which had been formulated to  
... the livelihood of the fishermen communities and  
... protect the coastal structure by promoting  
... sustainable development, declares as coastal regulation  
... to mean any land area between high tide line and  
... meters on the land ward side.

X

The coastal regulation zone also included any land  
... 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.

one I

*S. S. S.*  
PRESIDENT

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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 far 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 3<sup>rd</sup>

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...HARDWARE and the space that are required for clearing  
...boats would not get affected and all endeavors will  
...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 constructed 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

*S. S. S. S.*  
**PRESIDENT**

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... 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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No. of Corns:



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, Erainanthurai 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 Kushithuraiyar near Erainanthurai 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.

*[Signature]*  
**PRESIDENT**



- 57.67
- 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 Coastal 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

Page No. 18

No. of Corners:

*S. S. Srinivas*  
**PRESIDENT**



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, 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.

*S. S. Arivudurai*  
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 1<sup>st</sup> 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

(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, College Road,  
Theethoor 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.

Public Works Department (WRO),  
Planning and Design,  
Tiruchirappalli,  
Tiruchirappalli District.

2. Executive Engineer,  
Tiruchirappalli Harbour Project,  
Tiruchirappalli,  
Tiruchirappalli District.

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

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

... Respondents

WRIT PETITION

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

The Address for service of all notices and processes  
on 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)

Exa  
quas  
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Kuz  
orc  
th

Department, dated 24.08.2018 in so far as it relates to construction of a Check Dam across Kuzhithuraiyar near Braimanthurai 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



**CHECKDAM AT ERAYUMANTHURAI - DURING THE JOINT COMMITTEE INSPECTION**



**CHECKDAM AT ERAYUMANTHURAI - DURING EXECUTION OF WORK**

அனுப்புநர்

எஸ் பொதுமக்கள்,

ஹைக்கல்ஜூர்.

பெறுநர்

உயர்நீடு மாவட்ட ஆட்சித்தளவணி அலர்கள்,

குமரி மாவட்டம், நாகர்கோவில்.

ஐயா,

பெறுநர் குடிதண்ணீர் பாதுகாக்க அரசு மதிப்பீடு செய்த பரக்கணி என்ற இடத்தில் அண்டாயாக தடுப்பணை கட்ட நடவடிக்கை கேட்டு.

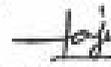
விளவர்கோடு தாலுகா ஒழுக்கிதலம் கிராமம் ஹைக்கல்ஜூர் பகுதியில் எவர் இரண்டாபிரத்திற்கு மேல் குடும்பங்கள் வசித்து வருகிறோம். எங்களை கற்றி கிழக்கு பக்கம் தாமிரவணி ஆறும், மேற்கு பக்கம் ஏ.வி. எம் காண்வாயர் ஆற்றிலும் உள்ளது. தேங்காய் மட்டணை மீன்பிடித் துறைமுக பணியின் வேலை முடிவடைந்த நிலையில் தற்போது இவ்வாறுகள் கடலில் இணைந்துள்ளது. ஆற்றித் தண்ணீர் உட்பு தண்ணீராகவே உள்ளது ஹைக்கல்ஜூர் பகுதிகளில் உள்ள திறந்த வெளி விவசாயங்களிலும், ஆற்றிதலம் விவசாயங்களிலும் உட்பு கலந்த தண்ணீராக குடிக்க முடியாத அளவு உள்ளது. தற்போது மட்டுகள் ஆற்றில் வருவதால் ஆறில் மற்றும் பெய்க்கி கண்டத்தால் மேலும் இத்தண்ணீர் மாசுபட்ட தண்ணீராகவே உள்ளது.

எனவே அரசு மதிப்பீடு தயார் செய்த பரக்கணி என்ற இடத்தில் உடனடியாக தடுப்பணை கட்டி சுத்தமான குடிநீர் விநியோக ஆவன செய்யும்படி மிகவும் துழைமையுடன் வேண்டுகோள்கிறோம்.

இடம்: ஹைக்கல்ஜூர்,

நாள்: 7/9/2017

இப்படிக்கு,

சஜா 

கணியங்குடி வீடு, ஹைக்கல்ஜூர்.

நகல்

காஞ்சிபுரம் அலுவலர், குமரிமாவட்டம்.

1. திரு. மீனவளத்துறை இயக்குநர் அலர்கள், சென்னை. Pin: 629154
2. திரு. மீனவளத்துறை உதவி இயக்குநர் அலர்கள், (கூடல் வளம்) நாகர்கோவில்.
3. திரு. கோட்டாட்சியாளர் அலர்கள், பத்மநாபபுரம்.
4. திரு கோட்டப்பெரியாள் அலர்கள், பொதுப்பணித்துறை, நாகர்கோவில்.
5. திரு. உதவிப்பெரியாள் அலர்கள், பொதுப்பணித்துறை, குழித்தறை.
6. திரு. செயல்பெரியாள் அலர்கள், மீனவளத்துறை உதவி இயக்குநர் அலுவலகம், வடசேரி, நாகர்கோவில்.
7. திரு. வட்டாட்சியாளர் அலர்கள், விளவர்கோடு.

- 1) S. V. Jayakumar  
Shehalayam, Vayakkalloor, Kanjampuram Road
- 2) Ms. Simabharani  
C.S. Sadhanam  
Kanjampuram → P.O.

Saitha.	<u>Saitha.</u>
Crope	<u>Soni</u>
Uofu.	<u>Uofu</u>
S. B. Senthilvalar	<u>S. B. Senthilvalar</u>
Jayanthy	Jayanthy
B. L. Prajitha	Prajitha
B. L. Divya	Divya
Sandha Divan	<u>Sandha Divan</u>
<u>Baby</u>	<u>Baby</u>
Thakenn	<u>Thakenn</u>
Anitha	<u>Anitha</u>
A. Archana	A. Archana
A. Ashma	A. Ashma
S. Biju	<u>S. Biju</u>
M.K. Rama	<u>Rama</u>
ANANTHIKA YEE	<u>ANANTHIKA YEE</u>
V Mahender	<u>V Mahender</u>
S. Hari Kumar em Thampi	<u>S. Hari Kumar</u>
B. Loka.	<u>B. Loka.</u>
M B O	<u>M B O</u>
astan	<u>astan</u>

<del>...</del>	Capi
Kichu	<u>Kichu</u>
Unni	<u>Unni</u>
Sandeepa	<u>Sandeepa</u>
Lala M	<u>Lala M</u>
S. Aravind	S. Aravind
Sajitha Kumari	<u>Sajitha</u>
Sarath	<u>Sarath</u>
Prema	<u>Prema</u>
Shamya	<u>Shy</u>
Dinesh	<u>D</u>
Sitha	- <u>Aitha</u>
Monisha	- monisha
S. Prathap	<u>Prathap</u>
N. Indira	<u>N. Indira</u>
Mam	<u>Mam</u>
Suday	<u>Suday</u>
Bmb	<u>Bmb</u>
Sujar R	<u>Sujar R</u>

Praveen.s	<u>Praveen</u>
Aswathy.	<u>Asw</u>
Arimal	<u>Arimal</u>
Adithyan	<u>Adithyan</u>
Jeebabaru	<u>MSB</u>
Lachyten	<u>chs</u>
Laravaseedi	<u>ls.</u>
<u>Baby</u>	<u>B</u>
K.ASHOKAN	<u>A</u>
G.s. Renjith	- <u>Renjith</u>
Nandhu	- <u>MS.Nandhu</u>
Manu	- <u>Manu</u>
Greetha	- <u>Greetha</u>
Ashra	- <u>Ashra</u>
Vishu	- <u>Vishu</u>
Mehanan	- <u>me</u>
Sabi	- <u>Sabi</u>
Abilesh	ABilash

NAME

BINUKUMAR

Shyler

Suma

Suma

Nirmala

R. Jagadeesan

T. Nisha

M. Rajesh Kumar

J. Jayakumar

M. Sankar

Ravi

Anchana

Radhika

Baby

A. Baiju

Abishek

Akshaya Baiju

Anura Devi .V.K

Rajeev . T

Uthi . S .

NAME

Binukumar

Shyler

Suma

Suma

Nirmala

Raj  
Ani

Nisha

Kas

Jayla

M. Sankar

Ravi

Anchana

Radhika

Baby

A. Baiju

Abishek

Ak

Anura devi .V.K

Rajeev

P

1

P. Vasanthra - 21 ml mm

R. mfr3romb - ~~22~~

Biju

Rema

Bini

velastri

Ambera

~~R. 22~~

A. Srestumari

A. stalani

C. Syamala

விசயலக்ஷ்மி

Sreevidhya

Sumangala

விசுவாநாதா

Sargantha. M.D

Sumesh. V

Umaesh. V

Bini SU

~~22~~

Amibka

R. ~~22~~

~~Srestumari~~

A. ~~stalani~~

~~C.~~

~~22~~

Sreevidhya

Sumangala

~~22~~  
Sargantha. M.D

Sumesh. V.

Umaesh

VAIKKALLOOR PANAMOLA VEEDU

1. Jayasingh ~~the~~ VAIKAKTOR PANAMOLA p. G  
vee

2. Pranshothmanar. Karuvapuram Vayakkalloor p. G

K. W. G. OPAN. W. Karuvampuzha Vayakkalloor p. G

K. Velupillai Anna p. G

K. Bhagavathi Amma KBA p. G

S.P. Sreedevi p. G

B.V. Pradeep Boy p. G

N. Nageswari Nageswari p. G

Valsala Valsala p. G

T. Shiba Kumar Shiba p. G

M. B. Banu Banu p. G

S. Mukundan Mukundan p. G

Majith. M. [Kolbamukku Vayakkalloor] Majith

Latha. P. [Kolbamukku Vayakkalloor] Latha

S. A. Subhashini S. A. Subhashini

Subhashini

Barathi

V. Beem Beem

S. B. Gnanathani Gnanathani

Abilash G.S	<del>Abilash</del>
veed-S	<del>veed-S</del>
<del>Abilash</del>	<del>Abilash</del>
1/00 Ananthesh Kumar	Ananthesh Kumar
2/00 Subramanian	Subramanian
Dubashi	Dubashi
Sivaraman	Sivaraman
Kannan	Kannan
Ammu	Ammu
Appu P	Appu P
yadatha	yadatha
N. Sathya	N. Sathya
J. Sidharth	J. Sidharth
Jithu	Jithu
M. Jayan	M. Jayan
ABILASH.G.S.	Abilash
A. Dhanya	Dhanya
Murugan	Murugan
Ambi	Ambi

J. monisha

M. T. Vikraman Nair

J. R. Padmanabhan

S. K. Manan

K. Bahuleyanani

Vignesh V. Nair

V. R. Mani

S. L. Manjusha

Rajani

FF

S. monisha

vayakkalloor

vayakkalloor

vayakkalloor

vayakkalloor

vignesh

FF

FF

FF

FF

M. T. Nair

vayakkalloor

vayakkalloor

vayakkalloor

vayakkalloor

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## முதலமைச்சரின் தனிப்பிரிவு

தலைமைச் செயலகம், சென்னை - 600 009.

ஒப்புணை கடிதம்

அன்புடையீ,

தங்கள் மாண்புமிகு முதலமைச்சர் அவர்களிடம் நேரில் அளித்த மனு / முதலமைச்சரின் தனிப்பிரிவில் அளித்த மனு முதலமைச்சரின் தனிப்பிரிவின் கணினியில் பதிவு செய்யப்பட்டுள்ளது. தங்களது மனு தக்க நடவடிக்கையின் பொதுட்டு உரிய அலுவலகத்திற்கு அனுப்பப்பட்டுள்ளது.

விழிப்புணர்வு மிக்கவீக திருப்புக.



## AAM AADMI PARTY KILLIYOOR CONSTITUENCY

6-179, Pulimaruvilai, Kanjampuram - 629154,  
Kanyakumari District.

**B. Paul Raj**  
Coordinator  
7094887726

**D.Ramesh**  
Co Coordinator  
9486089918

**A. John Bright Singh**  
Secretary  
8883325005

**T. Vinu**  
Joint Secretary  
9585801999

**N. Jesudhas**  
Joint Secretary  
9952377150

**அனுப்புனர்**

B. பால்ராஜ்,  
ஆம் ஆத்மி கட்சி,  
கிள்ளியூர் சட்டமன்ற தொகுதி,  
ஒருங்கிணைப்பாளர்.

**பெறுநர்**

மாண்புமிகு முதல்வர் அவர்கள்,  
முதல் அமைச்சர் அலுவலகம்,  
தமிழ்நாடு, சென்னை.

**பொருள்:**

கிள்ளியூர் குறித்துறை முதல்  
தேங்காப்பட்டினம் வரை தாமிரபரணி  
ஆற்று நீரில் தடல்புகுந்து உள்ளதை  
பலமுறை சம்பந்தப்பட்ட துறைக்கு  
தெரியப்படுத்தியும் தடுப்பணை கட்டி குடிநீர்  
உப்பாவதை தடுக்காமல் காலம்  
தாமதத்துவது தொடர்பாக.

ஜயா வணக்கம்,

கன்னியாகுமரி மாவட்டம் கிள்ளியூர்  
சட்டமன்றத்தொகுதிக்கு உட்பட்ட தாமிரபரணி ஆறானது  
சுமார் 10 கிலோமீட்டர் தூரத்திற்கு உப்பு நீரால்  
பாதிக்கப்பட்டுள்ளது. ஆற்றின் முடிவு பகுதியானது

Kanyakumari District Office Address : No : 12.G.J. Building, Alexandra Press Road, Nagercoil - 629001

District contact : 9443582287, 9443608182, 9095099983

Coordinator Secretary Joint Secretary

Facebook : Aam Aadmi Party Kanyakumari, www.aapvolunteers.in

கடலுடன் கலக்கும் பகுதியில் மீன்பிடி துறைமுகம் அமைக்கப்பட்டு ஆழப்படுத்தி உள்ளதால் கடல் நீர் ஆற்றுடன் இணைந்து உள்ளது. எனவே கடல் ஆற்றுடன் கலந்து மொத்தமாக உப்பாக மாறி உள்ளது. இதனால் பல்லாயிரம் மக்கள் குடிநீருக்காகவும், விவசாயத்திற்காகவும் வழி இன்றி தவிக்கின்றனர். பல கூட்டுக்குடிநீர் திட்டங்கள் இந்த ஆற்றில் மங்காடு என்னும் பகுதியில் ஆழப்படுத்தி உள்ள கிணறுகள் மூலமே வினியோகிக்க படுகிறது. ஆற்றில் உப்பு அதிகமாக உள்ளதால் அனைத்து குடிநீர் திட்டங்களும் உப்பாகி உள்ளது. நிலத்தடிநீர் உப்பாகியதால் விவசாயம் அழிந்து உள்ளது. இந்த பிரச்சனைக்கு தீர்வு காணவே பரக்காணி அல்லது பருத்திக்கடவு பகுதியில் தடுப்பணை கட்டிட வேண்டும் என்று அனைத்து கட்சியினர், அமைப்புகள், பொதுமக்கள், மற்றும் அனைத்து தரப்பினரும் தொடர்ந்து பல வகையான போராட்டங்கள் நடத்திக்கொண்டுள்ளனர். இதன் அடிப்படையில் தாங்கள் தலைமையிலான அரசாங்கம் 18 கோடி மதிப்பீடு செய்து 18 கோடி ஒதுக்கி உள்ளதாக கடிதம் மூலம் தெரிந்துகொண்டேன் மிக்க மகிழ்ச்சி ஆனால் அரசின் நிர்வாக ஒப்புதல் பெறுவதற்காக 20-03-2018 அன்று அரசிற்கு சமர்ப்பிக்கப்பட்டுள்ளதாகவும் அரசு நிர்வாக ஒப்புதல் அளித்தபின்னரே வேலைகள் முறை கோட்டத்தில் கவனிக்கப்படும் என்றும் தகவல் மூலம் பெறப்பட்டதை கண்டு மனம் வருந்துகிறேன். தாங்கள் தலைமையிலான ஆம்மாவின் அரசு பல நல்லத்திட்டங்களை கொண்டு வருகிறது. நாட்டின் இயற்கை வளமான ஆறுகளின் பராமரிப்பையும் கவனித்து வருகிறது. ஆனால் எங்களின் வாழ்வாதாரமான தாமிரபரணியில் உப்பு நீர் தாலகலக்கமலிருக்கவும், தண்ணீரை விவசாயத்திற்கு தேக்கிவைக்கவும் தடுப்பணை கட்டிட காலம் தாழ்த்தி வருகிறது. எனவே இந்த கடிதம் கைப்பற்றி குறிகிய காலத்துக்குக்குள் தாங்கள் உறுவலகம் நடவடிக்கை எடுக்காவிட்டால் ஆம் ஆத்மீ கட்சி சார்பில் நானும் பாதிக்கப்பட்ட பொது மக்களும்

திரண்டு காலவரையற்ற உண்ணாவிரத போராட்டம் போன்ற கடுமையான போராட்டங்கள் நடத்துவோம். என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன். இந்த கடிதத்திற்கு முறையான நடவடிக்கை எடுத்து-பதில் குறுகிய காலத்தில் வழங்கும் மாறும் கேட்டுக்கொள்கிறேன்.

காஞ்சாம்புறம்

26/07/2018

aad party

இவன்  
B. பால்ராஜ்

B. PAUL RAJ  
Coordinator  
AAM AADMI Party  
Killiyoor Assembly Constituency  
Kanjampuram - 629154  
Kanyakumari Dist.

1988-89-ம் ஆண்டு கல்வியியல் ஆய்வு

தமிழ்ப்பாணி ஆற்றல்

# தமிழ்ப்பாணி ஆற்றல் மூலம் உயர்நிலைப்பள்ளி



தமிழ்ப்பாணி ஆற்றல் மூலம் உயர்நிலைப்பள்ளி

தமிழ்ப்பாணி ஆற்றல் மூலம் உயர்நிலைப்பள்ளி

## ஆம் ஆத்மி கோரிக்கை

தமிழ்ப்பாணி ஆற்றல் மூலம் உயர்நிலைப்பள்ளி

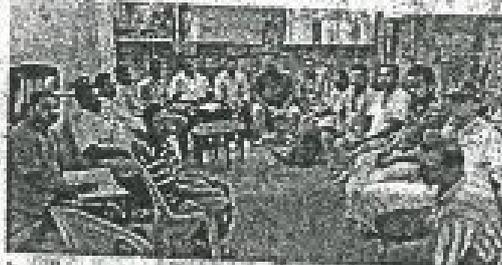


**கிணகார் மாவட்டம்**

தாயிரபரணி ஆற்றில்

**அரசு நிர்ணயித்த இடத்தில் தடுப்பணை**

திருச்சிவனூர், செ. 17  
தாயிரபரணி ஆற்றில் அரசு நிர்ணயித்த இடத்தில் தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினரின் மூலமாக தீர்மானித்துள்ளனர்.



பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தீர்மானித்துள்ளனர்.

ஏழு தேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தீர்மானித்துள்ளனர்.

தாயிரபரணி ஆற்றின் குறுக்கே பரக்காரணி கணியங்குறி பகுதியில் தடுப்பணை கட்ட அரசு

**திருச்சிவனூர்**

பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தீர்மானித்துள்ளனர்.

பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தீர்மானித்துள்ளனர்.

**நிலையத்தில்**

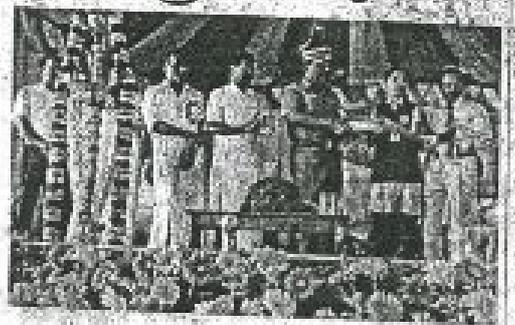
பாபாரிகள்

**இழுத்தடிப்பு**

பாபாரிகள் இழுத்தடிப்பு

**கூட்டாலுமரு**

**பத்ரேஸ்வரி தேவஸ்தானம் பள்ளி ஆண்டு விழா**



பத்ரேஸ்வரி தேவஸ்தானம் பள்ளி ஆண்டு விழா

மென் அய் இன் தாயிரபரணி மணலாறு கரையில் தடுப்பணை கட்ட வேண்டும் என ஏழுதேசம் பேரரசர் திருச்சிவனூர் கட்டிடத்துறையினர் மூலமாக தீர்மானித்துள்ளனர்.











மாநில அரசே!

மாவட்ட நிர்வாகமே!!

பாதியில் நிறுத்திவைக்கப்பட்டுள்ள  
தடுப்பணை வேலையை உடனே துவங்கு!

குடிநீர் உப்பு நீராகியுள்ளதை  
உடனே தடுத்து நிறுத்து.

போராட்டத்தை தூண்டாதே!

ஆய்வு : CPI(M) பருத்திக்கடவு - வயக்கல்லூர் கிளை