

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,  
CHENNAI**

Original Application No. 172 of 2020 (SZ) &  
I.A. No.57 of 2022 (SZ)

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

**Statement filed by the 7<sup>th</sup> Respondent as per the direction by this Honourable Tribunal in its Order dated 05.04.2022**

1. It is respectfully submitted that in the above I.A.No.57/2022 the Honourable Tribunal allowed the said I.A to implead the additional 8<sup>th</sup> in the original application.
2. Meanwhile, during the course of hearing, the counsel for applicant in the original application submitted that on account of ongoing construction of check dam across the river at the disputed place, eight villages viz., Erayamanthurai, Poothurai, Thoothur, Chinnathurai, Eraviputhanthurai, Vallavilai, Neerodi and Marthandamthurai are likely to be affected and they will be denied receiving of fresh water which they were enjoying from the river. Further, the applicant submitted that on account of construction of this check dam, course of the river has been changed and affected the ecosystem in that area. They have not taken any steps to strengthen the bunds thereby the possibility of erosion of the banks cannot be ruled out. That may cause irreparable injury to the riparian residents of the river.
3. The above submissions made by the applicant's counsel are absolutely false and baseless. In fact, the AVM Canal is located in between Poovar and Erayamanthurai connecting the coastal villages namely Neerodi,

Marthandamthurai, Vallavilaithurai, Eraviputhanthurai, Chinnathurai, Thoothur, Poothurai and Erayamanthurai. The said canal acts as a natural barrier to prevent sea water intrusion. It receives water from the Neyyar river for its western location and Thamiraparani River for its eastern location. The water will be stagnant in the said AVM Canal. Originally the AVM canal was constructed for navigation purpose by the Erstwhile Travancore State. Thamiraparani River originates from Kodayaru and travels around 60 kilometers with the carrying capacity of 42,700 cusecs and it confluences with Arabian Sea at Erayamanthurai. The direction of the said Thamiraparani river is North from Kodayaru and south at Erayamanthurai (Arabian sea). Whereas, the direction of AVM canal is West from Poovar and East at Erayamanthurai and also it passes parallel to the Arabian Sea. But the check dam is being constructed around 800 meter away (northern side) from the AVM canal.

4. During high tide the sea water enters the river directly through the opened river mouth which was already opened for fishing harbour works for vessel movement towards the upward direction for more than 13 km and spoiling the surface water and ground water. In order to overcome the said issue, the check dam is being constructed 800 m (aerial distance) away from the river mouth by keeping the crest level of the body wall +1.00m from the mean sea level. The bottom of the body wall is at -5.25m from the mean sea level. Hence the total height of body wall 6.25m. The check dam is mainly constructed for preventing the sea water intrusion and not to impound by any storage. Since the Thamiraparani river is a perennial river, steady flow occurs throughout the year without any stoppage of water towards the downstream side of the check dam. Hence, there is no question of denial of receiving fresh water to the above said Villages. However, it is pertinent to note that the said AVM canal became saline due to the opening of the sand bar in the estuary point which was done for Fishing Harbour works for moment of vessels in to Kayal (i.e., back water).

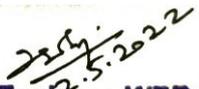
5. Further, it is submitted that the coffer dam has been constructed to divert the water flow to do the construction works. The said coffer dam is only for temporary purpose. Once the construction of check dam is completed, the said temporary coffer dam will be totally removed and the flow will be restored in the pre-existed condition. Due to the unprecedented rain and flood occurred during month of November 2021, the right bank of the river near to the check dam has been eroded. Therefore, necessary proposal has been sent to the Government of Tamil Nadu to restore the right bank of the river in its original condition. Accordingly, this 7<sup>th</sup> respondent will do the necessary construction works in order to restore the right river bank of the Thamiraparani river. The applicant is well known about the same but intentionally suppressed in order to mislead the Honourable Tribunal. Further, it is submitted that 90% of construction of check dam has been completed physically.
6. Further, the applicant alleged that there are some builders have started encroaching in to the river portion and making attempt to construct buildings. The said submission is absolutely false and baseless. There is no encroachment in the alleged river portion.

It is therefore prayed that this Honourable Tribunal may be pleased to record the statement and dismiss the Original Application and thus render justice.

Solemnly affirmed at Chennai on this

the day of May, 2022 he having

Signed his name in my presence

  
**Executive Engineer, WRD,  
Kodayar Basin Division, Nagercoil.**

BEFORE ME

ADVOCATE, CHENNAI

**BEFORE THE NATIONAL GREEN  
TRIBUNAL SITTING AT CHENNAI**

O.S.No. 172 of 2020

Between:

Association of Deep Sea Going  
Artisanal Fishermen rep.by its Vice  
President Mr.Selvoriyan. A,  
Shark Street, College Road,  
Thoothoor – 629176, Kanyakumari  
District, Tamil Nadu.

.... Applicant

-/And/-

The Union of India, rep.by its  
Secretary, Ministry of Environment  
and Forest, Department of  
Environment, Forest and Wild Life,  
Paryavaran Bhavan, Jor Bah Road,  
New Delhi – 110 003 and others.

...Respondents

Statement filed by the 7<sup>th</sup>  
Respondent.

Counsel for Applicant/7<sup>th</sup> Respondent

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE , CHENNAI  
Original Application No: 172 of 2020 & I.A. No.57 of 2022

IN THE MATTER OF

Association of Deep Sea going Artisanal  
Fishermen

Rep.by its Vice president,  
Mr.Selvoriyan. A  
Kanyakumari District.

Versus

The Union of India and others ... Respondent(s)

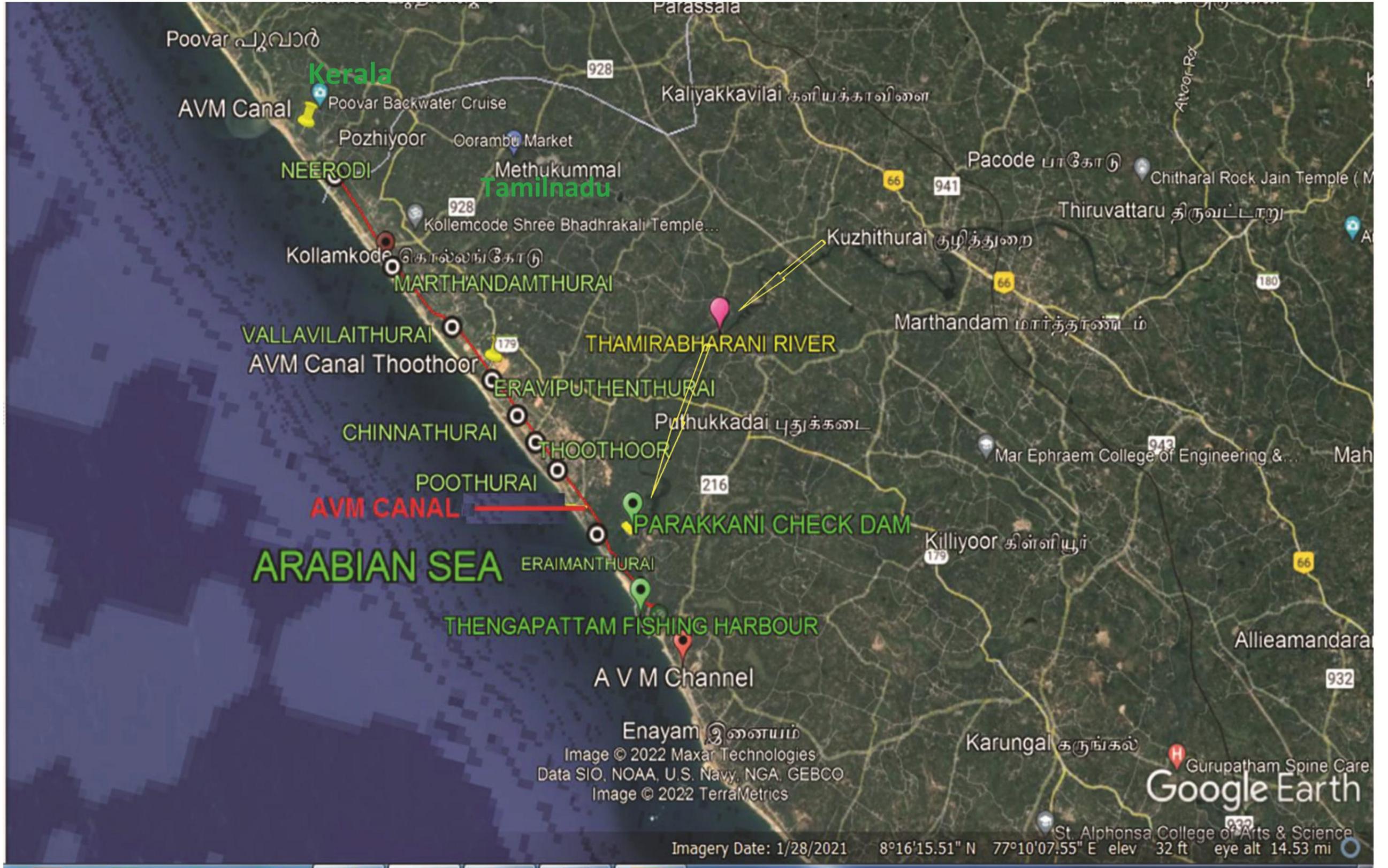
**THE TYPESET**

Sl.No	Description	Page No
	Statement filed by 7 <sup>th</sup> Respondent	
1	Copy of Location Map of Revenue Department	1
2	Copy of Location Map taken from Google	2
3	Copy of Crossection of the Check Dam	3

Certified as true copies of the original documents dated at Chennai on  
this .....<sup>th</sup> day of May 2022

*22/5/2022*  
**Executive Engineer, WRD,  
Kodayar Basin Division, Nagercoil.**



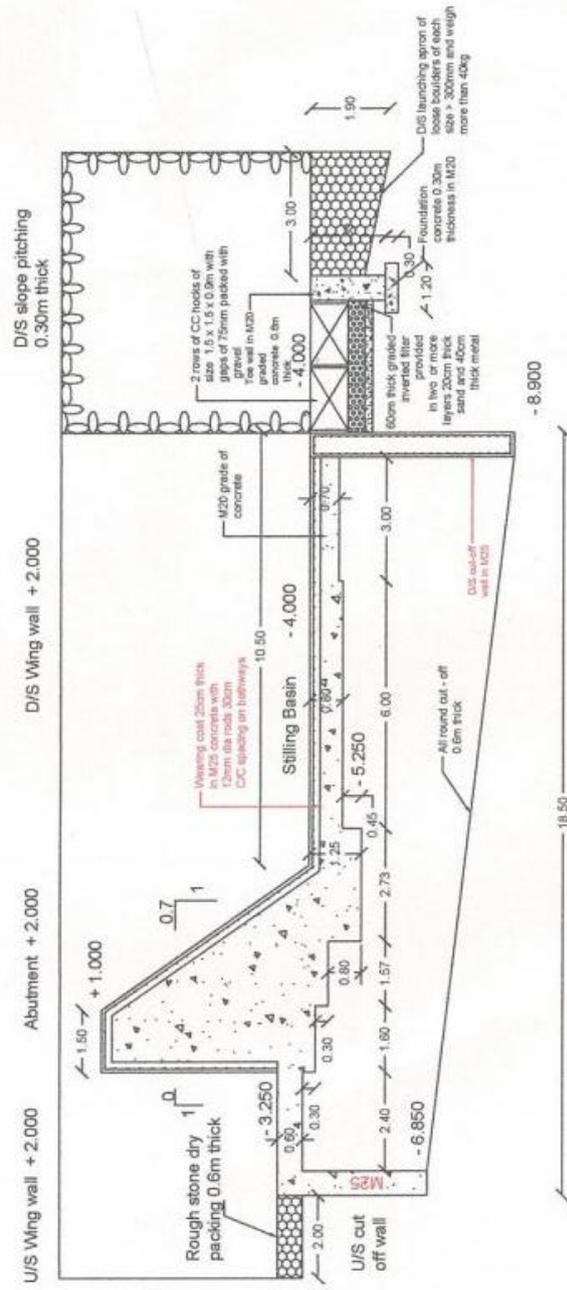


LOCATION MAP

— AVM CANAL

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

ESTIMATE AMOUNT - Rs.1537.07 LAKHS



SECTION AT X - X

HYDRAULIC PARTICULARS

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