

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 179 of 2023 (SZ)

In the matter of:

Tribunal on its own SUO MOTU based
On the news item in “The Times of India”,
Chennai Edition dt: 12.11.2023, under the
Caption “Activists, local residents’ question
Legality of tourism development work at Ooty
Lake” and in “The Hindu” Newspaper dt: 12.11.2023,
Under the caption “Residents stage protest at Ooty lake,
Demand halting of illegal constructions by government
Departments”.

With

The District Collector,

The Nilgiris Collectorate,

Udhagamandalam and Ors.

...Respondent(s)

INDEX

S. No.	Date	Description	Page No.
1.	18.01.2024	Status report filed by the 5 th Respondent (Member Secretary, Tami Nadu State Wetland Authority)	1 – 4
2.	30.10.2023	Annexure – I Communication between Letter No, Ref.No.TNSWA2/418/2023	5 - 7
3.	15.11.2023	Annexure – II Communication between The Principal Chief Conservator of Forests and Member Secretary, TNSWA and The Senior Divisional Engineer, Salem Division, Southern Railway, Salem.	8 - 10
4.	20.11.2023	Annexure – III Communication between The District Collector, Nilgiris and TNSWA	11 – 12
5.	06.12.2023	Annexure – IV Communication between The Principal Chief Conservator of Forests and Member Secretary TNSWA and The District Level Wetland Management Committee, Nilgiris	13 - 14

(Note: The page numbers are at the top centre of every page)

A handwritten signature in black ink, consisting of a circular initial 'D' followed by a series of connected, wavy lines representing the name 'Shanmuganathan'.

Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Original Application No. 179 of 2023 (SZ)****IN THE MATTER OF:**

Tribunal on its own motion SUO MOTU based on the News Item in 'The Times of India', Chennai Edition dt: 12.11.2023, under the caption "Activists, local residents question legality of tourism development work at Ooty lake" and in 'The Hindu' Newspaper dt: 12.11.2023, under the caption "Residents stage protest at Ooty lake, demand halting of illegal constructions by government departments".

...Applicant(s)**-Versus-**

The District Collector
The Nilgiris Collectorate,
Udhagamandalam and Ors.

...Respondent(s)**STATUS REPORT FILED BY THE 5th RESPONDENT i.e MEMBER SECRETARY, TAMIL NADU STATE WETLAND AUTHORITY**

I, Shri Deepak Srivastava, IFS Son of Shri Gopal Krishnan Srivastava aged about 59 years working as the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maligai, Saidapet Chennai-600 015 do hereby solemnly affirm and sincerely state as follows:-


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

- 1) It is humbly submits that I am the 5th respondent herein and such i am well acquainted with the facts of the case circumstances of the case on the basis of official records, and as such authorized and competent to sing this report.
- 2) It is humbly submitted that, based on the news article published in 'The Hindu' on 20.02.2023, regarding the construction of parking lot in Ooty Railway Station adjacent to the swamp, suo motu action was initiated by this respondent vide Ref.No.TNSWA2/418.2023, Dated 30.10.2023 (A copy of the letter is enclosed as **Annexure – I**), requesting the District Collector and Chairperson, District Level Wetlands Management Committee and the District Forest Officer & Member Secretary, District Level Wetlands Management Committee for ground verification of wetland in question with the help of shape files prepared by the Indian Space Research Organisation (ISRO) in the National Wetlands Inventory Assessment Report 2011 of the Ministry of Environment, Forests and Climate Change, Government of India. Further the District Collector & Chairperson, District Level Wetlands Management Committee and the District Forest Officer & Member Secretary, District Level Wetlands Management Committee were requested to take necessary action to stop construction activities on the wetland in question after the ground verification of the given shape files in case the area happens to be a wetlands.
- 3) It is humbly submitted that, the Senior Divisional Engineer /Co-ord/SA, Salem Division, Southern Railway was also informed vide Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No. TNSWA2/418/2023, Dated 15.11.2023 (A


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

copy of the letter is enclosed as **Annexure-II**) that the destruction / degradation of the wetlands need to be avoided as these are ubiquitous ecosystem which are becoming victims of various developmental activities.

- 4) It is humbly submitted that, in response to the letter of this respondent, the District Collector and Chairperson, District Level Wetland Management Committee, Nilgiris District vide letter dated 14.11.2023 (A copy of the letter is enclosed as **Annexure -III**) that as per the preliminary inspection carried out on 25.10.2023 at the proposed parking area of Southern Railway, Salem Division by the District Forest officer, Nilgiris, Assistant Conservator of Forests the said area appeared to be a degraded marshland. The District Collector, Nilgiris has further informed that a team from World Wildlife Fund (WWF) which carried out ecological assessment of the wetlands in questions found that the land proposed for an extension of a parking area by the Southern Railways, Salem Division was originally a marshy area with around 20 wetland floral species both native and non- native origin and the wetland/swamp habitat has shrunken to a greater extent and is also partially degraded due to anthropogenic activities like urban sewage disposal and construction activities. Therefore based upon the reports of The District Forest Officer Nilgiris and World wildlife Fund (WWF) a letter has been sent to the Divisional Railway Manager, Southern Railway, Salem for stoppage of construction works.
- 5) It is humbly submitted that, the District Collector and Chairperson and the District Forest Officer and Member Secretary, District Level Wetland Management Committee, Nilgiris District vide this office Ref. No.


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

TNSWA2/418/2023, Dated 06.12.2023 (A copy of the letter is enclosed as **Annexure -IV**) has already been requested to take necessary action to stop any construction work on the wetlands i.e. swamps, marshes and natural lakes in the Nilgiris District in violation of the orders of the Hon'ble Courts and Tribunals, after the physical verification of the area in question. The detailed report of the District Collector and Chairperson, District Level Wetlands Management Committee, on the action taken to stop the construction activities on marshland/Ooty lake is awaited.

It is further submitted that the response submitted by this answering respondent may kindly be accepted by the Hon'ble NGT, Chennai render justice.


DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

VERIFICATION

I, the aforementioned Deponent do hereby declare on this 18th day of January 2024 at Chennai that the contents of the affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.


DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15



தமிழ்நாடு மாநில ஈரநில ஆணையம்
TAMIL NADU STATE WETLAND AUTHORITY



Ref.No.TNSWA2/418/2023

Office of the Principal Chief Conservator
of Forests and Member Secretary,
Tamil Nadu State Wetland Authority,
No.1, Jeenis Road, Panagal Maligai,
Saidapet, Chennai – 15.

Dated 30.10.2023.

Sub: Wetlands – Tamil Nadu Wetlands Mission – Encroachment activities in
wetlands of Nilgiris District – Action taken report called for – Regarding.

Ref: (i) Additional Principal Chief Conservator of Forests and Member
Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/
32255/2021, Dated 02.09.2021, 02.11.2021 and 10.01.2022

(ii) Principal Chief Conservator of Forests and Member Secretary, Tamil
Nadu State Wetland Authority Ref.No.TNSWA/9234/2017, Dated
30.09.2022.

(iii) News article published in The Hindu on 20.02.2023.

(iv) Principal Chief Conservator of Forests and Member Secretary, Tamil
Nadu State Wetland Authority Ref.No.TNSWA1/345/2023, Dated
15.09.2023

(v) Principal Chief Conservator of Forests and Member Secretary, Tamil
Nadu State Wetland Authority Ref.No.TNSWA1/9234/2017, Dated
18.10.2023.

Attention of the District Forest Officer is invited to the references cited above
in which the orders of the Hon'ble Supreme Court of India in W.P (civil) No.230 of 2001, the
orders of the Hon'ble High Court of Madras in W.P No.12653 of 2017 (Suo Moto PIL) and
the orders in O.A.No.351 of 2019 by Hon'ble National Green Tribunal, Principal Bench, New
Delhi in were communicated for strict compliance.

2) It may be noted again that all the wetlands which were >2.25 hectares in
area and for which the shape files have been communicated to all the Districts including the
Nilgiris District vide reference cited (iv) above are covered by the aforementioned orders and
these wetlands across the State is required to be protected as per the Rule 4 of the
Wetlands (Conservation and Management) Rules 2017 irrespective of the notification and
ownership. The said shape files are based on the National Wetlands Inventory Assessment

Report of the year 2011 released by the Ministry of Environment, Forests and Climate Change, Government of India for the wetlands mapped by the ISRO during the year 2011.

3) It may also be noted that the ground truthing of all the wetlands covered by the shape files prepared by the ISRO across the State including the Nilgiris District was requested to be undertaken by the District level Wetlands Management Committees and a report in this regard was to be sent to the undersigned for the purpose of filing a status report in the Hon'ble High Court of Madras in Suo Motto PIL filed in the Court of the Honble Chief Justice of Hon'ble High Court of Madras. In the said ground truthing report, the wetlands as per the shape files was to be identified which can be notified under the Wetlands Rule 2017.

4) As per the Hon'ble Court orders, till the time such wetlands where the ground truthing is still to be done and those are yet to be notified under the Wetlands (Conservation and Management) Rules 2017 should be protected from all kinds of degradation. It has been observed that despite of the aforementioned orders of the Hon'ble Courts, the degradation of the wetlands by way of either encroachment / construction activities or by dumping of solid and liquid wastes is continuously being reported. The recent case being of the Nilgiris District wherein the land use pattern of natural swamp located adjacent to Ooty Railway Station is being severely degraded due to construction of parking lot in violation of the orders of the various Hon'ble Courts. Also it has been reported that the construction activities are being undertaken in and around the Ooty lake, a fresh water ecosystem, without following the ecosystem based approaches for restoration, conservation and protection of the pristine Ooty lake. Any unmindful construction activities shall completely jeopardize the flow of benefits of non marketable invaluable ecosystem goods and services to the communities depending on this wetland. This kind of deliberate act of conversion of the swamps, marshes and natural lakes which are natural sponges for ground water recharge, water purification, biodiversity conservation and climate regulation needs to be stopped in the larger public interest and penal action should be initiated against the

irresponsible officials of the concerned Government Departments and others as per the provisions of the Environment Protection Act 1986.

5) This may be accorded priority and an action taken report may be sent to the undersigned within a period of 15 days time for placing before the Tamil Nadu State Wetland Authority and for the record purposes.

ole



Principal Chief Conservator of Forests
and Member Secretary
Tamil Nadu State Wetland Authority

To

1. The District Collector and Chairperson,
District Level Wetland Management Committee,
Nilgiris District.
Nilgiris.
2. The District Forest Officer and Member Secretary,
District Level Wetland Management Committee,
Nilgiris District.
Nilgiris.

Copy to

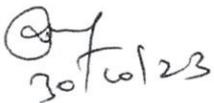
1. The Divisional Railway Manager, Salem
2. The Tourist Officer, Tourism Department, Nilgiris

Copy to

All District Forest Officers/Wildlife Wardens for information and necessary compliances.
All District Collectors and the Chairperson of the District Level Wetlands Management Committees.

Copy submitted to the

Additional Chief Secretary, Environment, Climate Change and Forest Department for favour of kind information.





தமிழ்நாடு மாநில ஈரநில ஆணையம்
TAMIL NADU STATE WETLAND AUTHORITY



From

Thiru.Deepak Srivastava, I.F.S.,
Principal Chief Conservator of Forests
and Member Secretary
Tamil Nadu State Wetland Authority
Panagal Maaligai, Saidapet,
Chennai – 600 015.

To

Senior Divisional Engineer/Co-Ord/SA,
Salem Division,
Southern Railway,
Salem .

Ref.No.TNSWA2/418/2023, Dated 15.11.2023

Sir,

Sub: Wetlands – Tamil Nadu Wetlands Mission – Encroachment activities in wetlands of Nilgiris District – Action taken report called for – Regarding.

- Ref: (i) Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/32255/2021, Dated 02.09.2021, 02.11.2021 and 10.01.2022
- (ii) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA/9234/2017, Dated 30.09.2022.
- (iii) News article published in The Hindu on 20.02.2023.
- (iv) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/345/2023, Dated 15.09.2023
- (v) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/9234/2017, Dated 18.10.2023.
- (vi) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/418/2023, Dated 30.10.2023.
- (vii) Senior Divisional Engineer / Co-Ord/SA, Salem Division, Southern Railway Letter No.SA/W/274/Encroachment, Dated 06.11.2023.

With reference to the letter cited (vii) above, it is informed this Office do not to interfere with the construction works being done by any of the State / Central Government Departments without any valid reason / doubts on ecological ground. You may be aware that

these days Hon'ble Courts and Tribunals do take due cognizance of the newspaper items appearing with regard to destruction of water bodies/ wetlands/ forest areas etc., Therefore a factual report has been sought out from the District Forest Officer, Nilgiris along with the action taken report in case of destruction of swamp, marshes by the Railways, if any.

2) Moreover, the matter regarding the destruction / degradation of the wetlands is very sensitive in nature as these are ubiquitous ecosystem which are becoming victims of various developmental activities and the degradation/destruction of the wetlands like swamps, marshes, lakes are being vigorously monitored by the Hon'ble Supreme Court, Hon'ble High Court of Madras and Principal Bench of National Green Tribunal, New Delhi. Therefore, the State is duty bound to protect the wetlands like swamps, marshes, natural lakes as these are natural sponges which augments the ground water recharge and water purification to the upstream and downstream population. It is also informed that the State of Tamil Nadu has taken its best efforts in protection and conservation of the wetlands and as a result the State could obtain Ramsar tag for its 13 new wetlands during the year 2022 and became number one State in terms of Ramsar Sites under International Convention on Wetlands.

3) Further, it is informed that the National Wetlands Inventory Assessment Report of the year 2011 contains the shape files prepared by the ISRO for the wetlands of the State of Tamil Nadu have been communicated to all the Districts including the Nilgiris District for its physical verification by the District Level Wetlands Management Committees and the same is being monitored by the Ministry of Environment, Forest and Climate change, Government of India on consistent basis. Unless and until the ground verification of the wetlands is completed and the full-fledged report is received from the Nilgiris District, it may not be possible to comment upon the status of the land in question, and the construction activities thereon.

4) In view of the aforementioned facts, it would not be appropriate on the part of the Senior Divisional Engineer, Salem division, Southern Railways to derive the conclusion that the letter of the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority to the District Collector and District Forest Officer, Nilgiris is devoid of merit as the detailed report has been sought from the concerned officials of the Nilgiris district. It is therefore requested that the Railways should render its best cooperation in protecting and conserving the marshes, swamps under its administrative control and avoid creating any structure of the permanent nature in the larger ecological interest of the local communities.

Yours faithfully,


Principal Chief Conservator of Forests
and Member Secretary
Tamil Nadu State Wetland Authority

Copy submitted to the Additional Chief Secretary , Environment Climate Change and Forest Department, Government of Tamil Nadu for favour of kind information.


15/11/23

From
The District Collector and
Chair Person,
District Level Wetland Management
Committee, Udhagamandalam,
The Nilgiris District.

To
The Principal Chief Conservator of Forests
and member Secretary,
Tamil Nadu State Wetland Authority,
No. 1, Jeenis Road, Panagal Maligai,
Saidapet, Chennai - 600 015.

R.C.U2.No.13567/2018, dated: 14.11.2023.

Sir,
20 NOV 2023

Sub: Wetlands - District Level Wetland Management
Committee - Petition - Namma Nilgiris and
others Civil Society Organisations to protect
and restore the marshland located adjacent to
Ooty Railway Station - Instructions to stop
work - Reg.

- Ref: 1. Petition received from Namma Nilgiris and
others Civil Society Organisations to protect
and restore the marshland located adjacent
to Ooty Railway Station dated:25.10.2023.
2. Principal Chief Conservator of forest and
Members Secretary of Tamil Nadu State
Wetland Authority Ref No:
TNSWA2/418/2023, Dated:31.10.2023.
3. Letter No.11243/2023/D1, dated:
02.11.2023 from the District Forest Officer
and Member Secretary, DLWMC,
Udhagamandalam, The Nilgiris.
4. This office letter No. U2/13567/2018,
dated: 03.11.2023 addressed to the
Divisional Railway Manager, Salem Division,
Southern Railway, Salem.
5. Senior Divisional Engineer/Co-Ord/SA.
Salem Division, Southern Railway, Salem
letter No. SA/W/274/Encroachment, dated:
06.11.2023.

In the reference 1st cited a petition from Namma Nilgiris and others Civil
Society Organisations alleging the destruction of Marsh Land / Swamp Land
located adjacent to Ooty Railway Station by means of constructions of a
parking facility under the Amrit Bharath Station Scheme.

In this regard, in the reference 3rd cited, The District Forest Officer,
Udhagai has submitted report stating that, A preliminary inspection carried
out on 25.10.2023 at your proposed parking area by the District Forest Officer,
The Nilgiris, Assistant conservator of Forests (HQ) and the said area appeared
to be a degraded marshland. Following which a team from WWF India was
asked to carry out the Ecological Assessment of the identified swamp area. The
study finds that the land proposed for an extension of a parking area was
originally a marshy area and has a distribution of around 20 wetland floral



தமிழ்நாடு மாநில ஈரநில ஆணையம்
TAMIL NADU STATE WETLAND AUTHORITY



From
The Principal Chief Conservator of
Forests, and member Secretary,
Tamil Nadu State Wetland Authority,
No. 1, Jeenis Road, Panagal Maligai,
Saidapet, Chennai - 600 015.

To
The District Collector and Chairperson,
District Level Wetland Management
Committee,
Udhagamandalam,
Nilgiris District - 643 001.

Ref. No. TNSWA2/418/2023, Dated: 06.12.2023

Sir,

Sub: Wetlands - District Level Wetland Management Committee Petition -
Namma Nilgiris and others Civil Society Organisations to protect and
restore the marshland located adjacent to Ooty Railway Station -
Regarding.

- Ref:
- (i) Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/32255/2021, Dated 02.09.2021, 02.11.2021 and 10.01.2022
 - (ii) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA/9234/2017, Dated 30.09.2022.
 - (iii) News article published in The Hindu on 20.02.2023.
 - (iv) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA1/345/2023, Dated 15.09.2023
 - (v) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA1/9234/2017, Dated 18.10.2023.
 - (vi) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA2/418/2023, Dated 30.10.2023.
 - (vii) Senior Divisional Engineer/Co-Ord/SA, Salem Division, Southern Railway Letter No.SA/W/274/Encroachment, Dated 06.11.2023.
 - (viii) Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA2/418/2023, Dated 15.11.2023.
 - (ix) District Collector and Chairperson, District Level Wetland Management Committee Letter No. R.C.U2.No.13567/2018, dated: 14.11.2023.

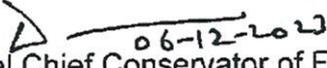
I invite your kind attention to your reply dated 14.11.2023 to the letter cited in reference (ix) above. As you are aware that wetlands like swamps, marshes, estuaries, lakes, and lagoons are ubiquitous ecosystems and needs to be urgently protected for the water security, climate security and food security of the State. Also, these wetlands are natural sponges and lifelines of the society for the maintenance of the hydrological

regime of the areas wherever these wetlands are located. In view of this, the shapefiles which have already been communicated to the District Forest Officer, Nilgiris District may kindly be got verified on the ground so that the physical verification of all the wetlands can be done and the wetland and non-wetland areas can be distinctly identified for future protection and conservation of wetlands in your District.

2) As the wetlands have been disappearing faster because of unmindful construction activities therefore, the wetlands like swamps, marshes and natural lakes in your District should be protected by the District Level Wetland Management Committee for sustaining the vital ecological, edaphic and hydrological parameters of the hilly District. The construction activities which are being undertaken by the Nilgiri Mountain Railway (NMR) as being indicated in the shape file is a marshy / swampy area which needs to be protected as per the Wetlands (Conservation and Management) Rules 2017. Further, the Ooty Lake which is though mentioned as ponds / tanks in the shape files, is actually a lake as per the nomenclature being used for the Ooty lake from time immemorial. So, the said lake shall fall under the category of natural lake with Wettcode No.1101 (natural lake) as per the National Wetland Atlas, 2011. Therefore, the marshes, swamps & natural lakes needs to be protected and conserved without any unmindful construction activities or else such activities shall completely ruin the ecological and hydrological dynamics of the Nilgiris District.

3) It is therefore requested that in view of the aforementioned facts, the District Level Wetlands Management Committee under the Chairpersonship of the District Collector, Nilgiris District may take necessary action to stop any construction work on the wetlands i.e., swamps, marshes and natural lakes in the Nilgiris District in violation of the orders of the Hon'ble Courts and Tribunals.

Yours faithfully,


Principal Chief Conservator of Forests
and Member Secretary,
Tamil Nadu State Wetland Authority

Copy submitted to the Additional Chief Secretary to Government, Environment, Climate Change and Forest Department, Secretariat, Chennai -09 for kind information.

Copy to the Conservator of Forests and Field Director, Mudumalai Tiger Reserve

Copy to District Forest Officer, Nilgiris Division and Member Secretary, District Level Wetland Management Committee