

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO 181 OF 2020 (SZ)**

Sarangam,
Cuddalore

() Applicant(s)

Versus

The Collector
Cuddalore and others

() Respondent(S)

INSPECTION REPORT SUBMITTED BY THE COMMITTEE

In the issue of objections raised by Thiru.Sarangam, the applicant herein not to permit Thiru R.Sambandam to do prawn culture, stating that prawn culture can be done only with the salt water, the salt water will affect their adjacent lands by leakage of water, the Hon'ble National Green Tribunal, South Zone, Chennai, constituted an independent committee in O.A. No. 181 of 2020 on 24.09.2020 comprising of

- The District Collector, Cuddalore District.
- Senior scientist from Tamil Nadu Pollution Control Board as deputed by its chairman
- The Assistant Director of Fisheries.

and had directed the Committee to inspect the area in question and submit the factual as well as action taken report , if any violation found.

It is respectfully submitted that in pursuance to the directions of the Hon'ble National Green Tribunal, South Zone, Chennai the committee visited the field on 04.11.2020, and submitted the report to the Hon'ble National Green Tribunal, South Zone, Chennai on 18.01.2021. On 24.02.2021 the applicant has submitted his objections and produced the additional documents. Hence the Hon'ble National Green Tribunal, South Zone, Chennai directed the same

committee to consider the objections of the Applicant and conduct further inspection and test, if any required and then submit a further report to the Tribunal. And also the Tribunal directed the respondents to file independent statement regarding the allegations made in the application.

On 30.07.2021 the Hon'ble Tribunal directed the committee to file a further report as directed as per the order dated : 24.02.2021 on the basis of objection filed by the Applicant and documents produced by them along with application.

It is submitted that in pursuance to the directions of the Hon'ble National Green Tribunal, South Zone, Chennai the committee comprising of the District Collector, Cuddalore District, a Senior scientist Thiru K. Rajaraman deputed by Tamil Nadu Pollution Control Board, and the Assistant director of fisheries, Parangipettai again visited the field on 08.09.2021 and made pond inspection and a detailed enquiry. The Joint Director of Agriculture, Deputy Director and Assistant Director of Animal Husbandry also accompanied the team. The photographs taken during the inspection by the Joint Committee is submitted in Annexure -1

It is submitted that during inspection it is observed that that the pond was filled with water and fishes were found in the pond, agricultural lands surrounded by the pond, paddy cultivation was found, no physical damage to the surrounding agriculture lands was observed. During Inspection, Samples of water was taken by the Joint Director of Agriculture from the 800 feet bore well of Thiru.Dharanitharan and 18 feet bore well of Thiru.Sambandam bore wells which is situated 70 mts and 30 mts away from the subject filed respectively. There is no contamination of water as inferred from the Report of Analysis (ROA) of the water samples.

It is submitted that even though the 7th respondent requested the Applicant to be present before the committee on 08.09.2021 at 10 A.M at the time of field visit, the applicant refused to receive the letter and had not attended the field visit. But on evening of that day he gave letter at Collectorate to the collector during the enquiry. In the letter the Applicant Thiru.Sarangam stated that the water from the pond leaked to his agriculture land, and damaged his dry land cultivation and the horticulture crop cultivation, and also stated that if permission was given to the 10th respondent for fish culture after some time he may do prawn culture, and requested the committee not to permit the 10th respondent either prawn culture or fish culture.

The committee enquired the 10th respondent Thiru.Sambandam, and the 11th and the 12th respondents who are the farmers of adjoining field to the fish pond namely Thiru.Dharanidharan and Thiru.Thiyagarajan were enquired and depositions were obtained from them. The 10th respondent stated that he is a small farmer, depends on revenue generated from the agriculture field and fish pond and doing fish culture in his fish pond. He stated that he does not cultivate prawn in the said pond. He stated that future also he will never do prawn culture in the said pond and produced the bill for the purchase of fish seeds, and also stated that he will fill up the pond with the fresh unsaline water from the 800 feet deep bore well. He said that in the fields adjoining to the fish pond he has been doing agriculture and stated that last year he has harvested 20 bags paddy, 3 tons of brinjal and 30 bags of onion and also he stated that this year he has cultivated paddy, brinjal, onion and which are in good condition. Therefore presence of pond is no way affecting the cultivation of crops. The cultivation of crops in the agriculture field also was verified with Adangals maintained by Village Administrative Officer Subauppalavadi, Cuddalore. The adjoining lands are cultivated regularly.

The 11th respondent, the farmer of adjoining land had stated that last year he has harvested 40 bags paddy, 3 tons of brinjal and also he stated that this year he has cultivated paddy which is in good condition. The 12th respondent had stated that last year he has harvested 20 bags paddy, 1 ton of brinjal and also he stated that this year he has cultivated paddy which is in good condition. And both the 11th and the 12th respondents had stated that they will not do prawn culture in their agriculture land and also stated that the 10th respondent has been doing only fish culture in his fish pond.

It is submitted that during the field visit it was found that the 10th respondent's fish pond is situated in a portion of land in Survey No. 21/6B (only 0.20.0 ares) and the remaining 0.28.80 ares are cultivation land.

It is submitted that during the field visit it was verified that the 10th respondent has not made fish pond in 0.80.0 hectare of the poramboke land in Survey No.25. And also it is was seen that the poramboke land was encroached by cultivation by the twelve persons including the Applicants for long time and it is grazing land. Notice has been issued to the twelve persons by the Assistant Director, Animal Husbandry Department, Cuddalore to vacate the grazing land in his notice R.C. No. 1210-A-2020 dated : 31.12.2020. Further, it is ascertained that the land bearing S.No.16/1 is a patta land stands in the name of one Rajamanickam.

It is submitted that during the field visit it is ascertained that the property Survey No. 21/6B is about 600 meters away from the sea and less than 1 km from the sea.

It is submitted that four water samples were taken by the Agricultural Department on 07.09.2021 from the 800 feet Bore well of Thiru.Sarangam, fish pond of Thiru.Sambandam, Uppanar river and Panchayat OHT. During the

inspection by the Joint committee 08.09.2021 two water samples were taken respectively by the Agricultural Department from 800 feet Bore well of Thiru. Dharanitharan and 18 feet Borewell of Thiru.Sambandam. It is submitted that Electrical Conductivity of water range 0 to 1 dsm^{-1} is good for all agricultural crops. The report received from Joint Director of Agriculture, Cuddalore is submitted in Annexure -2.

On scrutinizing the water sample analytical results of the bore well (800 Feet) belonging to Thiru. Dharanitharan S/o. Kumarsamy, which is situated next to fish pond and used for irrigation of Thiru.Sambandam's field shown an Electrical Conductivity of 0.77 dsm^{-1} and PH of 7.5. The water sample taken from the Borewell of Thiru.Sarangam S/o. Raja is having an Electrical Conductivity of 0.4 dsm^{-1} and PH of 7.3, which is suitable for cultivation. The water sample from the panchayat OHT bore well which is approximately 500 meters away from the fish pond is having an Electrical Conductivity of 0.54 dsm^{-1} and PH of 7.6. On the contrary, the water sample collected from the Uppanar which is flowing adjacent to these fields is having an Electrical Conductivity of 5.7 dsm^{-1} and PH of 6.70. The water sample collected from the 18 feet deep bore well of Thiru. Sambandam is having an Electrical Conductivity of 4.5 dsm^{-1} and a PH of 7.6. Therefore it is implied that the salinity of water is high in the upper level than the water in the deeper level underneath the ground. The water sample collected from the fish pond is having an Electrical Conductivity of 6.1 dsm^{-1} and PH of 7.7. Further the fish pond is having a lining of polythene sheets around, there is less likely of seepage and therefore no harm to the neighbouring fields soil and crops. However, we have obtained a written affirmation from Thiru. Sambandam for not using the bore well water (18 feet deep) and to use only the water from the bore well of Thiru. Dharanitharan (800 feet) with quality water for filling the farm pond and to

replace the water immediately with soft water. Further as per the instructions of the first respondent, the Department of Agriculture has proposed to collect at surprise and analyze the sample from the fish pond after replacing with soft water once in a month for about one year.

It is submitted that soil samples were taken by the Agricultural Department on 07.09.2021 from the field of Thiru.Sambandam Thiru.Sarangam(Applicant) which is situated approximately 40 meters away from the fish pond. Further soil samples was also taken from the field of Thiru.Panneerselvam which is situated approximately 100 meters away from the fish pond and sent to the laboratory testing of the sample. The report received from Joint Director of Agriculture is submitted in Annexure -3 . It is submitted that Electrical Conductivity of soil range 0 to 1 dsm^{-1} is good for all agricultural crops. The soil sample is having an EC (Electrical Conductivity which is a measure of salinity) 0.07dsm^{-1} and a pH value of 7.7 in the field of Thiru. Sambandam, S/o. Thiru. Ramachandran. The soil is in good condition for cultivating all crops and at present the growth of crops like paddy, onion are good in that soil. The land of the Applicant, Thiru.Sarangam's field next to Thiru.R.Sambandam field approximately 40 meters away from Fish Pond is having an Electrical Conductivity of 0.08 dsm^{-1} and a pH of 7.8 is good for the cultivation and the Paddy crop stand is good. Soil samples were taken from the field of Thiru. Panneerselvam approximately 100 feet away from the fish pond , on the other side of the road, is having an Electrical Conductivity of 0.12 dsm^{-1} and pH of 7.7 and the growth of pumpkin and onion crop is good. As per the Analytical report, it is concluded that that there is no evidence to support that soil and crops are affected due to the salinity and alkalinity of farm pond water and the soil in and around the pond indicates that the soil suits all types of crop cultivation.

It is submitted that during the enquiry it was seen that the 11th Respondent is culturing inland fish alone which is not prohibited. Further, the pond in S.No. 21/6B, Subauppalavadi Village falls under Coastal Regulations Zone III where fish culture is a permitted activity.

It is therefore respectfully concluded that, Thiru.Sambandam has constructed pond in his patta land which is situated in Survey No. 21/6B, Subauppalavadi village, Cuddalore District and he is also admitted as a member in the Cuddalore District Fish Farmers Development Agency. The Subauppalavadi village falls under Coastal Regulation Zone-III, where fish culture is a permitted activity. No shrimp culture was seen in the pond. The soil in and around the pond is not contaminated as per the laboratory test. It is humbly submitted that Fish Culture in Pond is a part of permitted activity under Integrated Farming System in Agriculture to improve the income of farmers. Therefore banning of such integrated activity will not go in the interest of farmer community as long as it does not affect the crop cultivation in agricultural land. In the subject case, the Applicant land is about 40 meters away from fish pond and he has been doing crop cultivation and there has been regular crop cultivation in the adjoining fields to the fish pond belonging to the respondents. Soil samples and water samples taken in adjoining fields does not lead to infer that fish pond causes land or water pollution. Therefore the committee recommends that fish culture need not be stopped at the same time the water from 18 feet bore well belongs to Thiru.Sambandam should not be used for filling in fish pond.

Assistant Director of Fisheries
and Fishermen Welfare,
Parangipettai.

K. Rajaraman,
Senior Scientist,
TNPCB, Cuddalore

District Collector,
Cuddalore

