

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

Original Application No.191 of 2021 (SZ)

IN THE MATTER OF:

S.Sekar, (Male / Age 48 Years)
S/o. (late) Mr. P. SuyambuNadar,
No-3, Venkateswara Nagar,
Kishkintha Main Road, Tambaram (west),
Chennai – 600045.
Email id – gokulkrish.law@gmail.com
Phone Number – 96771 80414

...Applicant

And

- 1) The Secretary ,
Ministry of Agriculture & Farmers,
Welfare, Govt.of India,
KrishiBhawan,
Rajendra Prasad Road,
New Delhi – 110001.
Email ID : secy-agri@nic.in
Phone No. 011-23382651.
- 2) The Chief Secretary / Chairperson,
Tamil Nadu Wetland Authority and Chief Wildlife Warden,
Govt.of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu,
Email ID : cwiw-wildlife3@yahoo.in
Phone No. 044-25671556.
- 3) The Revenue Secretary,
Tamil Nadu Revenue Department,
Govt. of Tamil Nadu, Fort St. George,
Fort Chennai – 600009, Tamil Nadu.
Email ID : mawssec@tn.gov.in
Phone No. 044-25671556.
- 4) The Secretary,
Tamil Nadu Agricultural Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu.

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No of corrections: Nil


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CHENNAI

Digitally signed by Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wet Land Authority, Chennai, DN: cn=Additional Principal Chief Conservator of Forests and Member Secretary, o=Tamil Nadu State Wet Land Authority, c=IN

- 5) The Secretary,
Tamil Nadu Public Works Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu.
Email ID: pwdsec@tn.gov.in
Phone No. 044-28410402.
- 6) The Director,
Directorate of Town & Country Planning,
No.807, Anna Salai, Chennai – 600002.
Email ID: tcp@ap.gov.in
Phone No. 044-28521115.
- 7) R.P.Dharmalingam,
S/o. (late) Ramakrishnan,
Plot No. 1379C, 6-th Street,
18-th Mail Road, I Block,
Anna Nagar, (West), Chennai – 600040.
Phone No. 9841036779.
- 8) The District Collector,
Kancheepuram District,
Kancheepuram, Tamil Nadu,
Email ID: [collrkpm\[at\]nic\[dot\]in](mailto:collrkpm[at]nic[dot]in)
Phone No. 044-27238433.
- 9) The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai – 600 032.
Ph.No. 044-22353134.
Email ID : tnpcb-chn@gov.in
- 10) The District Forest Officer,
Kancheepuram District,
Chengalpattu Division,
No.5/9, Varadharaja Farms,
Vandavasi Road,
kancheepuram, Tamil Nadu,
Email ID : dfokpm@gmail.com
Ph.No. 0444-27236500.

...Respondents

(Respondents 8 to 10 amended as per order in I.A. No. 141 of
2021 (SZ) dated 15.09.2021)

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No of corrections: Nil


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**STATUS REPORT FILED BY THE MEMBER SECRETARY, TAMILNADU
STATE WETLAND AUTHORITY, CHENNAI**

I, Deepak Srivastava, IFS., Son of Shri Gopal Krishnan Srivastava, aged 56 years working as the Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maaligai, Saidapet Chennai do hereby solemnly affirm and sincerely state as follows:-

1) It is respectfully submitted that it has been mentioned in the cause title in respect of 2nd respondent as the Chief Secretary / Chairperson, Tamil Nadu Wetland Authority and Chief Wildlife Warden, Government of Tamilnadu, Chennai. As per G.O.(Ms)No. 148 Environment and Forests Department dated 26.11.2018, the Chairperson of the Tamilnadu State Wetland Authority is the Honorable Minister for Forests and the Chief Conservator of Forests is the Member Secretary, Tamilnadu State Wetland Authority, Chennai. Subsequently, the above said post of the Chief Conservator of Forests has been upgraded as the Additional Principal Chief Conservator of Forests & Member Secretary, Tamilnadu State Wetlands Authority vide GO (Ms) No. 38, Environment, Climate Change and Forests Department dated 02.07.2021. Hence I am filing the status report in the capacity of the Member – Secretary, Tamilnadu State Wetland Authority for the reasons explained above and also based on the material facts available on records.

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No of corrections: Nil


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2) It is respectfully submitted that the grievance in this application is regarding the layout that the 7th respondent proposed to make in Survey No.441, 442, 443, 445, 446, 448, 460, 469 of Elizhchur Village, Sriperumbudur Taluk, Kancheepuram District and Tamil Nadu State. Further, it is alleged in the application that the 7th respondent produced documents in Benami names and trying to concert large scale agricultural land for the non-agricultural purposes for building complexes. There are water tanks and reserved forests in that area. Necessary permissions have not been obtained from the authorities in this regard. The proposed layout and conversion of agricultural land for non-agricultural purpose is against the guidelines given by the Hon'ble Supreme Court. In the guise of the preparation of the layout the 7th respondent is blocking the water channels and also encroaching into the water bodies.

3) It is respectfully submitted that the Hon'ble National Green Tribunal, Southern Zone, Chennai passed order in O.A.No.191 of 2021 on 20.09.2021 as given below:-

" Para 8 : In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Kancheepuram District or his / her nominee not below the rank of Assistant Collector or Sub Divisional Magistrate, (ii) the District Forest Officer, Kancheepuram or his / her nominee not below the rank of Range Officer and (iii) a Senior Officer from the Tamil Nadu Pollution Control

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No of corrections: Nil


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Board of the respective area to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

Para 9 : The committee is also directed to ascertain as to (i) Whether any work is being done by the party respondent without obtaining necessary permission from the authorities for this purpose, (ii) Whether any diversion or filling up of water channel flowing through the property leading to the forest has been blocked, (iii) Is there any damage caused to the environment on account of the same and if so, what is the nature of remedial measures to be taken to restore the same, apart from assessing environmental compensation payable.

Para 10 :The District Forest Officer will be the nodal officer for co-ordination and also for providing necessary logistics for this purpose.

Para 11 :The applicant is directed to serve the set of papers to the members of the committee within a week so as to enable them to comply with the direction.

Para 12 : The committee is directed to submit the report to this Tribunal on or before 29.10.2021 by e-filing in the form of Searchable PDF / OCR Supportable PDF and not in the form

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No of corrections: Nil


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of image PDF along with necessary hardcopies to be produced as per Rules.

Para 13 :In the meantime, the respondents are also directed to file their independent response regarding the allegations made in the application before the next hearing date.

4) It is respectfully submitted that the main grievance of the applicant is, in respect of the layout proposed by the 7th respondent in Survey No.441, 442, 443, 445, 446, 448, 460 & 469 of Ezhichur village, Sriperumbudur Taluk, Kancheepuram District. The extent of the proposed layout site is 60.03 acres having boundary adjacent to Vadakkupattu Reserved Forest of Sriperumputhur Range of Kancheepuram Forest Division. For formation of above layout, No Objection Certificate was granted by the District Forest Officer, Chengalpattu Division, Kancheepuram in his proceedings No.D/3592/12 Dt. 15.06.2012 to Thiru M. Sivaprakasam S/o. Murugaiah Thevar, No.11, Kariyankudi Chetti Street, Nagapattinam, (2) Thiru N. Jayakumar, S/o. Natarajan, No.45, Santhavalli Street, Mylapore, Chennai-4 (3) Thiru K. Narayanasamy S/o. Krishnan, Karaikal, (4) Thiru M.M. Shaik Dawood S/o. Mohamed Abdullah, Mosque Street, Vettaikarairuppu, Nagapattinam and (5) M/s. Anuradha Madhavan W/o. Madhavan F4, Saikrupa Apartments, No.35, Taramani-100 Feet Road, Velachery, Chennai-42 based on their requests for the purpose of layout of Survey No.441/1, 441/2, 442/1, 442/2A, 441/2B,

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442/3A, 442/3B, 442/4A, 442/4B, 442/4C, 443/1A, 443/1B, 443/2A, 443/2B, 443/3A, 443/3B1, 443/3B2, 445/1A, 445/1B2, 445/2, 445/3, 445/4A1B, 445/4A2, 445/4B, 446/1A, 446/1B, 446/2, 448/2, 449/1A1, 449/1A2, 449/1B, 449/2, 460/2A2C1, 460/2A2C2, 460/2A2B, 460/2A2D1, 460/2B, 460/2A1, 460/2A2D2, 460/2A2D3, 460/2A2A, 469A/3B2, 469A/3B1, 469A/4B1, 469A/4B2 in Ezhichur Village, Sriperumbudur Taluk, Kancheepuram District with the following conditions:

1. A compound wall over a height of 7 ft. from ground level should be constructed in their patta lands which should be along the boundary of Reserved Forests.
2. No house plots should be laid in the layout over a distance of 20 meters from the forest boundary.
3. No amount of water should either be drawn from forest area or be discharged into forest area.
4. No effluent / sewage to be inside the forest.
5. No disturbance including throwing debris, digging channels etc., should be carried out in the forest area or its buffer zone.

5) It is respectfully submitted that further it has also been mentioned as Thiru. Sivaprakasam and 4 others should ensure that there shall not be any disturbance to the ecosystem of the nearby forest area by implementation of this project. There should not be any disturbance to flora and fauna of the Reserved Forest i.e. Vadakkupattu Reserved Forest.

6) It is respectfully submitted that the District Forest Officer, Chengalpattu Division at Kancheepuram in his letter No. D / 2058 / 2021 dated 02.12.2021 has stated that, at present, the compound wall over a

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height of 7 ft. from ground level as mentioned in the No Objection Certificate given by the District Forest Officer, Chengalpattu Division at Kancheepuram has not been constructed sofar all along the boundary of Reserved Forests in their patta land. Further, it has also been reported that, as per the village Map of Ezhichur, a water channel from the Vadakkupattu Reserved Forest coming out of the Reserved Forest near forest boundary stone No.38 and enters into the Survey No.445 and passes through survey No.442 of the proposed layout and crosses Survey No.441, 438, 437 (outside the proposed layout) and again enters Survey No.460 of the proposed layout and finally drains into Ezichur Lake. But in the field there is no trace of this Water Channel. The water from the Vadakkupattu Reserved Forest flows out from the forest near forest boundary stone No.38 and flows in the proposed layout as surface run off due to the absence of the above channel to reach the Ezhichur Lake. More over a small pond located in the Survey No.444, which is located totally outside the boundary of the proposed layout is at present available as a shallow depression.

7) It is respectfully submitted that, during rainy season, the rain water drains from Reserved Forest as surface run off due to the absence of the above channel to reach the Ezhichur Lake.

8) It is respectfully submitted that the definition of Wetlands **as per section 2 (g) of Wetlands (Conservation and Management) Rules 2017** reads as follows:-

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- "Area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters".
- But does not include river channels, paddy fields, human-made water bodies / tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes.

9) It is respectfully submitted that the definition of Wetlands complexes as per section 2 (h) of Wetlands (Conservation and Management) Rules 2017 reads as follows:-

Two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels / ducts.

10) It is respectfully submitted that rule 3 of the Wetlands (Conservation and Management) Rules, 2017 read as these rules shall apply to the following wetlands or wetlands complexes, namely:—

- wetlands categorized as 'wetlands of international importance' under the Ramsar Convention;*
- wetlands as notified by the Central Government, State Government and Union Territory Administration:*

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Provided that these rules **shall not apply to the wetlands falling** in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

11) It is respectfully submitted that **Para 4 of Guidelines** for implementing Wetlands (Conservation and Management) Rules, 2017 reads as "**All wetlands**, irrespective of their location, size, ownership, biodiversity, or ecosystem services values, **can be notified** under the Wetlands Rules, **except:**

- a) *River channels;*
- b) *Paddy fields;*
- c) *Human-made water bodies specifically constructed for drinking water purposes;*
- d) *Human-made water bodies specifically constructed for aquaculture purposes;*
- e) *Human-made water bodies specifically constructed for salt production purposes;*
- f) *Human-made water bodies specifically constructed for recreation purposes;*
- g) *Human-made water bodies specifically constructed for irrigation purposes;*

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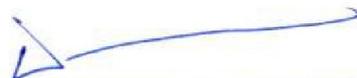
- h) *Wetlands falling within areas covered under the Indian Forest Act, 1927; Forest (Conservation) Act, 1980; State Forest Acts and amendments thereof;*
- i) *Wetlands falling within areas covered under the Wildlife (Protection) Act, 1972 and amendments thereof;*
- j) *Wetlands falling within areas covered under the Coastal Regulation Zone Notification, 2011 and amendments thereof"*

12) It is respectfully submitted that the Tamil Nadu State Wetland Authority is responsible for conservation and management of wetlands that are notified under the Wetlands (Conservation and Management) rules, 2017 only. However, the layout area in question does not come under the ambit of Wetlands (Conservation and Management) Rules, 2017 since no existence of any water body as on date in the above said survey lands for the reasons explained above.

13) It is humbly prayed that this Hon'ble Tribunal may please be pleased to substitute the description of the Second Respondent from the Chief Secretary / Chairperson, Tamil Nadu Wetland Authority and Chief Wildlife Warden, Chennai to the Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority in the cause title in Original Application No. 191 of 2021 (SZ). The Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority is pursuing action for wetlands under the Wetlands (Conservation and Management) Rules, 2017 as explained above.

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No of corrections: Nil


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In view of the above circumstances and reasons explained above, it is humbly prayed that the Honorable Tribunal may be pleased to accept the status report and thus render justice.

Solemnly affirmed at Chennai, on this the 09 day of December, 2021 and signed his name in my presence.


ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS
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CHENNAI
BEFORE ME


Social Scientist
O/o Principal Chief Conservator of Forests
(Head of Department)
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