

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

Original Application No. 172 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU Based on the
News item published in The New Indian Sunday Express
News Paper, TN South Edition Dated: 11.07.2021,
“Highway Expansion project bypasses axing long-standing trees.”

--- Applicant(s)

- Vs -

1. The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort, St.George,
Chennai - 600 009.
2. The Principal Secretary to Government of Tamil Nadu,
Department of Environment, Climate Change &
Forests,
Government Secretariat, Fort, St.George,
Chennai - 600 009.
3. The Principal Secretary to Government of Tamil Nadu,
Highways and Minor Ports Department,
Government Secretariat, Fort, St.George,
Chennai, Tamil Nadu - 600 009
4. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Forests Department, Tamil Nadu.,
Panagal Maligai, No. 1, Jeenis Road,
Saidapet, Chennai – 600 015
5. Tamil Nadu Highways Department,
Rep, by its Director General,
No. 76, Sardar Patel Road,
Guindy, Chennai – 600 025
6. The District Collector,
Thoothukudi District,
First Floor, Collector Office,
Thoothukudi – 628 101
7. The District Forest Officer,
Thoothukudi Division,

Collector Complex, Korampallam,
Thoothukudi – 628 101.

8. Chennai Kanyakumari Industrial Corridor Project,
Rep, by its Project Director,
No. 76, Sardar Patel Road, CKICP complex,
HRS Campus, Guindy, Chennai – 600 025

--- Respondents

**DRAFT REPORTED BY THE DISTRICT FOREST OFFICER,
THOOTHUKUDI**

I, Abhishek Tomar, Son of Thiru. Harishwar Singh aged 34 years, working as District Forest Officer, Thoothukudi Forest Division, Thoothukudi do hereby sincerely state as follows :

2) It is respectfully submitted that I am the respondent in this Original Application and I am authorized to file this report as District Forest Officer, Thoothukudi. I am well acquainted with the facts of the case based on records.

3) It is respectfully submitted that this Original Application was filed on its own motion – SUO MOTTO by the Tribunal on the basis of newspaper report published in 'The New Indian Sunday Express' Times of India, TN South Edition dated 11.07.2021 under the caption "**Highway Expansion Project bypasses axing long-standing trees**" with direction to the District Forest Officer, Thoothukudi(7th respondent) to inspect the area in question and submit a factual as well as action taken report if there is any violation found and to ascertain the number of trees that have been cut or proposed to be cut, is there whether any law prevailing, which insist of any permission from the authorities before cutting the trees and whether any provision has been made by the Highway

Department for replantation of the number of trees cut, so as to maintain the "Green Cover" in that area, whether it will have any impact on Thamirabharani River, as according to the newspaper report, the trees are standing on the banks of Thamirabharani River along the road stretch, what is the methodology to be provide to regulate such activities in future.

4) It is respectfully submitted that the Tribunal had directed to the Principal Secretary for Environment, to ascertain as to whether there were any regulations or legislation available in the State of Tamil Nadu as in the case of State of Karnataka and Kerala which regulate the cutting of trees and getting prior permission from the authority or committee which is appointed under such legislation and if not, what is the methodology that has been adopted in the State of Tamil Nadu, so as to regulate indiscriminate large scale cutting of trees in public lands and what are all the compensatory or afforestation schemes provided in such cases, so as to recoup the loss that has been caused on account of large scale cutting of trees and if there is no such provision, to consider the question of developing a mechanism to regulate such activities in the interest of environment and submit a report to this Tribunal in this regard, so as to enable this Tribunal to issue necessary directions in this regard.

5) It is respectfully submitted that, As per the direction given by National Green Tribunal Chennai in Application number 172 of 2021, District Forest Officer (DFO) Thoothukudi inspected the stretch proposed for widening under Chennai Kanyakumari Industrial Corridor Project (CKICP) area on 23rd and 24th August

2021. During the inspection forest department staff and staff from CKICP division was also present. CKICP staff informed that upgradation work for Project road Tiruchendur to Ambasamudram is being taken up. As a part of the above, widening of the road is to be done for which tree removal is being done. During the inspection it was found that the total number of trees proposed to be felled on government or public land is 1412 (based on the tree valuation obtained from forest department). As on 24/08/2021, 625 number of trees have been already cut. Balance 787 number of trees are yet to be cut. The tree wise details and abstract are attached in Annexure I. Also during the inspection, it was informed that final tree felling requirement on public land may be less than 1412. The above tree details are only regarding number of trees to be felled in public lands and it does not include the number of trees to be felled or already felled on private lands.

6) It is respectfully submitted that the permission for cutting the above mentioned trees has been obtained from District Collector and Sub collector or Revenue Divisional Officer (Annexure II). The fair price assessment for the above trees has been provided by forest department. The cutting permission has been given with the condition that 10 times the number of trees to be felled shall be planted. Afterwards based on the valuation received from forest department, fair price amount has been remitted by the contractor and afterwards tree removal permission has been issued by Divisional Engineer (DE) CKICP to the contractor on 15/06/2021.

7) It is respectfully submitted that in the contract document, provision has been made for planting of 15000 seedlings along the

sides of the widened road with seven years maintenance. Accordingly an amount of Rs 3,75,00,000/- (Three crore, seventy five lakhs only) has been allocated for planting and maintenance of 15,000 seedlings (Rs 2500 per seedling) in the Environment Management Plan. As per the information given by DE CKICP, planting will be started once the road work is completed. There is also an approximate description of how many trees can be planted in which stretch of the road in the contract document, but it may change based on site conditions and completion of land acquisition (Annexure III).

8) It is respectfully submitted that during the inspection, it was noticed that there is no felling of trees very close to Thamirabharani river bank. A minimum distance of around 100m from the river bank is there. Average distance from the river bank is more than 300m. Hence there should not be any direct adverse impact on Thamirabharani river ecosystem due to tree felling. Regarding the age of trees, it is submitted that there are many trees with girth more than 2 metres. For species such as Fig, Neer maruthu and Tamarind, it will be safe to assume that more than 2 metre girth trees will be at least seventy five years old.

9) It is respectfully submitted that for Tamilnadu, State Green Committee and District Green Committees have been constituted to regulate the felling of trees in public lands and public offices. The committees have been formed vide G.O.(Ms). No. 39, Environment, Climate Change and Forest Department dated 02/07/2021. The above committees have been formed in compliance of the orders of the Hon'ble High Court of Madras in its judgement in W.P. No.

11094 of 2021 and WMP No. 11742 of 2021. The District Green Committees are responsible for granting permission for felling of trees in public lands and public places after due verification and critical evaluation. The District Green Committee is also responsible for mapping of all standing trees in public lands and public spaces and also undertake annual planting of trees in all public lands. The State Green Committee will be responsible for providing policy support to District Committees on felling / removal / disposal of standing /fallen trees on public lands and public places.

10) It is respectfully submitted that it is pertinent to note here that the tree felling permission for Tiruchendur to Tirunelveli road has been obtained prior to the formation of State and District Green Committees. Hence the above permission has been obtained from District Collector and Sub-collector as per the procedure followed prior to formation of District Green Committees.

Therefore, under the above circumstances, I humbly pray the Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to pass orders on the above Original Application on merits and thus render justice.


31/08/21
District Forest Officer,
Thoothukudi.