

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH, CHENNAI  
IN  
Original Application No. 177 of 2020 & I.A. No. 49 of 2020 (SZ)**

**IN THE MATTER OF:**

**Tribunal on its own motion-SUO MOTU  
Based on the News item in the Hindu  
Newspaper, Chennai Edition dated  
07.09.2020, " illegal road in Sanctuary  
poses threat to wildlife"**

**...Applicant(s)**

**Versus**

**Ministry of Environment, Forest and  
Climate Change, Government of India,  
Rep. by its Secretary  
And Others.**

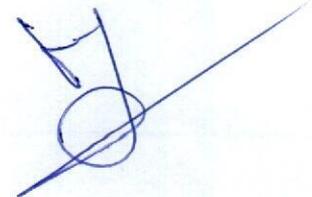
**...Respondent(s)**

**REPORT OF THE JOINT COMMITTEE CONSTITUTED  
BY HON'BLE NGT (SZ) VIDE ORDER DATED 17.09.2020  
IN O.A. NO. 177 OF 2020 (SZ)**

**Report of the Joint Committee Constituted by Hon'ble NGT (SZ)  
vide order dated: 17.09.2020 in O.A. No. 177 of 2020 (SZ)**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)**

*in*

**Original Application No. 177 of 2020 (SZ)**

**Report of the Joint Committee Constituted by Hon'ble NGT (SZ) vide  
order dated 17.09.2020 in O.A. No. 177 of 2020 (SZ)**

The present application has been Suo-Motu registered by Hon'ble National Green Tribunal, Southern Zone on the basis of the newspaper report published in The Hindu Newspaper Chennai Edition dated, 07.09.2020 under the caption "*Illegal road in Sanctuary poses threat to wildlife*". "It is alleged in the paper report that a private party is constructing a road through Grizzled Squirrel Wildlife Sanctuary at Srivilliputhur, without getting any permission from the concerned authorities. The construction of road is likely to affect the wildlife especially the Grizzled Squirrel in that sanctuary. It is also mentioned that some culverts have also been constructed without getting necessary permission as a part of laying down of the private road in order to reach the property by a private person. It is also mentioned that the person who is involved in such illegal activity is having political support as well".

In order to ascertain facts on the ground, the Hon'ble NGT (SZ) vide its Order dated 17.09.2020 in Application No 177 of 2020 has appointed a joint committee comprising of 1) *a Senior Officer from Ministry of Environment, Forest and Climate Change (MoEF& CC), Regional Office, Chennai* 2) *a Senior Officer not below the rank of Chief Conservator of Forests designated by the Principal Chief Conservator of Forests& Chief Wildlife Warden (CWLW), Tamil Nadu* 3) *the Wildlife Warden, Grizzled Squirrel Wildlife Sanctuary and the 4) District Collector, Virudhunagarto* inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

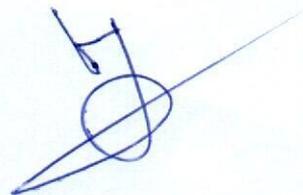
Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, was appointed as the nodal agency for co-ordination and for providing all necessary logistics for this purpose **(Copy of the order dated 17.09.2020 is at Annexure-I).**

## **Brief facts of the issue**

The Srivilliputhur Grizzled Squirrel Wildlife Sanctuary lies in the Western Ghats falling in the revenue districts of Virudhunagar and Madurai. This forest area with an extent of 476.65 sq.km was declared as a sanctuary as per G.O. Ms. 399 Environment and Forests (FR.V), dated, 26-12-1988. It is an important landscape for elephant conservation programme in Periyar Tiger Reserve. Owing to its large contiguous forests and connectivity with adjoining Reserve Forest Divisions, this sanctuary has wide varieties of endangered species such as Grizzled Squirrel, Elephant, Tiger, Leopard, Nilgiri Tahr, Gaur, Lion Tailed Macaque etc. The diversity of habitat has got an assemblage of several species of endemic flora and fauna. It is one of the six potential habitats with viable population of Grizzled Squirrel in India. Grizzled Giant Squirrel identified as flagship species for this protected area. The area serves as catchments and assures continuous water supply to the Towns and Villages in the District and sustains the agricultural production.

Subsequently as per S.O. No. 3974 (E) dated: 30.10.2019 the final eco sensitive zone notification of Grizzled Squirrel Wildlife Sanctuary, Srivilliputtur was published by the Ministry of Environment, Forest and Climate Change, Government of India (**Annexure-II**). The locality of eco sensitive zone is varying from zero kilometres (due to Inter-state boundary) to 6.2 kilometres around the boundary of Srivilliputhur Grizzled Squirrel Wildlife Sanctuary in the State of Tamil Nadu.

The road mentioned in the Hon'ble Tribunal's order is Rajapalayam - Ayyanarkoil road to Ammathoppu road which is located outside the sanctuary area but falling in the eco sensitive zone of the sanctuary. The location map of the road is annexed with this report as **Annexure-III**. The starting point (0 Km) of the road is from the existing Rajapalayam - Ayyanarkoil road and ending (4.7 Km) at the midst of the private farm lands. Based on the revenue records, the ownership status of the road is identified as a **Village Panchayat Road** having code number **R.232** under Rural Development Department, Virudhunagar District for a length of 4.7 Kms. Out of the 4.7 Kms, from starting point to a length of 1.5 Km was upgraded to black topped surface during 2017-18 under Tamil Nadu Rural Road Infrastructure Scheme (TNRRIS 2017-18 A.S.No. C6/ 1123/2018 dated: 22.03.2018) **Annexure-IV**.



Thereafter, part of improving the road in the remaining length of 3.20 Km, and to stabilize the soil and channelize the water flow, eleven (11) numbers of span culverts on the road was planned to be constructed under the Mahathma Gandhi Rural Employment Guarantee scheme (MGNREGS) during 2019-20. Out of the 11 culverts, as of now, construction work of 8 numbers of span culverts was already completed. Simultaneously proposal for improvement of road (Black topping work) under NABARD scheme was sanctioned by the District Administration during the month of July 2020, accordingly the work was awarded to a private construction agency. The firm has started the preliminary works like leveling and filling of soil above the existing road.

When there was a complaint received in this regard during August 2020, the forest department intervened and instructed the concerned to stop the work until further orders. At present, after leveling and soil bunding along the sides of the road, the work was stopped and the remaining works including black topping (tarring) yet to be started.

In the meantime Hon'ble National Green Tribunal (SZ), Chennai registered the case Suo-Motu on the basis of the newspaper report published in The Hindu Newspaper Chennai Edition dated, 07.09.2020 under the caption "*Illegal road in Sanctuary poses threat to wildlife*". In order to ascertain facts on the ground, the Hon'ble NGT (SZ) vide its Order dated 17.09.2020 in Application No 177 of 2020 has appointed a joint committee to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

As per the above direction, the Joint Committee comprises of (1) Sri. K. Karthikeyan IFS, Assistant Inspector General of Forests (nominated from the office of Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chennai) (2) Sri. Yogesh Singh IFS, Additional Principal Chief Conservator of Forests & Field Director, Kalakkad Mundanthurai Tiger Reserve (nominated by the Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden (CWLW), Tamil Nadu) (3) Sri. R. Kannan, IAS, District Collector, Virudhunagar and (4) Sri. P. Muhammed Shabab IFS, Wildlife Warden, Grizzled Squirrel Wildlife Sanctuary was constituted.

On 20.10.2020, all the members of the Joint Committee has inspected the Rajapalayam-Ayyanarkoil road to Ammathoppu road and collected the factual details and the detailed report is submitted below:

## 1. The status of the road and beneficiaries

The status of the road is Village Panchayat Road (having length of 4.70 Km) as per the revenue records and falls outside the Grizzled Squirrel Wildlife Sanctuary boundary, but falls inside the eco sensitive zone of the sanctuary. The starting point (0 Km) of the road is from the existing Rajapalayam – Ayyanarkoil road and ending (4.7 Km) at the midst of the private farm lands. The report of the Block Development Officer, Rajapalayam regarding the status of the road and certified copy of road register is attached herewith as **Annexure-V**.

The end point of the road is a private farm lands and the cropping pattern is long term crops such as coconut, lemon, mango *etc.* There are 110 numbers of farmers possessing 124ha of farm lands being cultivated, but the farmers are not living in this locality. Report from the Deputy Director, Agriculture Department, Virudhunagar is submitted as **Annexure - VI**. The private land holdings are located in valley, i.e. three sides of the area are encircled by hillocks of the sanctuary, and one side is connecting to the main road i.e. Rajapalayam – Ayyanarkoil Road. The Panchayat Road is mainly used by these farmers for transporting their agriculture implements and other inputs as well as transporting their yields from their farmlands to the Rajapalayam town. Due to the topographic condition, during the monsoon season, the valley gets flood water regularly and it damages the existing cart road often. Hence the farmers were demanding the district administration to improve the cart road to all weather road (Tar road) for the entire 4.7 km. Accordingly, some private land owners in Kollankondan village have transferred part of their land to the ownership of Panchayat Union, Rajapalayam for improvement and strengthening of the Rajapalayam – Ayyanarkoil road to Ammathoppu road (**Annexure-VII**).

## 2. Improvement of road works and its status of execution

Considering the demand of the farmers, initial portion of 1.5 Km length of road was black topped during the year 2017-18. Further, the District Collector, Virudhunagar has issued proceedings (C.No. 138210, 138212, 138214, 138234, 138240, 138314, 138317, 138349/ 2019 dated 17.09.2019, 189582/2019 dated: 17.10.2019 and 189582/2019 dated 29.10.2019) for the construction of eleven (11) span culverts on the road for channelling the water flow and stabilizing the soil under the Mahathma Gandhi Rural Employment Guarantee scheme (MGNREGS) during 2019-20 under Krishnapuram Panchayat village of Rajapalayam.

Block Development officer, Rajapalayam has issued work order for the same as per C.No. B5/2865/2018 dated 18.09.2019 (**Annexure-VIII**). Out of the 11 culverts, construction work of 8 numbers of span culverts is completed.

It is respectfully submitted that, District Collector, Virudhunagar as per Proceedings No. C6/2986-06/2019 dated 06.07.2020 (**Annexure - IX**) has issued the work order for the strengthening of the Rajapalayam - Ayyanarkoil road to Ammathoppu road to a length of 3.20 Km under the scheme of NABARD -XXV -06/2019-20 for a sum of Rs. 108.96 Lakhs. The estimate of "**Improvement to the road from Rajapalayam - Ayyanarkoil road to Ammathoppu road Km 1/5 to 4/7 (R232)**" is enclosed (**Annexure -X**). The work was allotted to M/s. Lakshmi Constructions, Rajapalayam. The construction agency had initiated preliminary works such as placing of soil on both sides of the existing path outside the Sanctuary, but the work has been stopped at present due to the intervention of Forest Department. Major portion of the road works including black topping works is pending at present.

### **3. Legal provisions of eco sensitive zone and Action Taken**

Ministry of Environment, Forest and Climate Change, Government of India, as per S.O. No. 3974 (E) dated: 30.10.2019, issued the final eco sensitive zone notification of Grizzled Squirrel Wildlife Sanctuary, Srivilliputtur as per the provisions in the sub-section(1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986.

It is respectfully submitted that as per page no. 24, 25 and 26 of the Eco sensitive zone notification of Grizzled Squirrel Wildlife Sanctuary, activities inside the eco sensitive zone is categorised as **(A). Prohibited Activities, (B).Regulated Activities and (C).Promoted Activities.**

As per the Notification of eco sensitive zone of Grizzled Squirrel Wildlife Sanctuary, under Sl. No. 4. **List of activities prohibited or to be regulated within the Eco-sensitive Zone is prescribed.** Relevant activities pertinent to construction and improvement of road activities are coming under activity No. 9 and 16. The extract and details of such activities and its description is given below;

Sl. No.	Activity	Description
<b>B. Regulated Activities</b>		
9.	<b>Construction activities.</b>	<p>(a) No new commercial construction of any kind shall be permitted within one kilometre from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone whichever is nearer;</p> <p>(b) Provided that, local people shall be permitted to undertake construction in their land for their use including the activities listed in sub paragraph (1) of paragraph 6 as per building byelaws to meet the residential needs of the local residents such as:</p> <p><b>(i) Widening and strengthening of existing roads and construction of new road.</b></p> <p>(ii) Construction and renovation of infrastructure and civic amenities;</p> <p>(iii) Small scale industries not causing pollution termed as per Classification done by Central Pollution Control Board of February 2016;</p> <p>(iv) Cottage industries including village industries; convenience stores and local amenities supporting ecotourism including home stays; and</p> <p>(v) Promoted activities listed in this Notification.</p> <p>(c) Provided that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations if any.</p> <p>(d) Beyond one kilometre it shall be regulated as per the Zonal Master Plan</p>
16.	<b>Widening and strengthening of existing roads and construction of new roads.</b>	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.

In order to monitor the activities in the eco sensitive zone, as per (page no. 26) of the notification a monitoring committee has been constituted by the central government for effective monitoring of the provisions of this notification under sub section (3) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) comprising the following namely:-

1.	The District Collector, Virdhunagar	Chairman
2.	Revenue Divisional Officer, Sivakasi	Member
3.	District Revenue officer, Virdhunagar	Member
4.	A representative of Non-government organisation working in the field of wildlife conservation to be nominated by State Government	Member
5.	An expert in Biodiversity nominated by the State Government	Member
6.	An expert in Ecology and Environment to be nominated by the State Government	Member
7.	A representative from State Public Works Department	Member
8.	Wildlife Warden, Srivilliputhur	Member Secretary

At present no committee as above has been formed. The wildlife warden of the sanctuary has initiated steps to constitute the above monitoring committee.

It is respectfully submitted that based on the complaint received on the issue of illegal construction of road, the Wildlife Warden has instructed Assistant Conservator of Forests/ Forestry Extension officer, Srivilliputtur to inspect the particular location and submit a detailed report. Based on the instruction of Wildlife Warden, Forestry Extension officer, Srivilliputtur and Forest Range officer, Rajapalayam has visited the location on 31.08.2020 and instructed the construction agency to stop the preliminary works until further orders. Wildlife Warden, Srivilliputtur visited the road on 07.09.2020 and communicated the District Collector vide letter no. D/3981/2020 dated: 09.09.2020 to instruct the user agency not to proceed with the work until further orders (**Annexure-XI**).

#### **4. Impact of road work on wildlife and its habitat**

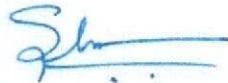
The present road (Mud surface) is used by the farmers whose farm lands are situated in this area for transporting their farm inputs such as agricultural implements, fertilizers etc and transporting their farm products / crop yields to the nearby towns for marketing. Based on this demand of the farmers the improvement of road works was initiated.

During the inspection of the committee no wild animals were sighted. Impact of developmental activity on any specific species could not be correlated at this stage, because it needs a scientific study by institutions like Wildlife Institute of India.

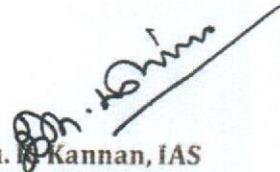
But during the field visit the committed observed that, this road is encircled by the sanctuary on three sides, the chances of wild animals straying on the road are high. Improvement of the mud road to Tar road may facilitate increasing the speed of vehicles plying in this road and there is a possibility of accident due to wild animals crossing. Improvement of the road without black topping may be considered since it may not significantly affect the wildlife interests as well as caters to the needs of the farmers.

Further, in order to protect the wildlife interests, speed restriction may be adopted in the road by constructing speed breakers in appropriate locations and erecting signage boards on the information of wild animals crossing and speed limits at the cost of the User Agency. In addition to that, restriction of vehicle movements in the road during the night time (from 6pm to 6am) may also be imposed.

The above facts are submitted before the Honourable Tribunal for consideration.



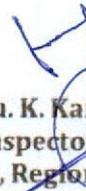
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