

Before the National Green Tribunal Southern Zone Chennai.

Application No. 131 of 2016 (Sz)

B.R. Lakshmanan, Msc,
D.No.5/109, Billicombai & Post
The Nilgiris- 643214,
Tamil Nadu, India

.....Applicant

The District Collector
The Nilgiris, TamilNadu
& 13 others

.....Respondent

First respondent's Response to objections of the Applicant.

I, S.P.Amrith S/o Pazhaniappan, Hindu aged about 33 years, working as District Collector , Monte Rose, The Nilgiris District, having office at the Collectorate, Udthagamandalam – 643001, do hereby solemnly affirm and sincerely state as follows:-

I am the District Collector of the Nilgiris District and the first respondent in the above application. I have read the an objection filed by the applicant in the above matter and I deny all the averment and allegations contained therein on the basis of the relevant records available in the office except those that are specifically admitted by me hereunder.

It is submitted that the objection No.1 raised by the applicant that the following areas were identified as hot spot and highly vulnerable areas in Udhagamandalam Taluk.

Sl.No	Name of the Taluk	Name of the Firka	No.of. the Hot spot
1	Udhagamandalam	Udhagamandalam Town	25
2		Sholur	12
3		Thuneri	36
Total			73

Further it is submitted that in Udhagamandalam Taluk there are 73 areas were identified, as Hot Spot and Highly vulnerable areas based on the rain fall and land slides were occurred in the past years recorded by District Disaster Management Unit and were also uploaded in District website for creating awareness among the general public. Moreover it is submitted that the highly vulnerable areas and hot spots were identified by the firka level by disaster management team and also updated by the team from time to time, the land slide and the heavy rain fall recorded in that areas, not for extracting huge amount of water from ground.

In this regard it is submitted that the geotechnical team has inspected hot spot areas and submitted their report as detailed below.

“ The following observation and inference are furnished the geotechnical parameters like slope, Drainage pattern, Top soil thickness and land use pattern used to study the area.

Among the all geotechnical parameters the Villages, Manavorai, Ambedkar Nagar, Bhakiyanagar the slope is vital parameter is acting as a major role for landslide due to high slope.

Giribetta Village has gentle sloped are but row of houses located on the terraces with unprotected soil cut faces acting as on major role for land slide.

Other Villages, Kovilmedu, Honnathalai, Gandhi Nagar and Kudumanai are located on the gentle slope to moderate slope and falls in the less prone to moderate prone for land slide due to the geotechnical parameters like slope, drainage pattern, top soil thickness and land use pattern.

Hence it is observed that the villages mentioned in the objection Para No. 1 is influencing the geotechnical parameters like slope, drainage pattern, top soil thickness and land use pattern and also there is no evidence observed land slide and land subsidence due to the ground water pumping.

In this regard the Executive Engineer P.W.D/ W.R.O, Bhavanisagar Dam Division, Bhavanisagar has submitted detailed field study report as detailed below.

“ Exploitation of Ground Water and bonds to depletion of Ground water level, a field study has been carried out in the area of Billicombai Village of Udthagamandalam Taluk of the Nilgiris District and observation are of as follows.

1. The area hilly terrain and steep slope. The abstraction wells are generally lying in the elevated area with 45 meters heights and near by wells are in low - lying areas.

- 1) Krishnamoorthy - Bellicombai storage and water area there is no any nearby agriculture wells.
- 2) Santhosh Kumar- Subramaniyapuram storage and washing area the abstraction shore is bore well having a depth of 150 feet with 1.5 H.P submersible electrical motor. There is an open well at a distance of almost 100 mtrs away from this well in low - lying area having a depth of 7.5mtrs with 1.5 mtrs dia the water level observed to this well is 4mtrs during inspection. And there is a panchayat open well located some 100 mtrs away from the said well having a depth of 6.5mtrs and the water level is 3.30mtrs this too in the low - lying area.
- 3) Honathalai – Storage and washing area have a abstraction structure is bore well and having a depth of 265 feet and the water level is 13.4mtrs during the inspection. There is an open well observed in low - lying area with a depth of 19mtrs which is in dry condition.
- 4) Nandha Kumar – Billicombai storage and washing area abstraction of ground water structure is open well with dry condition.
- 5) Senthil – Rent godown of the Applicant Mr. Br. Lakshmanan, Billicombai storage well washing area. Here the abstraction structure is open well having a depth of 5.5mtrs and the water level observed in 2.2mtrs.

The above said tea unit have not obtained no objection certificate from the Chief Engineer State Ground and Surface Water Resource Data Centre, Tharamani, Chennai and also observed that they have not applied (or) approach this department in

this regard a notice has to be issued to the firm concerned for not obtaining NOC from the relevant department.

Hence it is observed that the abstraction structure are in the elevated area and the nearby well as said are in the low - lying area.

Also it is stated that the water level in the observation wells measured by our department around Kothagiri Taluk and the average water level is 2.39mtrs for the past two years. In addition to that as per G.O (Ms) No. 155 Public works (RI) Department Dated.28.10.2021 in Nilgiris District 2 firka has been classified as Semi Critical Category and 13 firkas have been classified as Safe Category.

With regard to objection No. 7 raised by the applicant. It is submitted that the applicant statement is not correct, the respondent No.7 to 14 had been obtained the electricity connection in the name of tea leaf shed that nomenclature was classified as commercial category of Tamil Nadu Generation and Distribution Corporation and current consumption charges levied under III A – I and V of TNGDCO as detailed below.

SI. No	Name of the Respondent	Owner of the Current Consumption	Current Consumption	Category
1	B. Nandhakumar S/o. Bojan	Raman	438-009-51	IA
2	B.C. Senthilkumar, S/o. Sennan	B.R. Lakshmanan	438-002-545	III A I
3	G. Krishnan S/o. Gundan	B. Saraswathi	438-002-707	V

4	S. Santhosh S/o. Selai	K.M. Selai	438-007-568	V
5	H. Subramani S/o. Halan	H. Subramani	438-009-641	V
6	Srinivasan S/o. Lingan	C. Nanjan	438-007-528	V
7	Dharumaraja S/o. Chandran	K.J. Chandran	438-007-598	V
8	Krishnamoorthy S/o. Lingan	K.J.Bojanaraj	438-007-567	V

Further it is submitted that among the respondent. No. 7 to 14 one of the respondent one Thiru. B.C. SenthilKumar (Respondent No. 8) had rent the land from the applicant namely B.R. Lakshmanan, rent basis and utilize this land for that same activity and the same was ascertained by the designated officers of the Public Works Department.

With regard to the objection No. 2 to 4 raised by the applicant, the seprate reply affidavit had been filed by the Executive Director of Tea Board, Coonoor.

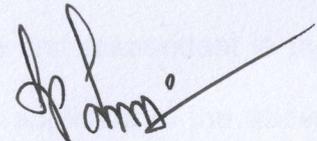
It is submitted that as per the G.O. Ms.No. 155 Public works (RI) dated 28.10.2021 is enclosed here with for ready reference where in the Nilgiris District. 2 firkas in Kundha Taluk has been classified as Semi Critical Category and rest of the 13 firkas of the Udthagamandalam, Coonoor, Kothagiri, Gudalur and Pandalur Taluk have been classified as Safe Category.

Further it is submitted that the following document and reports are enclosed here with the ready reference of the Hon'ble National Green Tribunal.

- 1) Report of the Assistant Director, Geology and Mining Department, Udhagamandalam.
- 2) Report of the Executive Engineer, P.W.D/ W.R.D. Bhavanisagar Dam Division, Bhavanisagar.
- 3) List of Vulnerable location Identified by the District Disaster Management Unit.
- 4) Extract of the District Rain fall Register for the Year 2019-2021
- 5) Taluk Vulnerable Hot spot map.
- 6) Panchayat Vulnerable Hot spot map
- 7) G.O.Ms. No.155. Public Works (RI) Department Dated.28.10.2021

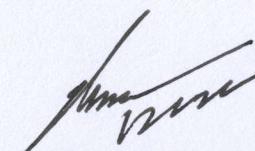
In these circumstance, it is therefore respectfully prayed that this Hon'ble National Green Tribunal may be pleased to dismiss the application and thus render justice.

Solemnly affirmed at Udhagamandalam,
on of Feb, 2022 and
signed his name in my Presence


Collector

Before me.

7


ASST.DIRECTOR(Pts & AUDIT,)
Udhagamandalam