

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 205 OF 2021 (SZ)**

**REPORT FILED BY THE DISTRICT COLLECTOR, ERNAKULAM / 4TH
RESPONDENT**

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Dated at Chennai on this the 10th day of February, 2022.

M/s. E.K.KUMARESAN

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

Original Application No. 205 of 2021(SZ)

Applicant : Environmental Protection & Research Council

Vs.

Respondent : The Government of India & Others

REPORT FILED BY THE 4TH RESPONDENT AS DIRECTED BY
THIS HON'BLE COURT ON 22/09/2021

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

Original Application No. 205 of 2021(SZ)

Applicant : Environmental Protection & Research Council
Vs.
Respondent : The Government of India & Others

REPORT FILED ON BEHALF OF THE 4TH RESPONDENT AS
DIRECTED BY THIS HON'BLE COURT ON 22/09/2021

I, Shajahan S, aged 43 years, S/o B.Shamsudeen, residing at 1B, Malabar Gate Appartment, Edappally, Ernakulam, do hereby solemnly affirm and state as follows:

1. I am the District Collector (in-charge) & the Deputy Collector(General), Collectorate, Ernakulam and I am conversant with the facts of the case, and competent to swear this affidavit on behalf of the 4th respondent in my official capacity.

2. It is respectfully submitted that the Hon'ble National Green Tribunal, Chennai, when the case last heard on 22/09/2021, had directed this respondent to file independent report, despite constituting a joint committee to ascertain genuineness and allegations set out in the case with respect to the property comprised in Sy Nos. 483/14, 484/7 & 485/1 in Kakkanad Village, Kanayannur Taluk, Ernakulam District.



3. It is further submitted that, vide order No.DCEKM/8196/2021 dated 12/10/2021, the Sub Collector Fort Kochi has been deputed on behalf of this respondent to the joint committee constituted to ascertain the genuineness of allegations and to inquire into the aspects mentioned in the Order of the Hon'ble National Green Tribunal, dated 22/09/2021.

4. In the Original Application No. 205/2021 before the Hon'ble National Green Tribunal, it is prayed, among other things, for a direction to respondents Nos. 4 & 5, to initiate action under the Kerala Paddy and Wetland Act 2008 against the illegal and unauthorised construction of the residential project called Tufnell Gardens at survey Nos. 483/14, 484/7 & 485/1 in Kakkanad Village, Kanayannur Taluk.

5. On the basis of inspection and reports available, the joint committee has verified the issues as to whether the prior permission has been obtained by the 6th respondent for converting agricultural land for non agricultural purposes on such a larger extent. For the purpose, the nature of the land, comprised in survey Nos. 483/14, 484/7 & 485/1, in the revenue records and in the 'data bank' prepared under the Kerala Paddy and Wetland Act 2008 have been verified. As per Basic Tax Register maintained at the Village Office, resurvey Nos. 484/7 and 485/1 are recorded as 'nilam' and it is also included as 'nilam' in the Data Bank. Resurvey No. 483/14 is *purayidom*(garden land) and hence, the Act 2008 is not applicable. By virtue of provisions of this Act 2008, the owner, occupier or the person in custody of any paddy land (*nilam*) shall not undertake any activity for reclamation/conversion except in accordance with the provisions of this Act. In this case, the land is converted and used for building construction without obtaining any permission from the committee constituted under the Act (*ie.* LLMC / DLAC) or from the Revenue authorities.

6. The joint committee has also scrutinized satellite images of the said plot from the year 2008 to 2015 and it has noticed that the land filling and building construction has occurred after the commencement of the Act

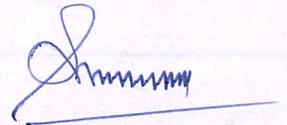


2008. It points out to the fact that the land comprised in survey Nos. 484/7 & 485/1 was not a dry land and the property could have been brought under paddy cultivation. Hence, it can be reasonably ascertained that the building constructed in survey Nos. 484/7 & 485/1 are in violation of Kerala Conservation of Paddy and Wetland Act 2008.

The above facts are hereby humbly submitted, by this respondent, in the case O.A. 205/2021 before the Hon'ble National Green Tribunal, Chennai.

All facts stated above are true to the best of my knowledge, belief and information.

Dated this the 11th day of January 2022



DEPONENT

Solemnly affirm and signed before me by the deponent who is personally known to me on this the 11th day of January 2022 at the office of the District Collector, Ernakulam.



HUZUR SHERISTADAR
COLLECTORATE
ERNAKULAM, COCHIN-30