

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
IN
ORIGINAL APPLICATION NO. 24 OF 2021 (SZ)**

**AFFIDAVIT AND REPLY STATEMENT FILED BY THE DISTRICT
COLLECTOR, PATHANAMTHITTA / 5TH 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 HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)
Original Application No. 24 of 2021**

BETWEEN
O.A.Ninan,
S/o. O.N. Abraham,
Manager,
Grace Mount Residential School,
Kumbanadu P.O.,
Thiruvalla,
Pathanamthitta,
Kerala-689 547

...Applicant

AND

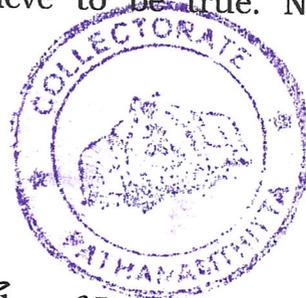
The State of Kerala,
Rep. by its Secretary,
Directorate of Environment and Climate Change,
4th Floor, KSRTC Bus Terminal,
Thampanoor,
Thiruvananthapuram & 4 Others

...Respondents

**AFFIDAVIT of Dr.Divya.S.Iyer.IAS, District Collector, aged 37 years,
having office at District Collectorate, Pathanamthitta.**

I, the above named deponent, solemnly affirm and state on oath as under:

1. That I am representing the 5th Respondent in the above mentioned original application and am fully conversant with the accompanying reply statement deposed to in the said original application.
2. That the contents of paragraphs 1 to 8 of the accompanying reply statement are true to my personal knowledge and the contents of paragraphs 1 to 8 are based on legal advice, which I believe to be true. No material has been concealed and no part is false.



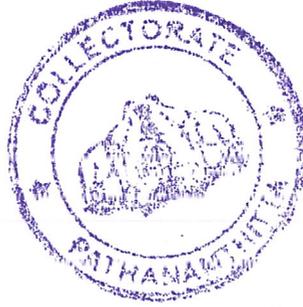

DEPONENT
District Collector
Pathanamthitta

Signed at Pathanamthitta, this 09th day of December 2021,


District Collector
Pathanamthitta

VERIFICATION

I, Dr. Divya. S. Iyer. IAS the above named deponent do hereby verify on oath that the contents of the affidavit above are true to my personal knowledge and nothing material has been concealed or falsely stated. Verified at Pathanamthitta this 09th day of December 2021.




DEPONENT
District Collector
Pathanamthitta

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE BENCH, CHENNAI)**

**IN
ORIGINAL APPLICATION NO.24 OF 2021 (SZ)**

IN THE MATTER OF

O.A. Ninan

... Applicant

Versus

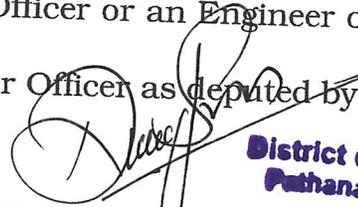
The State of Kerala and Ors.

... Respondents

**REPLY STATEMENT SUBMITTED BY THE DISTRICT COLLECTOR,
PATHANAMTHITTA / 5TH RESPONDENT**

I, Dr. Divya. S. Iyer. IAS, daughter of Sri. Shesha Iyer. Age 37, having office at District Collectorate, Pathanamthitta. and working as District Collector, Pathanamthitta, Kerala do hereby solemnly affirm and sincerely state as follows: -

1. I am the 5th Respondent in this case and as such I am well acquainted with the facts of the case.
2. I submit that I am in the capacity of 5th Respondent herein have filed the report in the above Original Application as per the direction of this Hon'ble National Green Tribunal dated 04.02.2021. The Hon'ble Tribunal directed to appoint a Joint Committee comprising of (1) The District Collector, Pathanamthitta (2) A Senior Officer from Kerala State Pollution Control Board as designated by its Chairman (3) a Senior Scientist from Central Pollution Control Board (4) a Senior Scientist, and Officer or an Engineer of State Public Health Engineering Department (5) a Senior Officer as deputed by the Principal

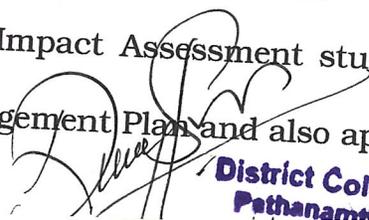

**District Collector
Pathanamthitta**

Secretary of Urban Development Department of Govt. of Kerala to inspect the area in question and examine the project on the basis of the allegation made by the applicant in the application and report relied on by the applicant and submit their report regarding the feasibility, regarding the sitting location, any modification if any required for the purpose of dealing with the reject water and disposal of sludge that is likly to be generated and other relevant aspects which they feel necessary to make the project environment friendly. The State Public Health Engineering Department, State of Kerala will be nodal agency for coordination and providing necessary logistics for this purpose.

3. I humbly submit that the requisition Authority (Executive Engineer, Project Division, Kerala Water Authority, Adoor) submitted requisition in Form No.2 for the acquisition of the land for the construction of the Water treatment plant for the supply of drinking water to the inhabitant of 7 panchayaths in Pathanamthitta District, namely, Koipuram, Thottapuzhasserry, Eraviperoor, Puramattom, Ezhumattoor, Kallloopara and Kunnamthanam. Sanction is accorded vide refer. G.O.(Rt) 1064/2017/WRD dated 29.12.2017 to acquire 388 cent of the land comprised in Resy number 53/1, 52/12, 52/12-2 (Block-21) and Resy number 455/19 (Block-22) of Koipuram Village, Thiruvalla Taluk, Pathanamthita District. Under RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013.

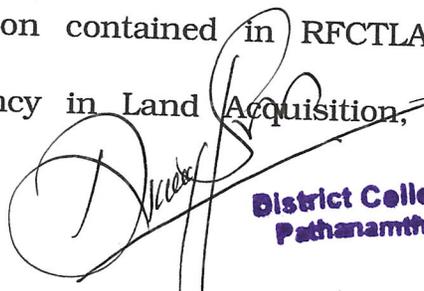
4. I further submit that in compliance with the direction of this Hon'ble Tribunal, the proposed site was inspected on 14.08.2021.

5. I submit that in earlier, the District Collector appointed Social Impact Assessment unit to conduct Social Impact Assessment study in the affected area and prepare Social Impact Management Plan and also appoint an Expert


District Collector
Pathanamthitta

group to evaluate the Social Impact Assessment study report. While conducting the Social Impact Assessment Study, the Requisition Authority (Kerala Water Authority) informed that the waste water will be treated in a well-planned waste water recycling system as per CPHEEO Norms. The above land is suitable for the acquisition of the Water Treatment Plant as the above land is situated approximate middle in the region of 7 panchayaths (Koipuram, Thottapuzhasserry, Eraviperoor, Puramattom, Ezhumattoor, Kallloopara and Kunnamthanam Panchayaths). There is no public institutions, small traders, houses, displaced families. Hence, there is no rehabilitation issue in the above proposed site. About 1.64 lakh people will have got the benefits of Water Supply Scheme. The preliminary notification under section 11(1) of RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013 with the content of Social Impact Assessment study report of Social Impact Assessment Unit published by the appropriate Government i.e., the District Collector on 13.11.2020.

6. I submit that availability of drinking water is a basic need for life. The project for the acquisition of the above land is for supply of pure drinking water for the inhabitants of 7 panchayaths (Koipuram, Thottapuzhasserry, Eraviperoor, Puramattom, Ezhumattoor, Kallloopara and Kunnamthanam Panchayaths). It is a major solution of scarcity of water in the above region. The project is fully in public interest. The above acquisition process will be done by invoking the provision contained in RFCTLARR (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement) Act, 2013.

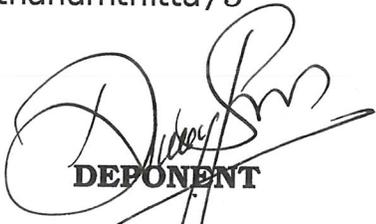

District Collector
Pathanamthitta

7. It is respectfully submitted that after visiting the proposed land and considering of all environmental and human issues, committee is of the opinion that the original application filed by the applicant is devoid of merit and shall be rejected summarily.

8. It is submitted that all the apprehensions of the applicant are unwanted and the allegations are baseless.

In view of the facts and circumstances stated above, it is most humbly prayed that this Hon'ble Tribunal may be pleased to record the above report submitted by me in the capacity of District Collector, Pathanamthitta/5th Respondent on Record and thus render justice.



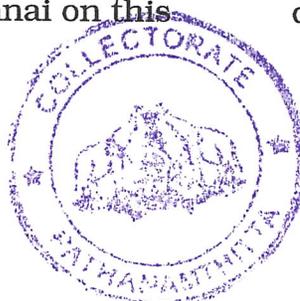

DEPONENT
 District Collector
 Pathanamthitta

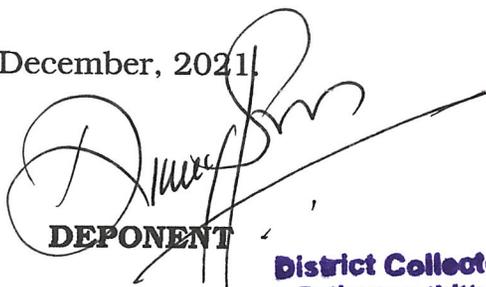
VERIFICATION

I, the deponent hereinabove, do hereby verify and state that the contents of Paragraphs No. 1 to 8 of the affidavits are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Verified at Chennai on this

day of December, 2021.




DEPONENT
 District Collector
 Pathanamthitta

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
(SOUTHERN ZONE BENCH,
CHENNAI)
OA No. 24 of 2021**

BETWEEN

O.A. Ninan

...Applicant(s)

AND

The State of Kerala and Ors.

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**REPLY STATEMENT FILED BY THE
DISTRICT COLLECTOR,
PATHANAMTHITTA / 5TH
RESPONDENT**

DIST. COLLECTOR, PATHANAMTHITTA/ 5TH RESPONDENT