

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

**ORIGINAL APPLICATION No.129 /2020 (SZ)**

Mr.L.Sambath  
S/o. Leela Segar  
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Thiyagu Mudaliar Nagar,  
Mudaliarpet,  
Puducherry -605004  
Mob No.90477 77251  
Email ID: samvel80@yahoo.co.in

.... Applicant

-Vs-

1. The Member Secretary,  
Puducherry Pollution Control Committee,  
II Floor, PHB Building, Anna Nagar,  
Puducherry 605005.  
Ph No.0413 220 1256  
Email ID: ppcc.pon@nic.in
2. The Secretary,  
Local Administration Department,  
Chief Secretariat Building,  
Govt. of Puducherry,  
Ph No.0413 233 3326  
Email ID : secypower.pon@nic.in
3. The Commissioner,  
Puducherry Municipality,  
Kamban Kalaiaragam,  
Bussy Street,  
Puducherry – 605001  
Ph No.0413 2200812  
Email ID: comrpm.pon@nic
4. Kandhan,  
S/o. Sathiyarasu  
No.75, Veerampattinam Salai,  
Ariankuppam,  
Puducherry – 605007  
Phone : Not Available  
Email : Not Available

..... Respondents

**REPLY STATEMENT FILED BY THE 2<sup>nd</sup> RESPONDENT**

1. The address for service on the 2<sup>nd</sup> Respondent is that of its Counsel Mrs.N.Mala, Government Pleader for Government of Puducherry, Office of Govt. Pleader for Puducherry, High Court Buildings (Old Legal Aid Buildings), High Court Campus, Chennai 600104. Cell Phone No.: 9445565087; and email: [mala.srirangam@gmail.com](mailto:mala.srirangam@gmail.com).

Page No:

No. of Corrections:

  
**E. VALLAVAN, IAS  
SECRETARY TO GOVT. (LAD)  
PUDUCHERRY.**

2. The Respondent herein respectfully submits that he is conversant with the facts of the case from the available records and all the averments, allegations and claims made from Paras-1 to 8 and Grounds-(a) to (j) of the Application filed by the Applicant in the O.A. are untrue, incorrect, misconceived, except those that are specifically admitted herein below.

3. The Respondent herein respectfully submits that out of the 16 lakes situated in the Puducherry Region of the Union Territory of Puducherry, two lakes viz. Olandai and Murungapakkam (Velrampet) Lakes are situated in the Puducherry Municipal Limits and belong to the Public Works Department, Government of Puducherry. The two lakes viz. the Olandai and Murungapakkam (Velrampet) Lakes are situated adjacent to each other and separated only by a bund-cum-Thar Road and hence, popularly called as "the Twin Lakes". The right to issue Fishing Licenses for fishing in these 2 Lakes is vested with the 3<sup>rd</sup> Respondent viz. Commissioner of the Puducherry Municipality. After getting concurrence from the Public Works Department, the 3<sup>rd</sup> Respondent which is reeling under financial crunch is exercising the said right and issuing Fishing Licenses, collecting License Fees from the Licensee and utilising the same for paying salaries and pension to its employees and providing essential services, including garbage cleaning, street lights etc. to the general public living within its Municipal limits.

4. The Respondent respectfully submits that the third respondent has issued Fishing Licenses for fishing in the Olandai and Murungapakkam Lakes to the 4<sup>th</sup> Respondent in the year 2002-2003 by fixing and collecting the requisite License Fee from him. It has been renewing the said Licenses from time to time by increasing the License fee by 10% every year as follows:

Period	License Fee	
	Murungapakkam Lake	Olandai Lake
01.07.2003 to 30.06.2004	Rs.75,400	Rs.14,700
01.07.2004 to 30.06.2005	Rs.86,710	Rs.16,905
01.07.2005 to 30.06.2008	Rs.3,15,711	Rs.61,554

Page No:

No. of Corrections:

  
**E. VALLAVAN, IAS**  
**SECRETARY TO GOVT. (LAD)**  
**PUDUCHERRY.**

01.07.2008 to 31.06.2010	Rs.2,66,601	Rs.51,982
01.07.2010 to 30.06.2015	Rs.9,37,819	Rs.1,82,851
01.07.2015 to 30.06.2020	Rs.15,10,358	Rs.2,94,483
01.07.2020 to 30.06.2025	Rs.24,32,449	Rs.4,74,269

The 4<sup>th</sup> Respondent is carrying on fishing activities in the said 2 Lakes in accordance with the terms and conditions prescribed in the Licenses.

5. The Respondent respectfully submits that on expiry of the Fishing License period from 01.07.2010 to 30.06.2015, the third Respondent has renewed the Fishing License from 01.07.2015 to 30.06.2020 by enhancing the license fee at Rs.15,10,358/- & 2,94,483/- for the two Lakes respectively to the 4<sup>th</sup> Respondent subject to the conditions imposed thereof. Based on the said Fishing License, the Licensee – the 4<sup>th</sup> Respondent was carrying out the fishing activities in the two Lakes by observing the prescribed conditions.

6. The Respondent respectfully further submits that during the above License period, the Under Secretary (Local Administration), Puducherry has issued an Order dated 29.01.2016 as follows:

*"Fishing rights in some of the Lakes, Ponds and other water bodies have been auctioned by the concerned local bodies. In view of the incessant rains during the month of November & December 2015, in many of the places, the water bodies have breached and in some cases bunds have been dug open to drain out water as an emergency measure. Due to this, the fishing activity is affected. Consequent to the larger public interest & emergency situation, the Government in exercise the powers conferred under second provisions of Sub Rule (b) of Rule 3 of the Pondicherry Municipalities (Grant of Remissions to Contractors and Leases of Municipal Councils) Rules 1974, the Pondicherry Commune Panchayat Councils (grant of Remissions to Contractors & Lessees) Rules 1977, hereby orders remission and directs to refund the money proportionately to all the successful contractors, **where the water bodies are affected due to breach/digging of the bunds of water bodies where fishing rights are auctioned by the concerned local bodies.** Due to the auctioning of fishing rights in the water bodies by the local bodies, the water management is getting affected and it is defeating the purpose of storage of water. Hence, it is hereby directed that the local bodies are henceforth prohibited from auctioning fishing rights. The water bodies shall be used for storage of rain water/canal water alone and maintained properly."*

7. The Respondent respectfully submits at this juncture that the ban Order dated 29.1.2016 was issued as a measure to protect fishing activity. However, due to

Page No:

No. of Corrections:

  
**E. VALLAVAN, IAS**  
SECRETARY TO GOVT. (LAD)  
PUDUCHERRY.

incessant rains, as the fishing activity by the Licensee in the two lakes viz. the Olandai and Murungapakkam (Velrampet) Lakes had not been affected, the question of cancelling the licence granted or the refund of proportionate License fee to the Licensee viz. the 4<sup>th</sup> Respondent as per the above Order dated.29.01.2016 had not arisen i.e. to compensate him and the third respondent i.e. viz. Commissioner of Puducherry Municipality had also not refunded any license fee to him. Further, the license in respect of the two lakes had been issued on 6.8.2015 i.e. much prior to the issuance of the ban Order on 29.1.2016. Further, as submitted supra, as the water bodies were not affected due to breach/digging of the bunds of water bodies, there was no necessity to cancel the contract of license granted to the licensee. However, the Licensee viz. the 4<sup>th</sup> Respondent was carrying on the fishing activities in those two lakes during the entire License Period till 30.06.2020.

8. The Respondent further respectfully submits that there was no breach/digging of the bunds of water bodies where fishing rights are auctioned in the said two lakes and as the Puducherry Municipality was reeling under severe financial crisis and struggling even to pay the salaries and pension to its employees on time and payment of retirement benefits to the staff due and also as it has to provide essential basic services including garbage cleaning, street lights etc. to the General Public, the third respondent viz. Commissioner of Puducherry Municipality continued with the license granted to the licensee for the following reasons:

- (i) The surface of the water body is maintained by the licensee without any massive spreading of water plants such as Hyacinth and encroachment by the antisocial elements.
- (ii) The licensee maintains the Lakes clean and conserve the water for getting a good harvest of fish.
- (iii) For the growth of fish, water is very much essential. Therefore, the licensee will keep the water level of the Lakes intact and consequently, the water level of the surrounding area will also be maintained and benefitted.
- (iv) The 3<sup>rd</sup> Respondent is in financial crisis and it is struggling even to pay salaries and pension to its employees and in such critical situation, collection of License Fees would be very much beneficial to it.

Page No:

No. of Corrections:

  
**E. VALLAVAN, IAS**  
SECRETARY TO GOVT. (LAD)  
PUDUCHERRY.

- (v) In the last 5 years i.e. from 2015-2020, License fee of Rs.18,04,481/- was paid by the licensee + GST and the expected enhanced license fee for the period from 01.07.2020 to 30.06.2025 would be Rs.29,06,719/- + GST.
- (vi) It is also beneficial to the fishermen community and also to the fish consuming general public.

9. The Respondent respectfully submits that in compliance to the Interim Order dated 30.07.2020, a Joint Committee headed by the District Collector, Puducherry was constituted with the nomination of the following members by the respective Departments to inspect the area in question and to submit a report:

- (1) Deputy Collector (Revenue), North, Puducherry
- (2) Superintending Engineer, Local Administration Department
- (3) Scientific Officer, Dept. Of Science, Technology and Environment/ Puducherry Pollution Control Committee
- (4) Junior Scientific Officer, Dept. Of Science, Technology and Environment/ Puducherry Pollution Control Committee
- (5) Commissioner, Puducherry Municipality
- (6) Executive Engineer, Irrigation Division, PWD

The Joint Committee, headed by the District Collector, made a surprise visit in the two Lakes at 10.30 AM on 17.09.2020 and filed an Inspection Report in the above O.A. along with Annexures-1 to 6. The said Report would clearly prove that all the allegations made by the Applicant in his Complaints and the above Application, including the damage stated to have been caused to the Lakes etc., are fallacious, incorrect, untenable and far from truth.

10. The Respondent respectfully submits at this juncture that there were various representations from the fishermen folk, the general public, as well as the need for creation of revenue especially in view of preserving and maintaining the water bodies in as much as the need for conservation of water. Hence, the proposal for lifting of ban was under the active consideration of the Government from 2019 onwards and especially in view of the fact that the two lakes which are concerned in this case were

Page No:

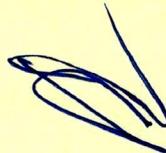
No. of Corrections:

  
**E. VALLAVAN, IAS**  
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PUDUCHERRY.

free from all damages to bunds and from, illegal sand mining, massive spreading of water plants such as hyacinth, encroachment by the anti social elements etc. and as it was felt that the revenue that was fetched by the Municipality from the licensee need not be lost, there was no reason as to why licence ought not to be continued. Viewed in every angle the grant of license in respect of the two lakes were profitable both to the local body and also to the water bodies and no detrimental activities could be foreseen by auctioning of fishing rights in the lakes by the concerned local body. The contrary claims of the applicant are totally frivolous and do not merit consideration. Further, the report of the Puducherry Pollution Control Committee under the Chairmanship of District Collector, Puducherry could expose that the lakes are in fact maintained well and the Applicant has to be put to strict proof on the contrary allegations made by him.

11. I am to further respectfully submit that in view of the reasons adduced, the 3<sup>rd</sup> Respondent viz. Commissioner of Puducherry Municipality has renewed and issued License to the 4<sup>th</sup> Respondent for the two Lakes on and from 01.07.2020 to 30.06.2025 by enhancing the License Fee at Rs.24,32,449/- and Rs.4,74,269/- (excluding Security Deposit of Rs.2,43,245/- &Rs.47,427/- and GST amount of Rs.4,37,841/- & Rs.85,368/-) respectively i.e. Rs.37,20,599/- in total and after obtaining necessary exemption from the Competent Authority, issued necessary renewal of license. Accordingly, license has been renewed in favour of the 4<sup>th</sup> Respondent with effect from 01.07.2020 and he is carrying out fishing activities in the two Lakes in accordance with the terms and conditions of the License. The Officers of the 3<sup>rd</sup> Respondent and the Engineers of the Public Works Department are inspecting, monitoring and ensuring that the 4<sup>th</sup> Respondent Licensee is carrying on fishing activities in accordance with the terms and conditions of the License and also the conditions prescribed by the Public Works Department for granting NOC.

12. The Respondent humbly submits that in view of the facts and reasons stated above, all the statements and allegations made by the Applicant in the above Application are untrue, incorrect, misconceived, frivolous and untenable and it is most humbly prayed that this Application be dismissed in the interest of the fishermen community, General public, Government exchequer and more importantly to maintain



**E. VALLAVAN, IAS**  
SECRETARY TO GOVT. (LAD)  
PUDUCHERRY.

the water body by the 3<sup>rd</sup> Respondent Puducherry Municipality and to enable it to effectively provide essential basic services and amenities to the general public.

**VERIFICATION**

I, Shri E.Vallavan, aged 55 years, S/o Eadmalaiyan, Secretary to Government (Local Administration), Chief Secretariat Complex, II Floor, Goubert Avenue, Puducherry 605 001 being the 2<sup>nd</sup> Respondent herein do hereby verify the contents of Paras 1 to 13 as true to the best of my knowledge and belief as per the available records and documents and that I have not suppressed any material facts.

Date : 05.10.2021

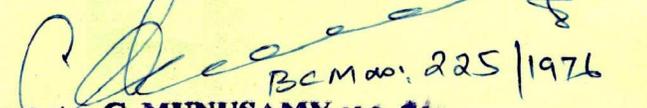
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2nd Respondent

**E. VALLAVAN, IAS**  
SECRETARY TO GOVT. (LAD)  
PUDUCHERRY.

Before me



BCM no: 225/1976

**M.J. Lion. C. MUNUSAMY, M.A., B.L.,**  
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Page No:

No. of Corrections: