

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

Original Application No.183 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU

Based on the News item in Tamil Hindu E-Magazine,

Chennai Edition dated: 07.09.2020,

"Setting up on Ecological Park by destroying mangrove forests with Destruction of Environment?- Environmental activists torment"

...Applicant(s)

Versus

1. The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600009
2. The Principal Secretary to Govt. of Tamil Nadu,
Animal Husbandry, Dairying and Fisheries Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu - 600009
3. Department of Environment, Rep. by its Director,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai - 600 015.
4. The Chairman, Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy-2,
Chennai, Tamil Nadu - 600032
5. The District Collector,
Kanniyakumari District,
District Collectorate Office,
Nagercoil - 629001.
6. The District Forest Officer,
Kanniyakumari Division,
Government Timber Depot,
Vadasery, Nagercoil - 629001.
7. Fisheries Department,
Rep. by its Assistant Director,
Distillery road, Nagercoil - 629001.
8. Manakkudi Village Panchayat, Rep. by its Secretary,
Rajakkamangalam Taluk,
Kanniyakumari - 629502.

----- Respondents (s)

STATUS REPORT AND ACTION TAKEN REPORT FILED THE 5THRESPONDENT

I, M.Arvind I.A.S., S/o Thiru.A.Manickavasagam, aged about 37 years,
working as The District Collector, Kanniyakumari District, do hereby
solemnly affirm and sincerely state as follows:-

2. As per the National Green Tribunal direction, the Revenue Divisional Officer was nominated as the member of joint committee to inspect the site and submit status report on behalf of the District Collector for filing independent statement before the National Green Tribunal.

3. I am the fifth respondent herein and as such well acquainted with the facts and circumstances with the case on perusal of all the connected and available documents. I hereby submit the status report on the establishment of the Eco-conservation Park at Manakudy, Kanniyakumari district as directed by the Hon'ble National Green Tribunal in O.A. 183/2020..

4. I humbly submit that this Hon'ble Tribunal has taken suo moto cognizance based on the news item in the Tamil Hindu E-Magazine, Chennai Edition dated: 07.09.2020," **Setting up on Ecological Park by destroying mangrove forests with Destruction of Environment?- Environmental activists torment**" and its order 28.09.2020 has directed the joint committee which was constituted in O.A No.183 of 2020, to visit the area in question and submit its factual and action taken report and also directed the Respondents to file action taken report as per the order of the Hon'ble National Green Tribunal .

5. I humbly submit the status report in pursuant to the direction of the Hon'ble Tribunal, as follows:-

- a) The Government has accorded the Administrative Sanction for the work of '**Establishment of Eco-Conservation Park in the existing estuarine fish farm at Manakudy in Kanniyakumari District**' vide G.O.Ms.No.426, Revenue D.M. (D.M.4(1)) Department Dated:29.10.2018 under the World Bank Scheme CDRRP(FIMSUL-II) for an amount of Rs.4.50 crore. The work was commenced on 20.12.2019 and completed in all respects on 08.06.2020.
- b) The Project aim was development of tourism for the betterment of local community and the environment in eco-friendly manner. Hence, the Original Proposal of the above work comprised with the components viz., strengthening of bunds, Aquarium, improvements to the boat jetty, Walkway arrangements, Developing of Parking area, Ticket counter, Canteen, Purchase of Boats, Provision of Green shelter, Lighting arrangements etc. Subsequently as per the CRZ conditions, the project was limited with the modified following components as per the compliance conditions.

- Strengthening of bund shall be done using conveyed earth and natural stone pitching. No concrete wall (or) retaining wall work shall be carried out.
- Bridge to be constructed without affecting free flow of water at outside of CRZ - IA eco sensitive area as per the approved IRS Map.
- Existing Boat Jetty of 30m to be repaired and renovated without further expansion.
- Strengthening of existing road work to be carried out with natural stones and also the walkway arrangement for maintenance of pond to be done using natural stones
- Live fencing to be done with Bamboo plantations.

c) The work was executed with the direct consultation of World Bank Environmental Consultant. During execution of the work, due to dumping of earth few mangroves branches were broken/damaged. And hence as directed by the District Collector, Kanniyakumari district, a committee was constituted with the following members to identify the factual conditions and to rectify the problem if any.

The constituted Committee members are,

1. District Environment Engineer, TNPCB, Nagercoil.
2. Deputy Director, Town and Country Planning, Tirunelveli.
3. Forest Ranger, Boothapandy Range (Representative of District Forest Officer, Nagercoil)
4. Inspector of Fisheries, Fisheries Department, Nagercoil (Representative of Assistant Director, Fisheries Department, Nagercoil)

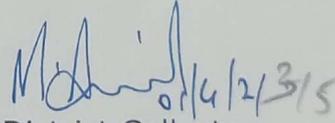
I humbly submit that the, above constituted committee inspected the site on 15.02.2020 and the Action Taken Report is furnished as follows.

Sl. No	TNPCB Approval Conditions	Action taken Report
1.	The embankments provided on the Eastern Side of both ponds (Northern Pond and Southern Pond) which runs through the CRZ IA area (mangroves buffer zone)	Originally the embankment was proposed for 5m top width. During the work progress, four mangroves got affected. Further it was taken to the notice of District Collector and as per the decision of District Collector the following members inspected the said site. i. District Environment Engineer, TNPCB, Nagercoil.

		<p>ii. Deputy Director, Town and Country Planning, Tirunelveli.</p> <p>iii. Forest Ranger, Boothapandy Range (Representative of District Forest Officer, Nagercoil)</p> <p>iv. Inspector of Fisheries, Fisheries Department, Nagercoil (Representative of Assistant Director, Fisheries Department, Nagercoil)</p> <p>By the observation of the committee and direction, the bund was reduced to 2.80m width. Meanwhile the villagers represented to strengthen and raise for the existing bund to avoid submerge of village due to flood water.</p>
2.	To remove the gravel dumping for the strengthening of the roadside berms and to restore the area in CRZ IA without any changes in the existing land use, land cover or topography etc.	As per the observation and direction of the committee, the gravel dumped for the strengthening of road side berms were removed and turfed with red and alluvial soil to encourage the mangrove plantation.
3.	To ensure the complete rehabilitation of the affected mangroves in the South east and Eastern Embankments of pond 2 (Northern Pond) The Project proponent shall also ensure that the mangroves in the Northern side of pond 1 (Southern pond) shall not be affected due to the dumping of gravel.	During execution, due to dumping of gravel on eastern side of south and north ponds, four mangroves got affected. As per the committee's observation and direction, the dumped gravel was removed for the width of 2.20m and 50 Nos of Rhizophora mangrove saplings were planted and at present 28 Nos of mangrove plants survived.
4.	To Plant native species of mangroves at the project site in consultation with the Forest Department with full effective utilization of the funds allocated for the said purpose.	Native species of Rhizophora mangrove and native trees such as Portia trees, Bamboo were planted in consultation with the, then District Forest Officer as a partial fulfilment of plantation of trees
5.	To provide red soil with alluvial soil for the turfing of the existing gravel embankments in the area not covered under CRZ - IA.	As per the observation and direction of the committee, the red and alluvial soil were utilized for the purpose of turfing over the bund.

d) Moreover, as per the Hon'ble National Green Tribunal Order dated.03.03.2021, a joint inspection committee comprising the following officials was constituted 1) Senior officer from Ministry of Environment, Forest & Climate change (MOEF&CC), 2) a Senior Scientist from National Institute of Ocean Technology (NIOT), Chennai, 3) the District Collector, Kanniyakumari district or a Senior Officer not below a rank of Assistant Collector or Sub Divisional Magistrate deputed by District Collector 4) District Forest officer, Kanniyakumari District 5) a Senior officer from Fisheries Department, with the official from Ministry of Environment, Forest & Climate change (MOEF&CC) to be the nodal agency for conduction of inspection and to file the present and factual conditions at the proposed project site at Manakudy.

As per the directions, the joint inspection was carried out by the above constituted committee members and the report has now been finalized, in which the Fisheries Department will comply with the recommendations suggested by the joint committee inspection team report as directed and hence, it is therefore most humbly prayed that the status report may please be accepted and the case may please be dismissed.


01/4/23/5
District Collector,
Kanniyakumari District.