

**IN THE NATIONAL GREEN TRIBUNAL (SOUTH ZONE),
CHENNAI**

Original Application No. 128 of 2021 (SZ)

Between:

Ibrahim Karim

....Applicant

V.

State of Kerala & Ors

.... Respondents

INDEX

SL NO.	PARTICULARS	PAGE NOS.
1	Objection filed by the counsel for the applicant against report dated 17.03.2025 & 14.06.2025 filed by the 3rd respondent	1-6

Dated this the 20th day of June, 2025



Counsel for the Applicant

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**OBJECTION FILED BY THE COUNSEL FOR THE APPLICANT AGAINST
REPORT DATED 17.03.2025 & 14.06.2025 FILED BY THE 3RD RESPONDENT**

The Counsel for Applicant prefers the following categorical objections to the Report dated 17.03.2025 & 14.06.2025 filed by the 3rd Respondent and the suggestions put forth by this Hon'ble Tribunal to close this Original Application on the basis of the said reports for the following reasons:

**FIRST OBJECTION
AGAINST SHAM REPORT**

THE REPORTS DATED 17.03.2025 & 14.06.2025 FILED BY THE 3RD RESPONDENT IS SHAM EXERCISE INTENDED TO DEFEAT THE PROCESS OF LAW AND MUST BE REJECTED IN TOTO SINCE:

**1. REPORT DOES NOT DEAL WITH THE 'KLAPPANA-MADATHARUVI
STREAM-CUM-WETLAND BASIN'**

- I. Applicant has not asked for desiltation, at all. That cannot operate as a via media or a substitute for the encroachment.
- II. **The Applicant's prayer is to Restore** *the specific area of 'Klappana-Madatharuvi Stream-cum-Wetland basin' in Ittiyappara Town of Ranni Taluk in Pathanamthitta District; presently under construction of the Multi-Utility Complex.*
- III. This 'Klappana-Madatharuvi Stream-cum-Wetland basin' is shown in the sketch and the same is portrayed as Ranni Valiya

Thodu; which alongwith the “Meenmuttippara-Aithala Thodu” creates a delta.

- IV. It's in this delta wetland-floodplain basin that the proposed construction is happening. It's in this delta wetland-floodplain basin that every year huge floods occur. It is this delta wetland-floodplain basin that the Applicant seeks to be restored and protected. Desiltation of one stream would not restore the delta wetland-floodplain basin that has already been encroached by the Government.
- V. The sketch is not to scale especially because the Government does not want to show the distance between the ‘Klappana-Madatharuvi Stream and the constructed area of Wetland basin.
- VI. “Meenmuttippara - Aithala Thodu” is a small thodu. Even going by the Sketch produced, the encroached area of that stream is intact. No encroachment demolition has occurred until this date. It would not actually happen as well.
- VII. Even going by that Sketch, the logic of flood-plain extending to only one side of the Thodu is abominable.

2. DESILTATION IS NOT EQUIVALENT TO THE RESTORATION OF A STREAM

- I. Both Reports, erroneously, equate mere desiltation of a water body/ usurped channel with its full ecological and legal restoration.
- II. Desiltation is a routine course of event that is totally mechanical and at best a partial intervention that neither restores the original natural flow nor addresses the ecological, legal, and hydrological damage inflicted upon the stream.

- III. Restoration means the complete reversal of illegal modifications—including removal of encroachments, reinstatement of original flow paths, and repair of ecological and riparian zones.

3. LACK OF DISCLOSURE OF TENDER IMPLEMENTATION DETAILS

- I. In both the Reports the Tender Implementation details are conspicuously absent.
- II. It conspicuously lacks any details regarding **(1)** the award, **(2)** execution, or **(3)** monitoring of the purported Tender works, which were supposedly floated in March, 2025.
- III. This glaring omission itself indicates that no effective steps have been taken, and the Report is merely a bureaucratic attempt to manufacture compliance on paper.
- IV. The stage of implementation is pertaining to the clearing of vegetation. No encroachments are avoided.
- V. It is then categorically admitted that **widening, desiltation or such activities are not able to be continued due to the floods happening due to monsoon and mango showers.**
- VI. This by itself counters their logic that desiltation of meters of a thodu would mitigate the floods that have happened and the future floods of the same scale which are categorically proved..

4. ENCROACHMENT & INACTION AGAINST ENCROACHMENT ARE CATEGORICALLY ADMITTED

- I. While the Report admits to the existence of encroachments, it also admits that no steps have been taken for their removal or eviction.

- II. The biggest encroachment upon the Wetland basin is conspicuously omitted. Admittedly, the biggest encroacher of the Wetland basin is the Government who needs to be interdicted by this Tribunal. That encroachment/ land filling upon the wetland basin has been found by the Joint Committee Report and its individual reports.
 - III. This is a blatant dereliction of legal duty, especially in the face of binding environmental principles such as “Polluter Pays” and “Precautionary Principle”, which obligate immediate remedial action.
 - IV. Without such action, the stream and surrounding ecology remain in continuous jeopardy.
5. In total both the **Reports are vague, imprecise and unreliable**. Such reports must not be a reason for this Tribunal, which is a Court of Law, to close this Original Application.

SECOND OBJECTION AGAINST CLOSURE OF ORIGINAL APPLICATION

APPLICANT IS NOT CONSENTING TO THE SUGGESTIONS PUT FORTH BY THIS HON’BLE TRIBUNAL IN OPEN COURT ON 16.06.2025 TO CLOSE THIS ORIGINAL APPLICATION ON THE BASIS OF THE REPORTS SUBMITTED BY THE 3RD RESPONDENT FOR THE FOLLOWING REASONS:

1. ADJUDICATION OF MERIT IS INDISPENSABLE

- I. Failure to adjudicate core Environmental and Legal issues cannot pass.
- II. The following serious violations remain unadjudicated and unaddressed despite repeated pleadings and evidence on record:

- A. Bypassing of statutory clearances and environmental regulations;
 - B. Failure to reconstitute the damaged environment;
 - C. Irreversible damage to flora and fauna due to illegal construction;
 - D. Illegal conversion of a natural stream into an almost non-existent water channel;
 - E. Illegal construction upon a floodplain zone;
 - F. Encroachment and conversion of notified or classified wetlands on paper to evade the environmental damages caused/ going to be caused during the pendency of the case.
- III. These are not just procedural lapses, but grave environmental infractions that fall squarely within the exclusive jurisdiction of this Hon'ble Tribunal and demand adjudication on merits and evidence, not on self-serving reports.

2. PROOF OF THE JOINT COMMITTEE FINDINGS ARE UNCONTROVERTED

- I. It is imperative to highlight that an Independent Joint Committee, constituted way back in 2021 by this very Tribunal, had earlier confirmed all the violations mentioned above.
- II. Notably, the author of the present Report was also a Party to that Joint Committee.
- III. This contradiction reveals the inconsistency, non-credibility, and possible mala fide intent behind the instant Report.

3. The Applicant places on record that:

- I. There is **no consent from the Applicant to such a closure;**
- II. The **Applicant has already completed arguments on merit.**
- III. **Detailed Written Argument Notes have been filed way back in 2023 and are part of the record;**

IV. The **Applicant vehemently opposes any non-merits-based closure** of the Original Application.

4. ANY NON-MERITS-BASED CLOSURE WOULD BE A TRAVESTY OF JUSTICE

- I. Should this Hon'ble Tribunal proceed to close this Application relying solely on the impugned Report, despite categorical objections, unrebutted violations, and the absence of any restoration or eviction, it would amount to a gross miscarriage of environmental justice.
- II. Such a closure would be against the spirit and letter of the National Green Tribunal Act, 2010, which mandates restoration and protection of the environment.
- III. The Hon'ble Tribunal must not permit bureaucratic whitewashing of environmental destruction.

Dated this the 20th day of June, 2025



Counsel for the Applicant