

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 179 of 2023 (SZ)**

**In the matter of:**

Tribunal on its own SUO MOTU based  
On the news item in “The Times of India”,  
Chennai Edition dt: 12.11.2023, under the  
Caption “Activists, local residents’ question  
Legality of tourism development work at Ooty  
Lake” and in “The Hindu” Newspaper dt: 12.11.2023,  
Under the caption “Residents stage protest at Ooty lake,  
Demand halting of illegal constructions by government  
Departments”.

With

The District Collector,

The Nilgiris Collectorate,

Udhagamandalam and Ors.

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel for Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

Date: 10.09.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****SOUTHERN ZONE, CHENNAI****Original Application No. 179 of 2023 (SZ)****IN THE MATTER OF:**

Tribunal on its own motion SUO MOTU based on the News Item in 'The Times of India', Chennai Edition dt: 12.11.2023, under the caption "Activists, local residents question legality of tourism development work at Ooty lake" and in 'The Hindu' Newspaper dt: 12.11.2023, under the caption "Residents stage protest at Ooty lake, demand halting of illegal constructions by government departments".

**...Applicant(s)****-Versus-**

The District Collector  
The Nilgiris Collectorate,  
Udhagamandalam and Ors.

**...Respondent(s)****STATUS REPORT FILED BY THE 5<sup>th</sup> RESPONDENT i.e MEMBER SECRETARY, TAMIL NADU STATE WETLAND AUTHORITY**

I, Shri Deepak Srivastava, I.F.S., Son of late Shri Gopal Krishnan Srivastava aged about 59 years working as the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maaligai, Saidapet, Chennai-600 015 do hereby solemnly affirm and sincerely state as follows:-

- 1) It is humbly submitted that I am the 5<sup>th</sup> respondent herein and as such I am well acquainted with the facts and circumstances of the case on the

basis of official records, and as such authorized and competent to swear this affidavit.

- 2) It is humbly submitted that no permission or NOC have been issued in this regard by the Tamil Nadu State Wetland Authority. As per Section VIII (47) of the Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017, the permission for carrying out any activity included within the list of prohibited activities (As per Rule 4(2) of Wetland Rules), within a notified wetland can only be given by the Ministry of Environment, Forest and Climate Change for which specific request needs to be made by the State Government to the Ministry of Environment, Forest and Climate Change, New Delhi based on the recommendations of State Wetland Authority (A copy of the Guideline and Rule is enclosed as **Annexure – I**).
- 3) It is humbly submitted that, the Ooty lake is not a notified wetland under Wetlands (Conservation and Management) Rules, 2017. However the Ooty lake is covered under the shape files of the National Wetland Inventory and Assessment Report, 2011. In this regard, the directions of the Hon'ble Supreme Court of India in W.P.(C) No.230 of 2001, dated 04.10.2017 (A copy of the order is enclosed as **Annexure – II**) was reiterated by the Ministry of Environment, Forest and Climate Change (Wetlands Division), Government of India vide their O.M.F.No.W-4/4/2022-WTL, Dated 08.03.2022 (A copy of the letter is enclosed as **Annexure – III**) as follows:

*“In view of the above, it is once again clarified / reiterated that the 2,01,503 wetlands (>2.25 ha.) as per the National Wetland Inventory and Assessment (NWIA) Report, 2011 should be protected as per Rule 4 of the Wetlands (Conservation and*

*Management) Rules 2017. This protection is irrespective of the applicability of/ notification as per the said Rules”*

Based on this, the Ooty lake and all other lakes, ponds, marshlands covered by the shape files of the National Wetland Inventory Assessment Report, 2011 need to be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 which is as follows:-

*Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 is as follows:-*

*4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of ‘wise use’ as determined by the Wetlands Authority.*

*(2) The following activities shall be prohibited within the wetlands, namely,-*

- i. conversion for non-wetland uses including encroachment of any kind;*
- ii. setting up of any industry and expansion of existing industries;*
- iii. manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;*
- iv. solid waste dumping;*
- v. discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;*

*vi. any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,*

*vii. poaching.*

*Providing that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.*


A letter in this regard was communicated to all District Collectors as well as the District Forest Officer & Member Secretaries of the District Level Wetland Management Committees vide Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/345/2023, Dated 29.11.2023 (copy of the letter is enclosed as **Annexure – IV**).

It is humbly submitted that the Tamil Nadu State Wetland Authority function as nodal authority for all wetland specific activities within the State as per the rule 5 (4) of the Wetland (Conservation and Management) Rules, 2017. Further, it is humbly submitted that, the wetland owning Departments like Water Resources Department, Rural Development & Panchayat Raj Department, Revenue & Disaster management Department, Municipal Administration and Water Supply Department, Tourism Department and Forest Department are the custodians of the wetlands under their respective jurisdiction. Further, based on the news article published in 'The Hindu' on 20.02.2023, regarding the construction in and around Ooty lake, the District Collector and Chairperson and the District Forest Officer and Member Secretary, District Level Wetland Management Committee, Nilgiris District vide this office Ref. No. TNSWA2/418/2023, Dated 31.10.2023 (copy of the letter is enclosed as **Annexure – V**) were requested to take necessary action to protect the Ooty lake against any of

non - wetland activities. The Deputy Conservator of Forests (Wetland), Tamil Nadu State Wetland Authority has inspected the Ooty lake and informed that the construction activities undertaken by the Salem Division, Southern Railways have been stopped at the time of inspection (copy of the inspection report is enclosed as **Annexure – VI**). The District Forest Officer, Nilgiris Division in his Ref. No.8225/2024/D1, Dated 13.08.2024 has informed that a joint inspection was carried out in the area where construction activities were undertaken by the Tamil Nadu Tourism Development Corporation Limited on 13.08.2024 along with the Officials of Tamil Nadu Tourism Development Corporation Limited and it was observed that the infrastructure activities are at a semi-finished stage and no further development work has been undertaken by the Tamil Nadu Tourism Development Corporation Limited except for the ongoing wood house construction at the Glamping site (copy of the letter is enclosed as **Annexure – VII**).

It is further submitted that the response submitted by this answering respondent may kindly be accepted by the Hon'ble National Green Tribunal, Chennai render justice.


Date: 27.08.2024

  
**DEPONENT**  
 Principal Chief Conservator of Forests and  
 Member Secretary  
 Tamil Nadu State Wetland Authority  
 Chennai-15

**VERIFICATION**

I, the aforementioned Deponent do hereby declare on this 27 day of August 2024 at Chennai that the contents of the affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.

Date: 27.08.2024

  
**DEPONENT**  
 Principal Chief Conservator of Forests and  
 Member Secretary  
 Tamil Nadu State Wetland Authority  
 Chennai-15

**Guidelines for implementing Wetlands  
(Conservation and Management) Rules, 2017**

approach' is adopted to ensure that wetlands conservation is prioritized in the case of information uncertainty.

#### **VIII. Prohibited activities in a notified wetland**

45. The following activities are prohibited within notified wetlands:
- a. Conversion for non-wetland uses including encroachment of any kind;
  - b. Setting up of any industry and expansion of existing industries;
  - c. Manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms/Genetically Engineered Organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
  - d. Solid waste dumping;
  - e. Discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
  - f. Any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
  - g. Poaching.  
[Ref. Rulc 4 (2) of Wetlands Rules]
46. State/UT Wetlands Authority, based on consideration of site-specific conditions, may consider expanding the list of prohibited activities for a notified wetland (or wetlands complex). This should be specified as such within the notification for specific wetland (or wetlands complex).
47. Permission for carrying out any activity included within the list of prohibited activities [as per Rule 4(2) of Wetlands Rules], within a notified wetland can only be given by the MoEF&CC. A specific request needs to be made by the State Government based on the recommendation of Wetlands Authority specifying:
- a) Activity for which permission is sought;
  - b) Justification thereof;
  - c) The premise on which the activity is not considered detrimental to the wetland's ecological character; &
  - d) Supporting evidence-base (such as an expert report, EIA, mitigating measures proposed to be undertaken etc.)

#### **IX. Developing a list of activities, to be regulated in a notified wetland:**

48. Activities within a notified wetland and its zone of influence, which when contained within a specific threshold or area, are not likely to induce an adverse change in wetlands ecological character may be placed under the 'regulated' category. Such activities should be notified within the notification for a specific wetland (wetlands complex).
49. Following activities, when regulated, are not likely to induce an adverse change in wetlands:
- a) Subsistence level biomass harvesting (including traditional practices);

**Wetlands (Conservation and Management) Rules, 2017**

- (c) "Committee" means the National Wetlands Committee referred to in rule 6;
- (d) "ecological character" means the sum of ecosystem components, processes and services that characterise the wetlands;
- (e) "integrated management plan" means a document which describes strategies and actions for achieving wise use of the wetland and the plan shall include objectives of site management; management actions required to achieve the objectives; factors that affect, or may affect, the various site features; monitoring requirements for detecting changes in ecological character and for measuring the effectiveness of management; and resources for management implementation;
- (f) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (g) "wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes;
- (h) "wetlands complexes" means two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels/ducts;
- (i) "wise use of wetlands" means maintenance of their ecological character, achieved through implementation of ecosystem approach within the context of sustainable development;
- (j) "zone of influence" means that part of the catchment area of the wetland or wetland complex, developmental activities in which induce adverse changes in ecosystem structure, and ecosystem services.
- (2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings assigned to them in the Act.
- 3. Applicability of rules.**—These rules shall apply to the following wetlands or wetlands complexes, namely:—
- (a) wetlands categorised as 'wetlands of international importance' under the Ramsar Convention;
- (b) wetlands as notified by the Central Government, State Government and Union Territory Administration:
- Provided that these rules shall not apply to the wetlands falling in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.
- 4. Restrictions of activities in wetlands.**—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.
- (2) The following activities shall be prohibited within the wetlands, namely,-
- (i) conversion for non-wetland uses including encroachment of any kind;
- (ii) setting up of any industry and expansion of existing industries;
- (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
- (iv) solid waste dumping;
- (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
- (vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
- (vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.

**5. Wetlands Authorities.**—(1) The Central Government hereby constitutes the State Wetlands Authority in each State with the following members, namely:—

- (i) Minister In-charge of the Department of Environment/Forests of the State Government or Minister In-charge of the Department handling wetlands - Chairperson;
  - (ii) Chief Secretary of the State or Additional Chief Secretary equivalent - Vice Chairperson;
  - (iii) Secretary in-charge of the Department of Environment - Member *ex-officio*;
  - (iv) Secretary in-charge of the Department of Forests - Member *ex-officio*;
  - (v) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
  - (vi) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
  - (vii) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
  - (viii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
  - (ix) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
  - (x) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
  - (xi) Secretary in-charge of the Department of Revenue - Member *ex-officio*;
  - (xii) Director, State Remote Sensing Centre - Member *ex-officio*;
  - (xiii) Chief Wildlife Warden - Member *ex-officio*;
  - (xiv) Member Secretary, State Biodiversity Board - Member *ex-officio*;
  - (xv) Member Secretary, State Pollution Control Board - Member *ex-officio*;
  - (xvi) Additional Principal Chief Conservator of Forests of the Regional Office of Ministry of Environment, Forest and Climate Change - Member *ex-officio*;
  - (xvii) One expert each in the fields of wetland ecology, hydrology, fisheries, landscape planning and socio-economics to be nominated by the State Government; and
  - (xviii) Additional Secretary/Joint Secretary/Director in the Department of Environment/Forests or Department handling wetlands - Member Secretary.
- (2) The Central Government hereby constitutes the Union Territory Wetlands Authority for each Union Territory with the following members, namely:—
- (i) Administrator or Chief Secretary of the Union Territory - Chairperson;
  - (ii) Secretary in-charge of the Department of Environment - Vice Chairperson;
  - (iii) Secretary in-charge of the Department of Forests - Member *ex-officio*;
  - (iv) Secretary in-charge of the Department of Urban Development - Member *ex-officio*;
  - (v) Secretary in-charge of the Department of Rural Development - Member *ex-officio*;
  - (vi) Secretary in-charge of the Department of Water Resources - Member *ex-officio*;
  - (vii) Secretary in-charge of the Department of Fisheries - Member *ex-officio*;
  - (viii) Secretary in-charge of the Department of Irrigation and Flood Control - Member *ex-officio*;
  - (ix) Secretary in-charge of the Department of Tourism - Member *ex-officio*;
  - (x) Secretary in-charge of the Departments of Revenue - Member *ex-officio*;
  - (xi) Director, Remote Sensing Centre - Member *ex-officio*;
  - (xii) Member Secretary, Union Territory Pollution Control Committee - Member *ex-officio*;

ITEM NO.4

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AOR

For Respondent(s) /  
applicant(s)  
UOI/Delhi

Mr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.  
Mr. Wasim A. Qadri, Adv.  
Mr. Ajay Kumar Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Sanjai Kumar Pathak, Adv.  
Mr. Shalinder Saini, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. S.A. Siddiqui, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Zaki Kazmi, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ketan Paul, Adv.  
Ms. Reeja Varghese, Adv.  
Mr. Chirayu Jain, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26<sup>th</sup> September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been received from any other State with regard to the Ramsar

Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application

Centre.

We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9<sup>th</sup> November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised

can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

**F. No. W-4/4/2022-WTL**  
**Government of India**  
**Ministry of Environment, Forest & Climate Change**  
**(Wetlands Division)**

Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi -110003

Dated 8<sup>th</sup> March, 2022

**OFFICE MEMORANDUM**

**Subject: Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017**

The Hon'ble Supreme Court vide Order dated 4<sup>th</sup> October, 2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, "*We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010*".

2. The same has been communicated by this Ministry to all the States and UTs in November, 2017. Hon'ble NGT has also reiterated the same in various recent cases.

3. In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules.

*Ramesh*

(Dr. M. Ramesh)

Scientist 'E'

Tel.: 011-20819249

Email: [ramesh.motipalli@nic.in](mailto:ramesh.motipalli@nic.in)

To

The Member Secretaries of State and UT Wetlands Authorities



**தமிழ்நாடு மாநில ஈரநில ஆணையம்**  
**TAMIL NADU STATE WETLAND AUTHORITY**



From

Thiru. Deepak Srivastava, I.F.S.,  
Principal Chief Conservator of Forests  
and Member Secretary,  
Tamil Nadu State Wetland Authority,  
No.1, Jeenis Road, Panagal Maaligai,  
Saidapet, Chennai – 15.

To

All District Collectors and Chairpersons,  
District Level Wetlands Management  
Committees.

All District Forest Officers / Wildlife  
Wardens / Deputy Directors and Member  
Secretaries, District Level Wetlands  
Management Committees.

Ref.No.TNSWA1/345/2023, Dated 29.11.2023

Sir / Madam,

Sub: Wetlands – Tamil Nadu Wetlands Mission – Ground Truthing of  
Wetlands – Compliance of the directions of the Hon'ble Courts,  
Tribunals and State Government – Action taken report – Regarding.

- Ref: (i) Additional Principal Chief Conservator of Forests and Member  
Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/  
32255/ 2021, Dated 13.07.2022.
- (ii) Environment, Climate Change & Forest (FR.9) Department, Letter.  
No.19805/FR.9/2014-54, Dated 14.11.2022.
- (iii) Principal Chief Conservator of Forests and Member Secretary,  
Tamil Nadu State Wetland Authority, Ref. No.TNSWA1/345/2023  
Dated 15.09.2023

\*\*\*\*\*

It is informed that with reference to letter cited at (i) to (iii) (copy enclosed), the shape files of the wetlands in your Districts were communicated and you were requested to do the Physical verification of the wetlands as per the shape files prepared by Indian Space Research Organization, Ahmedabad and Institute of Remote Sensing, Chennai sponsored by Ministry of Environment and Forests, Government of India pertaining to your District since the matter is subjudice in the Hon'ble Supreme Court of India, Hon'ble High Court of Madras and National Green Tribunal, Principal bench, New Delhi.

2) It is therefore requested once again that the shape files of the wetlands for your Districts may be physically verified as it is important to determine the wetland

and non-wetland areas for notifying the identified wetlands under the Wetlands (Conservation and Management) Rules, 2017. The said Physical verification of wetland and non-wetland areas may kindly be completed at the earliest i.e., latest by 31<sup>st</sup> December 2023 and after duly approved by the District Level Wetlands Management Committees, the same may be forwarded to this Office.

3) After the identification of the wetlands which can be notified under the Wetlands (Conservation and Management) Rules, 2017 by the District Level Wetlands Management Committees, the draft notification proposals may be prepared and sent to this Office for sending it to the Department of Environment, Climate Change and Forest, Government of Tamil Nadu for Inter-departmental and public consultations as per the provisions of the Wetlands (Conservation and Management) Rules, 2017, before the publication of final notification of the wetlands. It may kindly be noted that the wetlands which can be notified under the Wetlands (Conservation and Management) Rules, 2017, are the area like marshes, swamps, mangroves, estuaries, creeks, mudflats, natural lakes etc.

4) It may also be noted that till the time, all the wetlands covered by the shape files are identified as wetland and non-wetland areas, all the wetlands should be protected under the rule (4) of the Wetlands (Conservation and Management) Rules, 2017, in compliance of the orders of the Hon'ble Courts & Tribunals. The provision of the rule (4) of the Wetlands (Conservation and Management) Rules, 2017, is as follows:-

- 4. Restrictions of activities in wetlands.—**(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.
- (2) The following activities shall be prohibited within the wetlands, namely,-
- (i) conversion for non-wetland uses including encroachment of any kind;
  - (ii) setting up of any industry and expansion of existing industries;
  - (iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of hazardous Chemical

Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Trans boundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;

- (iv) solid waste dumping;
- (v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;
- (vi) any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,
- (vii) Poaching.

5) The Physical verification report (ground truthing) of the wetland & non-wetland areas may be undertaken expeditiously in order to avoid adverse criticism from the Government / Hon'ble Courts & Tribunal. Till the physical verification (ground truthing) of the wetlands from the given shape files are completed, all the wetlands need to be protected from further degradation keeping in view the uniqueness and role of the wetland ecosystems in the climate, water & food security.

Encl: as above

Yours faithfully,

  
Principal Chief Conservator of Forests  
and Member Secretary,  
Tamil Nadu State Wetland Authority

Copy submitted to the Additional Chief Secretary to the Government, Environment, Climate Change and Forests Department, Secretariat, Chennai for favour of kind information.

Copy to concerned Chief Conservator of Forests, Conservator of Forests for information and necessary action.

  
29/11/2023



Ref.No.TNSWA2/418 /2023

Office of the Principal Chief Conservator  
of Forests and Member Secretary,  
Tamil Nadu State Wetland Authority,  
No.1,Jeenis Road, Panagal Maligai,  
Saidapet, Chennai – 15.

Dated 31.10.2023.

Sub: Wetlands – Tamil Nadu Wetlands Mission – Encroachment activities in  
wetlands of Nilgiris District – Action taken report called for – Regarding.

Ref: (i) Additional Principal Chief Conservator of Forests and Member  
Secretary, Tamil Nadu State Wetland Authority Ref.No.TNSWA1/  
32255/2021, Dated 02.09.2021, 02.11.2021 and 10.01.2022

(ii) Principal Chief Conservator of Forests and Member Secretary, Tamil  
Nadu State Wetland Authority Ref.No.TNSWA/9234/2017, Dated  
30.09.2022.

(iii) News article published in The Hindu on 20.02.2023.

(iv) Principal Chief Conservator of Forests and Member Secretary, Tamil  
Nadu State Wetland Authority Ref.No.TNSWA1/345/2023, Dated  
15.09.2023

(v) Principal Chief Conservator of Forests and Member Secretary, Tamil  
Nadu State Wetland Authority Ref.No.TNSWA1/9234/2017, Dated  
18.10.2023.

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Attention of the District Forest Officer is invited to the references cited above  
in which the orders of the Hon'ble Supreme Court of India in W.P (civil) No.230 of 2001, the  
orders of the Hon'ble High Court of Madras in W.P No.12653 of 2017 (Suo Moto PIL) and  
the orders in O.A.No.351 of 2019 by Hon'ble National Green Tribunal, Principal Bench, New  
Delhi in were communicated for strict compliance.

2) It may be noted again that all the wetlands which were >2.25 hectares in  
area and for which the shape files have been communicated to all the Districts including the  
Nilgiris District vide reference cited (iv) above are covered by the aforementioned orders and  
these wetlands across the State is required to be protected as per the Rule 4 of the  
Wetlands (Conservation and Management) Rules 2017 irrespective of the notification and  
ownership. The said shape files are based on the National Wetlands Inventory Assessment

Report of the year 2011 released by the Ministry of Environment, Forests and Climate Change, Government of India for the wetlands mapped by the ISRO during the year 2011.

3) It may also be noted that the ground truthing of all the wetlands covered by the shape files prepared by the ISRO across the State including the Nilgiris District was requested to be undertaken by the District level Wetlands Management Committees and a report in this regard was to be sent to the undersigned for the purpose of filing a status report in the Hon'ble High Court of Madras in Suo Motto PIL filed in the Court of the Honble Chief Justice of Hon'ble High Court of Madras. In the said ground truthing report, the wetlands as per the shape files was to be identified which can be notified under the Wetlands Rule 2017.

4) As per the Hon'ble Court orders, till the time such wetlands where the ground truthing is still to be done and those are yet to be notified under the Wetlands (Conservation and Management) Rules 2017 should be protected from all kinds of degradation. It has been observed that despite of the aforementioned orders of the Hon'ble Courts, the degradation of the wetlands by way of either encroachment / construction activities or by dumping of solid and liquid wastes is continuously being reported. The recent case being of the Nilgiris District wherein the land use pattern of natural swamp located adjacent to Ooty Railway Station is being severely degraded due to construction of parking lot in violation of the orders of the various Hon'ble Courts. Also it has been reported that the construction activities are being undertaken in and around the Ooty lake, a fresh water ecosystem, without following the ecosystem based approaches for restoration, conservation and protection of the pristine Ooty lake. Any unmindful construction activities shall completely jeopardize the flow of benefits of non marketable invaluable ecosystem goods and services to the communities depending on this wetland. This kind of deliberate act of conversion of the swamps, marshes and natural lakes which are natural sponges for ground water recharge, water purification, biodiversity conservation and climate regulation needs to be stopped in the larger public interest and penal action should be initiated against the

irresponsible officials of the concerned Government Departments and others as per the provisions of the Environment Protection Act 1986.

5) This may be accorded priority and an action taken report may be sent to the undersigned within a period of 15 days time for placing before the Tamil Nadu State Wetland Authority and for the record purposes.



for Principal Chief Conservator of Forests  
and Member Secretary  
Tamil Nadu State Wetland Authority

To

1. The District Collector and Chairperson,  
District Level Wetland Management Committee,  
Nilgiris District.  
Nilgiris.
2. The District Forest Officer and Member Secretary,  
District Level Wetland Management Committee,  
Nilgiris District.  
Nilgiris.

Copy to

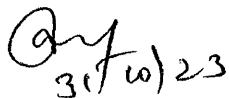
1. The Divisional Railway Manager, Salem
2. The Tourist Officer, Tourism Department, Nilgiris

Copy to

All District Forest Officers/Wildlife Wardens for information and necessary compliances.  
All District Collectors and the Chairperson of the District Level Wetlands Management Committees.

Copy submitted to the

Additional Chief Secretary, Environment, Climate Change and Forest Department for favour of kind information.





**The field inspection of Ooty lake, The Nilgris District by the Deputy Conservator of Forests, Tamil Nadu State Wetland Authority on 07.06.2024**  
**inspection notes – Regarding.**

I have inspected the Ooty lake in the Nilgris District accompanied by the Range Officer and Range staff, wherein construction activities were undertaken by the Salem Division, Southern Railways:



Construction activities by Salem Division, Southern Railways

It has been observed that, the land in the site of the Ooty Railways station where the parking lot was constructed has been cleared and concrete slabs have been placed for formation of parking lot and based on the letter of the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority Ref. No. TNSWA2/418/2023 dated 06.12.2023, the construction activities undertaken by the Salem Division, Southern Railways have been stopped at the time of inspection.

Deputy Conservator of Forests  
(Wetland)

Office of the Principal Chief Conservator of  
Forests and Member Secretary  
Tamil Nadu State Wetland Authority

Copy submitted to the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority, Chennai for kind information.

Copy to the District Forest Officer, Nilgiris Forest Division, Uthagamandalam.

**TAMILNADU FOREST DEPARTMENT**

From  
Thiru.S.Gowtham, I.F.S.,  
District Forest Officer,  
Nilgiris Forest Division,  
Udhagamandalam - 1.

To  
The Principal Chief Conservator of Forests  
and Member Secretary, Tamil Nadu State  
Wetland Authority,  
Saidapet, Chennai - 15

**Ref.No.8225 /2024/D1. Dated.13.08.2024**

Sir,

- Sub : Forests- Nilgiris Forest Division- District level Wetland Management Committee - Status report of construction of infrastructure for adventure activities carried out by TTDC in Ooty lake - present status submission- Regarding
- Ref : The Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority, Saidapet, Chennai. E-mail dated: 12.08.2024.

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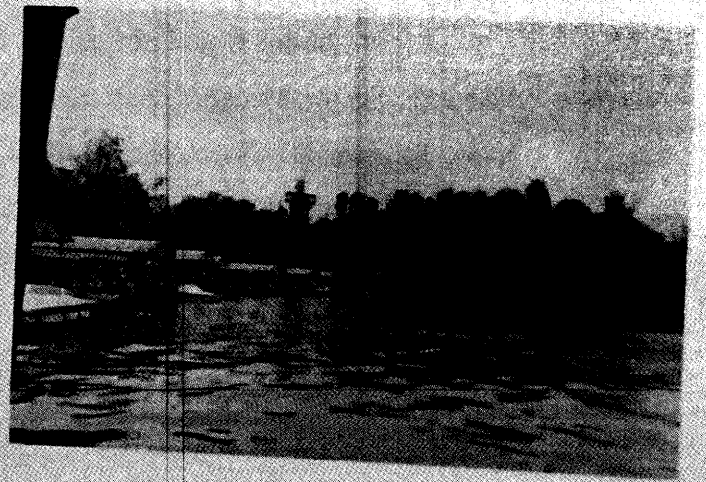
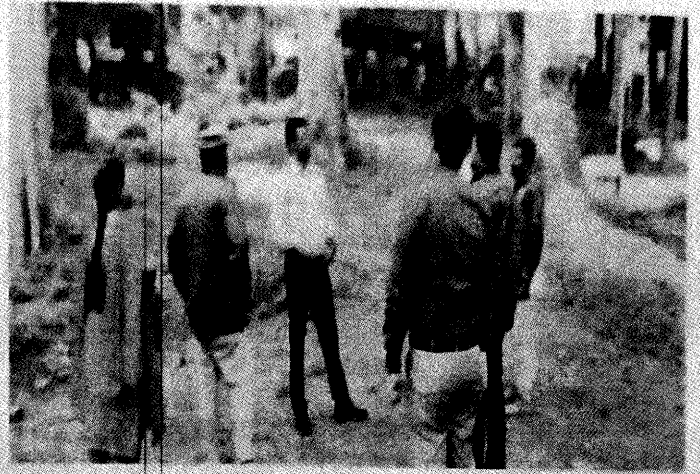
I submit that, in the reference cited above, the Principal Chief Conservator of Forests and Member Secretary of the Tamil Nadu State Wetland Authority, Chennai, has instructed to update on the current status of the infrastructure construction for adventure activities carried out by the Tamil Nadu Tourism Development Corporation Limited at Ooty Lake.

In this regard, the subject area was inspected by me, along with the Regional Manager, Senior Manager, Assistant Tourist Officer, Assistant Engineer from the Tamil Nadu Tourism Development Corporation Limited, and the Forest Range Officer of the Udhagai South Range on 13.08.2024. During the field inspection, we observed that the following infrastructure works for adventure activities had been carried out by the TTDC.

S.No	Name of Activity	Area in Sqm
1	Giant Swing	9.00
2	Zip line Staring Tower and Bungee jump	414.72
3	Zip line landing cum Zip cycle tower	46.40
4	Roller Coaster Zip line	13.97
5	Glamping Site	277.00
6	Rest area with Food Kisok (Ground and first floor)	658.33
7	Suspension Bridge	136.30

Furthermore, the aforementioned infrastructure activities are at a semi-finished stage. No further development work has been undertaken by the Tourism Development Corporation Limited, except for the ongoing wood house construction at the Glamping Site.

The photos of the same are enclosed herewith for your kind perusal.



Yours faithfully,  
Sd/-S.Gowtham  
District Forest Officer,  
Nilgiris Forest Division,  
Udhagamandalam.

Copy to District Collector, The Nilgiris, Udhagamandalam

Copy submitted to The Conservator of Forests and Field Director Mudumalai Tiger Reserve,  
Udhagamandalam.

True copy / by order.

*Sd/-S.Gowtham*  
15/12/2014  
Drafting Officer