

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 84 of 2024 (SZ)**

**In the matter of:**

Tribunal on its own motion  
SUO MOTU based on the News  
Item in www.birdcount.in dt: 16.12.2023 titled,  
“ Coimbatore’s Perur lake : From Bird Sanctuary  
to a fish farm?”

... Applicant(s)

Versus

Water Resources Department and Ors.

... Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**DATE:17.09.2024**

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, CHENNAI**

Original Application No: 84 of 2024(SZ)

**IN THE MATTER OF:**

Tribunal on its own motion SUO MOTU  
Based on the News Item in the News item appearing in  
www.birdcount in dated:16.12.2023 entitled "Coimbatore's  
Perur Lake : From Bird Sanctuary to a fish farm"

With

The Executive Engineer,WRD.  
Bhavanisagar Dam Division,  
Bhavanisagar – 638 451.  
Erode District.  
Tamil Nadu.

.... Respondent

Report Filed by 1st Respondent - Water Resource Department.

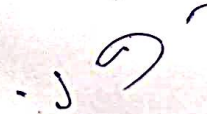
I K.Arulalagan, 56 years son of Kandhasamy, now working as Executive Engineer, WRD. Bhavanisagar Dam Division, Bhavanisagar. I am competent to and duly authorized to represent the division. I know the facts and circumstances of the case. The factual submissions made here under are true and correct to the best of my knowledge, information and belief. In the circumstances, it is just and necessary that this Hon'ble Tribunal may be pleased to accept the accompanying report on file and it is so humbly prayed in the interests of justice in this case.

1. I may humbly submit the Perur Big Tank in Perur Taluk of Coimbatore District is one among Noyyal River system tanks. This tank under the control of Water Resources Department. The water spread area of the Tank is 1.072 sq.km holding a capacity of 51.94 mcft. Storage depth is 4.51 m. The tank almost filled upto 40 – 60 percent annually. During 2023 the tank filled upto 50 percent. The Tank remained dry during 2016-17 since drought occurred.
2. I may humbly submit the Government of Tamil Nadu in its order G.O.No.50 Industries (mmc1) dated:27.04.2017 permitted the farmers

  
Executive Engineer, WRD.,  
Bhavanisagar Dam Division  
Bhavanisagar

depending on their cultivable area to take the silt which were sedimented in the tank beds. This helps in restoring the original capacity of the tank. No. sand mining were carried out. Construction made by Perur Town Panchayat in the water spread area of the tank at channel entry point have been completed removed and restored in original position.

3. I may respectfully submit the road was formed over the tank bund and upgraded along the boundary after removal of the encroachments. No encroachments are present now and the road is in use for public traffic. Further retaining wall constructed by the Perur Town Panchayat which protects the tank bund and the road thereby not affecting the water spread area and capacity. The tank holds water to its original capacity thereby enhancing ground water recharge. The tank bund have been strengthened with protection walls and road cover. The improvement works carried out leads to full water holding capacity of the tank not affecting the ecology of the tank.
4. I may respectfully submit the District Forest Officer, Coimbatore Division, Coimbatore Letter No.C.No.D2/2206/2020, dated:23.01.2024. The Government has constituted the "District Level Wetland Management Committee (DLWMC)" in all districts of Tamil Nadu for conservation and management of wetlands is under the Chairmanship of the District Collector. In this connection the Salim Ali Centre for Ornithology and Natural History (SACON) has identified 6 prioritized wetlands (including Perur Kulam) in Coimbatore District for issuing notification under wetlands (Conservation and Management) Rules 2017.
5. Further, I may humbly submit the District Level Wetland Management Committee (DLWMC) meeting was conducted on various dates i.e., 11.02.2020, 21.12.2021 and 23.06.2022 for identification of water bodies to be notified under Wetlands (Conservation and Management) Rules 2017. In this meeting, 16 water bodies (including Perur Kulam) has been selected for issuance of notification under Wetlands (Conservation and Management) Rules 2017 and the subcommittee also has been constituted with the concerned officials namely 1.

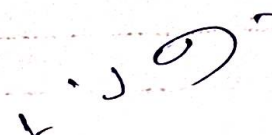
  
 Executive Engineer, WRD.,  
 Bhavanisagar Dam Division  
 Bhavanisagar

Assistant Engineer,WRD 2.Deputy Commissioner, City Corporation, Coimbatore 3. Concerned Tahsildars and 4.Concerned Forest Range Officers, for studying the pre-existing rights and privileges of the adjacent habitations and their dependency on the water body. The above work is under process. Once the proposal is finalized, it will be submitted to the Government by the above said Committee (DLWMC). Only after issuance of final notification under Wetlands (Conservation and Management) Rules 2017, the wetland rules and regulations will be applicable in the Perur Lake (Perur Kulam)

6. I may humbly submit that the Perur Big Tank have not been declared as Bird Sanctuary Wetland by Government of Tamil Nadu. At present the ecology for tank maintained in good manner and receiving more number of birds.

It is therefore humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass appropriate orders as this Hone'ble Tribunal may deem fit and proper in this case and thus render justice.

Dated this the 4<sup>th</sup> September 2024.

  
Executive Engineer,WRD  
Bhavanisagar Dam Division,  
Bhavanisagar-638 451.  
Erode District. Tamil Nadu.



**ABSTRACT**

Industries - Mines and Quarries – Minor Minerals – Amendment to Rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Minerals Concession Rules, 1959 - Notification – Issued.

**Industries (MMC.1) Department**

**G.O. (Ms) No. 50**

**Dated: 27.04.2017**

ஹேவிளம்பி, சித்திரை -14,  
திருவள்ளூர் ஆண்டு -2048

**Read:**

1. G.O.(Ms.) No.233, Industries (MMC.2) Department, dated 23.09.2015.
2. From the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board, Letter Rc.No.8198/V2(3)/2016, dated 09.07.2016 and 20.01.2017.
3. From the Commissioner of Geology and Mining, Letter No.7925/ LC/ 2016, dated 28.12.2016, 18.4.2017, 21.4.2017, 24.4.2017 and 27.4.2017.

\*\*\*

**ORDER:**

In the letters third read above, the Commissioner of Geology and Mining has stated that the Chief Executive Officer, Tamil Nadu Khadi and Village Industries Board in his letter second read above has submitted that as per rule 6(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, 800 cart loads of clay and sand or a mixture of both per annum is allowed to be quarried free for bona fide pot or brick making purposes by pottery and brick manufacturers from the premises of the village or neighbouring villages and that as per the new rules 41 and 42 introduced in Tamil Nadu Minor Mineral Concession Rules, 1959 vide G.O.Ms.No.79, Industries (MMC1) Department, dated 06.04.2015, Rule 6 grantees have to remove the mineral only after getting the Environmental Clearance and hence, he has requested to provide exemption for obtaining Environment Clearance for the potters.

2. The Commissioner of Geology and Mining has further stated that the Government of India, Ministry of Environment, Forest and Climate Change vide Notification S.O.No.141(E), dated 15.1.2016 have already granted exemption for ordinary sand and clay from the purview of District Environmental Impact Assessment Authority which has virtually neutralized or made redundant rule 6 and rules 41 & 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959.

3. Further, the Commissioner of Geology and Mining has stated that in the letter dated 20.4.2017, the Engineering in-Chief, Water Resources Department & Chief Engineer (General), Public Works Department has stated that de-silting the water bodies in order to increase the storage capacity is one of the mission envisaged during the launching of the Kudimaramathu works of the irrigation tanks and channels in Tamil Nadu during March, 2017. At present, storage in the tanks and reservoirs are only 10% of their original capacity and the water holding capacity have diminished by about 20% on an average due to silting up over the years. The silt deposited in the water bodies are rich in nutrients and can be applied as a good natural manure to the agricultural fields by the farmers. Hence, allowing the farmers to take earth from the beds of tanks and reservoirs freely to the requirement for the fields would be beneficial to them and also the restoration of the lost capacities of the water bodies can also be achieved indirectly. Thus, the Engineering in-Chief, WRD & Chief Engineer (General) Public Works

Department has suggested for modifying the rule 12(2) of Tamil Nadu Minor Mineral Concession Rules 1959.

4. The Commissioner of Geology and Mining has further stated that in the meeting convened on 24.4.2017, the matter was discussed by the Principal Secretary of Industries Department with the concerned departments.

5. Based on the outcome of the discussion, the Commissioner of Geology and Mining has sent a proposal to the Government for amending Rule 12 (2) and 12(2-A)(a) of Tamil Nadu Minor Mineral Concession Rules, 1959.

6. The Government have examined the above amendment proposal of the Commissioner of Geology and Mining and have decided to amend rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Mineral Concession Rules, 1959 and ordered accordingly. Further, the Government order that for desilting of tanks, reservoirs and other water bodies in Chennai, Tiruvallur and Kancheepuram Districts, concerned departments (PWD and RD&PR) will issue appropriate instructions not to operationalize the above amendments to these districts.

7. The Notification appended to this Order will be published in the Tamil Nadu Government Gazette Extraordinary. The Works Manager, Government Central Press, Chennai-79 is requested to supply 25 copies of the Notification to this department, Commissioner of Geology and Mining, Chennai-32 and to all District Collectors.

8. The Director, Tamil Development and Information (Translation) Department is requested to send the Tamil Translation of the Notification appended to this Order to the Works Manager, Government Central Press, Chennai-79 for publishing in the Tamil Nadu Government Gazette and to the Collectors of all Districts for publishing it in the District Gazettes immediately.

(BY ORDER OF THE GOVERNOR)

**ATULYA MISRA**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Works Manager,

Government Central Press, Chennai-79.

The Director,

Tamil Development & Information (Translation) Department, Chennai-9.

The Additional Chief Secretary to Government,

Rural Development & Panchayat Raj Department, Chennai-9.

The Principal Secretary to Government, Public Works Department, Chennai-9.

The Principal Secretary to Government, HHT&K Department, Chennai-9.

The Agriculture Production Commissioner/Principal

Secretary to Government, Agriculture Department, Chennai-9.

The Commissioner of Geology and Mining, Guindy, Chennai-32.

The Chief Executive Officer, Khadi and Village Industries Board, Chennai-108.

All District Collectors.

The Accountant General, Chennai-18.

Copy to:

O/o. Hon'ble Minister (Industries), Chennai-9.

The Law Department, Chennai-9.

All Sections in Mining Wing, Industries Department, Chennai-9.

The Industries (OP.II) Department, Chennai-9.

SF/SCs.

// Forwarded / By order //

*A. Uf. Misra*  
Under Secretary to Government  
27/4/17

**APPENDIX**  
**NOTIFICATION**

In exercise of the powers conferred by sub-sections (1) and (1-A) of section 15 of the Mines and Minerals (Development and Regulations) Act, 1957 (Central Act 67 of 1957), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Minor Mineral Concession Rules, 1959, namely:-

**AMENDMENT**

In the said Rules, in rule 12, --

(1) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(2) (a) Notwithstanding anything contained in these rules, for quarrying clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs in the State (except Chennai, Kancheepuram and Tiruvallur Districts) under the control of Public Works Department or Rural Development and Panchayat Raj Department, the Executive Engineer, Public Works Department or the Executive Engineer of the Rural Development and Panchayat Raj Department, as the case may be, shall prepare the list of tanks, channels and reservoirs and submit their proposal to the District Collector for removal of clay, silt, savudu and gravel from the beds of tanks, channels and reservoirs with demarcation of eligible areas and the estimation of quantum of such mineral to be removed in respect of each area along with the conditions to be stipulated for removal of such mineral from the tanks, channels and reservoirs. The District Collector shall notify the said list in the District Gazette.

(b) Any person engaged in the making of pots or any registered Pottery Labourers Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) for making pots, the public for bonafide domestic purpose and the farmers for agriculture purpose be allowed to quarry clay, silt, savudu and gravel, on free of charges from the beds of tanks, channels and reservoirs under the control of the Public Works Department or Rural Development and Panchayat Raj Department which are notified by the District Collector in the *District Gazette* under this rule after obtaining permission from the District Collector for quarrying:

Provided that the dwelling place or agricultural land of the person concerned and the quarrying place shall be in the same revenue village or in the adjoining revenue village. For removal of the above said minerals by any person for agricultural purpose shall produce a certificate issued by the Village Administrative Officer to the effect that they are holding lands in their name or a cultivating tenant as per Adangal Register:

Provided further that the quantity of silt and clay proposed to be removed for agricultural purpose from the beds of tanks, channels and reservoirs shall not exceed 75 Cubic meters per acre (185 Cubic meters per Hectare) for wet lands and a quantum not exceeding 90 Cubic meters per acre (222 Cubic meters per Hectare) for dry lands once in two years. The quantity of earth, savudu and gravel proposed to be removed for other domestic purposes shall not exceed 30 cubic meters. The quantity of clay proposed to be removed for making pots shall not exceed 60 cubic metres:

Provided also that prior permission shall be obtained from the District Collector for removal of such quantity of minerals from the tanks, channels and reservoirs and the period of permission shall not exceed 20 days :

Provided also that quarrying shall be permitted only in the area demarcated by the Public Works Department or Rural Development and Panchayat Raj Department, as the case may be, and the minerals shall be loaded in the vehicles brought by the applicant by the Public Works Department or Rural Development and Panchayat Raj Department, as the case may be.



**TAMIL NADU FOREST DEPARTMENT**

From.  
Thiru.N.Jayaraj., I.F.S.,  
District Forest Officer,  
Coimbatore Division,  
Coimbatore – 641 043.

To,  
The District Collector,  
Coimbatore District,  
Coimbatore.

**C. No.: D2/2206/2020 dated: 23.01.2024**

Sir

Subject; National Green Tribunal (Principal Bench) – O.A.No.104/2023 – Perur Taluk – Suo Motu matter – News item appearing in [www.birdcount.in](http://www.birdcount.in) dated 16.12.2023 – “Coimbatore’s Perur lake: From Bird Sanctuary to a fish farm” – Regarding.

Ref: 1. G.O.(Ms). No. 132 Environment and Forests (FR.5) Department, dated 13.11.2019.  
2. The - District Collector, Coimbatore Ref. No. E1722090/2023-D1, dated 23.01.2024.

With reference to the above, I wish to inform that, the Government has constituted the “District Level Wetland Management Committee (DLWMC)” in all districts of Tamil Nadu for conservation and Management of Wetlands is under the Chairmanship of the District Collector. In this connection the Salim Ali Centre for Ornithology and Natural History (SACON) has identified 6 prioritized wetlands (including Perur Kulam) in Coimbatore District for issuing notification under Wetlands (Conservation and Management) Rules 2017.

Further, the District Level Wetland Management Committee (DLWMC) meeting was conducted on various dates ie., 11.02.2020, 21.12.2021 and 23.06.2022 for identification of water bodies to be notified under Wetlands (Conservation and Management) Rules 2017. In this meeting, 16 water bodies (including Perur Kulam) has been selected for issuance of notification under Wetlands (Conservation and Management) Rules 2017 and the subcommittee also has been constituted with the concerned officials namely 1.Assistant Engineer, WRD, 2.Deputy Commissioner, City Corporation, Coimbatore. 3. Concerned

Tahsildars and 4. concerned Forest Range Officers, for studying the pre-existing rights and privileges of the adjacent habitations and their dependency on the water body. The above work is under process. Once the proposal is finalized, it will be submitted to the Government by the above said Committee (DLWMC). Only after issuance of final notification under Wetlands (Conservation and Management) Rules 2017, the wetland rules and regulations will be applicable in the Perur Lake (Perur Kulam).

Hence, it is submitted that, the proposal for issuing notification under Wetlands (Conservation and Management) Rules 2017 is under process and presently the ownership of the lake is with the Water Resource Department. Therefore, the report from the Water Resource Department may be obtained regarding the activities of the sand mining and building of containment wall as mentioned in the article dated 16.12.2023 "Coimbatore's Perur lake: From Bird Sanctuary to a fish farm" to appear before the Hon'ble National Green Tribunal (Principal Bench) as the jurisdiction is not with the Forest Department.

Yours Sincerely  
Sd/-N.Jayaraj  
District Forest Officer,  
Coimbatore Forest Division,  
Coimbatore.

//True Copy / By Order//

*[Signature]*  
for Superintendent

PRESENT STAGE OF PERUR TANK



04

Sep 2024  
Wednesday  
11:18 AM

103/128, Perur, Coimbatore, Tamil Nadu 641008, India,

Lat: 10.974551, Long: 76.925814

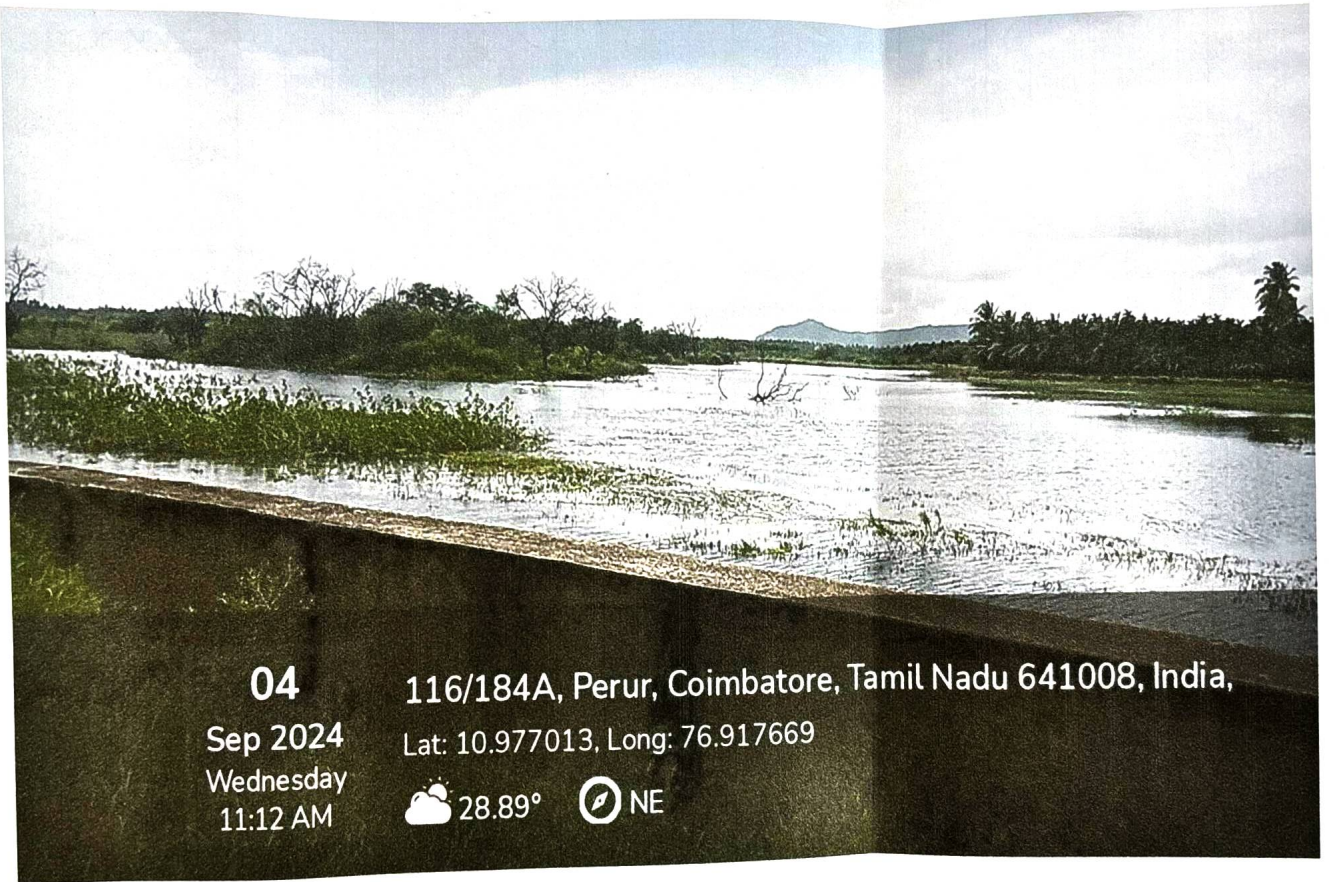




28.91°



NE

PRESENT STAGE OF PERUR TANK.



**04** 116/184A, Perur, Coimbatore, Tamil Nadu 641008, India,  
Sep 2024 Lat: 10.977013, Long: 76.917669  
Wednesday  
11:12 AM  28.89°  NE