

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

Original Application No. 85 of 2024 (SZ)

In

Earlier O.A. No. 68 of 2024 (PB)

IN THE MATTER OF:

Tribunal on its own motion **SUO MOTU**
based on the news item in The New Indian
Express dt: 28.12.2023 titled, "**Salt**
– Pan encroachments in rivers caused
flood: Vilathikulam residents".

And

Environment and Forest Department,
Govt. of Tamil Nadu,
Rep by its Principal Secretary and ors.

...Respondent(s)

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**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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REPORT FILED ON BEHALF OF THE SECOND RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, S.V.Kalaivani, D/o. N. Suyambu, aged about 38 years having office at District Environmental Engineer, Tamil Nadu Pollution Control Board, C7 & C9, SIPCOT Industrial Complex, Meelavittan, Thoothukudi – 628 008 do hereby solemnly affirms and sincerely states as follows

1. I am the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi District and I am authorized to file this Report on behalf of the second respondent herein and as such I am well conversant with the facts and circumstances of this case.


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2. It is respectfully submitted that the Hon'ble National Green Tribunal (Principal Bench), New Delhi took suo motto cognizance of the issue on the basis of the news item titled "**Salt-pan encroachments in rivers caused flood: Vilathikulam residents**" appearing in the 'Express News Service' dated 28.12.2023. As per the said news report, residents of the village had witnessed a massive flooding in their area due to establishment of illegal salt pans encroaching the branches of Vaippar river and forest streams. As per the report, the flood triggered by continuous rain coupled with breach of tanks had washed away a bridge and adjoining road for 150 meters between Vepalodai and Kulathur and another narrow low-lying bridge at Palarpatti near Pattinamaruthur. As per the opinion expressed, the cause for flood and subsequent damage was due to unscrupulous encroachment of rivers, streams and tanks by salt pan owners. The report discloses that atleast 5,000 acres of salt pans have encroached the water bodies and that Kallar River flowing through Periyasampuram village has been converted into salt pans and the river course has been reduced to a small canal on the patta land for draining the waste water from salt pans. The Hon'ble Tribunal impleaded the 2nd respondent through its Member Secretary and issued notice to file its response before the concerned Bench of the Tribunal and adjourned the matter by a week. Subsequently OA. No 68 of 2024 (PB) was renumbered as OA. No 85 of 2024 (SZ).
3. It is respectfully submitted that in compliance to the order of the National Green Tribunal (SZ) the said localities were inspected on 04.05.2024 by DEE, Thoothukudi and it was noticed that the


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Vaippar River is surrounded by salt pans on either side. Also, the Kallar River flowing through the periyasamipuram village is surrounded by lot of salt pans which stretches up to E-Velayuthapuram. But the ownership details of the salt pans could n't be ascertained so as to identify the encroachments.

4. At this juncture, it is submitted that the Hon'ble Madurai Bench of Madras High Court in a similar case filed by M/s. Marithai Salt Works vide W.P (MD). No. 21909/2023 has ordered that revenue authorities are obliged to take consequential action under the Tamil Nadu Land Encroachment Act, 1905. Further, it is submitted that M/s. Marithai Salt Works has filed the Writ Petition before the Hon'ble Madurai Bench of Madras High Court against the President, Keelavaipar Panchayat, Thoothukudi District and 2 others with the following prayer.

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order in Keezha/2023 on the file of the 1st respondent dated 30.08.2023 and quash the same as illegal and arbitrary.”

Whereas, the TNPCB is not a respondent in the Writ Petition stated above.

Further, the Hon'ble Madurai Bench of Madras High Court has disposed of the writ petition stating the following in para 2 & 3:

“Para 2: The petitioner challenges the communication notice issued by the President of the local body under Section 131 of the Tamil Nadu Panchayats Act, 1994. It is well settled that the


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executive officer of the panchayat cannot on his own physically remove any encroachment. He has to necessarily submit proposal to the revenue authorities and the revenue authorities are obliged to follow procedure set out in Tamil Nadu Land Encroachment Act, 1905.

Para 3 : As and when, the first respondent places any proposal under Section 131 of the Tamil Nadu Panchayats Act, 1994 before the third respondent, the third respondent is obliged to take consequential action under the Tamil Nadu Land Encroachment Act, 1905.”

5. In view of the above, it is respectfully submitted that a letter has been addressed to the Tahsildar, Vilathikulam vide Letter No. DEE/TNPCB/TTN/C.No.0284/Salt Pan/ 2024 dated: 03.05.2024 by DEE, Thoothukudi requesting to furnish the action taken details, if any against the encroachments of water bodies by the salt pan owners in the locality whereas, no reply has been received yet in this office.

Subsequently, a reminder letter has been addressed to the Tahsildar, Vilathikulam vide Letter No. DEE/TNPCB/TTN/C.No.0284/Salt Pan/ 2024-1 dated: 30.09.2024 by DEE, Thoothukudi requesting to furnish the action taken details so as to submit to the Hon'ble court. The action taken details are yet to be received.


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Therefore, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order or further order or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


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VERIFICATION

I, S.V.Kalaivani, D/o. N. Suyambu, working as District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi District do hereby verify that the contents of above reply are true to the best of my knowledge through records.


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**REPORT FILED ON BEHALF OF THE
SECOND RESPONDENT TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru:S.Sai Sathya Jith
Advocate, Chennai

Date: 28.11.2024

Next date of hearing: 22.01.2025