

**BEFORE THE 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  
Dated 07.09.2020

.....Applicant(s)

-Vs-

The Secretary to Government of Tamil Nadu  
Department of Environment  
Govt. Secretariat, Fort St.George,  
Chennai, Tamil Nadu-600009  
Phone:044-25671511  
Email:forsec@tn.gov.in and 7 others

.....Respondent(s)

**TYPED SET OF PAPERS FILED BY THE 6<sup>th</sup> RESPONDENT**

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It is certified that the above documents are true copies of their originals

Dated of \_\_\_\_\_ on the \_\_\_\_\_ day of April 2021

  
**Government Standing Counsel**

PROCEEDINGS OF THE MEMBER SECRETARY,  
TAMIL NADU STATE COASTAL ZONE MANAGEMENT AUTHORITY  
& DIRECTOR OF ENVIRONMENT, CHENNAI 600 015  
PRESENT: DR. JAYANTHI.M., I.F.S.

Proc.No.P1/1741/2019 dated 31.10.2019

Sub: CRZ - Proposed establishment of Eco-Conservation Activities in the existing estuarine fish farm at Manakudy, Agastheeswaram Taluk, Kanyakumari district by Assistant Director of Fisheries, Nagercoil - Requested Clearance under CRZ Notification, 2011 - Clearance under CRZ Notification 2011 - Orders issued.

- Read: 1) Letter from DEE, TNPCB, Nagercoil in letter No.F.CRZ-09 (280)/19 dated 28.06.2019.
- 2) From the Assistant Director of Fisheries, Nagercoil 629 001 Ir. No. 4127/A2/2014 dated 24.09.2019.
- 3) Minutes of the 107<sup>th</sup> meeting of the Tamil Nadu State Coastal Zone Management Authority held on 26.09.2019.
- 4) Letter from the Director of Fisheries, Chennai.35 in letter No.549/TPIU/2019 dated 21.10.2019
- 5) Letter from the Chief Engineer, Fisheries Department, Chennai.35 in letter No. DB/F.1214/2019 dated 29.10.2019

ORDER:

The District Coastal Zone Management Authority, Kanyakumari district have forwarded a proposal for the Establishment of Eco-restoration Park in the existing fish farm at Manakudy, Agastheeswaram Taluk, Kanyakumari district proposed by the Fisheries Department for Clearance under CRZ Notification 2011.

2) As per the application the proposed site is situated in R.S. No. 807 in South Thamarakulam revenue village at an extent of 15 acres. Under the proposal, the Fisheries Department have proposed to undertake the following major works besides some allied activities:

- i. Landscaping at 850 sq.mts.
- ii. Construction of Interpretation Centre.
- iii. Conservation of Mangroves.
- iv. Conservation of existing Pond.

.2.

- v. Construction of Bridge having 12 metre Vent size (Two Bay) for connecting the tow ponds.
- vi. Retaining Block for strengthening the bund at river side.
- vii. Concrete paver block along the road side berms between the bunds of ponds and road and the bunds and road side will be protected using concrete walls.
- viii. Deepening and strengthening the bund to increase water holding capacity
- ix. Energy conservation through solar power - providing 30 Nos. illumination lights.
- x. Walking Track over the bund for maintenance of the pond.
- xi. Fencing arrangements
- xii. Boat Jetty of 30 mts length.

3) As per the approved Coastal Zone Management Plan of Tamil Nadu under the CRZ Notification 2011, the Part of the Project Area is falling in CRZ-IA (Ecological Sensitive Area) due to the presence of Mangroves and another part of the Project Area is falling in the inter tidal zone CRZ-IB categorization.

4) Vide para 8 (i) I CRZ - I, no new construction is allowed in CRZ-IA Ecologically sensitive area. Further vide para 8 (i) CRZ-I B, inter tidal zone, in the Non-ecological sensitive area, construction of roads, jetties, erosion control measures may be carried out.

5) As such, the Authority, resolved to Clear the proposal subject to the following specific conditions:

- a) The existing features of the project site should be conserved as a Eco-nature park and should not be converted/ used for the recreational or entertainment activities.
- b) No activity shall be carried out in CRZ - I- Eco-sensitive area and in the 50 mts buffer zone around the Mangrove area except activities directly relate to the Conservation of Mangroves.
- c) The Project Proponent should not construct any new concrete structures such as Boat Jetty, Bridge, laying of Paver Block, constructing of Concrete Walls, Walking Track, interpretation Centre, in CRZ-I A and CRZ-IB areas.
- d) Landscaping is not allowed in CRZ area. Planting of native species may be done in consultation with Forest Department in CRZ area.
- e) No drawal of ground water in CRZ area.
- f) Deepening of pond and excavation of sand / dredging should not be carried out.

- g) Live fencing is only allowed.
- h) New Road should not be formed. The existing road may be strengthened.
- i) The walkway for maintenance of pond should be made with natural stones and the walkway should not be allowed for public utilities/ entertainment/ recreational activities.
- j) Strengthening of bund shall be carried out without putting concrete walls / retaining walls.
- k) Wooden bridge may be constructed, if necessary, but without affecting free flow of water.
- l) Food court, canteen, restaurant and the like are not allowed in CRZ area
- m) Dressing shall not be carried out for proving Car Parking.
- n) Existing boat jetty may be strengthened / repaired without any expansion

6) The Authority also resolved to permit the Member Secretary, TNSCZMA to issue Clearance for the Project only after obtaining, due consent from the Project Proponent for the above specific conditions and also duly obtaining a HTL map of 1:4000 scale of approved CZMP map, from an authorized agency, duly superimposing the permissible activities to be carried out in the Project area.

7) The project proponent has submitted the HTL Demarcation map duly superimposing the project features and assured to accepted conditions mentioned in the para 5 above, vide reference 4<sup>th</sup> and 5<sup>th</sup> cited.

8) Accordingly, as resolved in the 107<sup>th</sup> meeting of the Tamil Nadu State Coastal Zone Management Authority held on 26.09.2019, Clearance is hereby issued under para 3(iv)(a)(c), 4(i)(a), 8(i) I CRZ-I (ii)(g) of the CRZ Notification 2011 for the above project, subject to the following specific conditions.

- a) The existing features of the project site should be conserved as a Eco-nature park and should not be converted/ used for the recreational or entertainment activities.
- b) No activity shall be carried out in CRZ - I- Eco-sensitive area and in the 50 mts buffer zone around the Mangrove area except activities directly relate to the Conservation of Mangroves.
- c) The Project Proponent should not construct any new concrete structures such as Boat Jetty, Bridge, laying of Paver Block, constructing of Concrete Walls, Walking Track, interpretation Centre, in CRZ-I A and CRZ-IB areas.
- d) Landscaping is not allowed in CRZ area. Planting of native species may be done in consultation with Forest Department in CRZ area.

4.

- e) No drawal of ground water in CRZ area.
- f) Deepening of pond and excavation of sand / dredging should not be carried out.
- g) Live fencing is only allowed.
- h) New Road should not be formed. The existing road may be strengthened.
- i) The walkway for maintenance of pond should be made with natural stones and the walkway should not be allowed for public utilities/ entertainment/ recreational activities.
- j) Strengthening of bund shall be carried out without putting concrete walls / retaining walls.
- k) Bridge may be constructed, if necessary, but without affecting free flow of water and shall be constructed only outside CRZ-IA Eco sensitive area.
- l) Food court, canteen, restaurant and the like are not allowed in CRZ area.
- m) Dressing shall not be carried out for proving Car Parking.
- n) Existing boat jetty may be strengthened / repaired without any expansion.

Sd/- Jayanthi.M.,

Member Secretary,  
Tamil Nadu State Coastal Zone Management Authority  
& Director of Environment

To

The Assistant Director of Fisheries, Distillery Road, Vadasery, Nagercoil - 629 001.

Copy to

1. The Commissioner of Fisheries, Nandhanam, Chennai 600 035.
2. The District Environmental Engineer / Convener - DCZMA,  
Tamil Nadu Pollution Control Board, No.318/46A, Water Tank Road,  
Nagercoil - 629 001.

/forwarded by order/

J. Pa. Lian  
4/11/2015  
For Director of Environment

**INSPECTION NOTE ON THE COMPLIANCE OF CONDITIONS ISSUED IN THE ENVIRONMENTAL CLEARANCE FOR THE ESTABLISHMENT OF ECO-CONSERVATION PARK IN THE EXISTING ESTUARINE FISH FARM AT R.S.NO.807 (P), SOUTH THAMARAIKULAM VILLAGE, MANAKUDY, AGASTHEESWARAM TALUK, KANYAKUMARI DISTRICT.**

Application for Environmental Clearance under CRZ Notification 2011, for the Establishment of Eco-conservation Park in the existing estuarine Fish Farm at R.S.No.807 (P), South Thamaraiikulam Village, Manakudy, Agastheeswaram Taluk, Kanyakumari District was received from the Assistant Director, Fisheries Department, Nagercoil to the District Coastal Zone Management Authority, Nagercoil. The subject was placed before the 83<sup>rd</sup> District Coastal Zone Management Committee meeting and the committee recommended for Environmental Clearance under CRZ Notification 2011, to State Coastal Zone Management Authority, Chennai.

The SCZMA issued Environmental Clearance for the Establishment of Eco-conservation Park in the existing Estuarine Fish Farm at R.S.No. 807(P), South Thamaraiikulam Village, Manakudy, Agastheeswaram Taluk, Kanyakumari District vide Proceedings No.P1/1741/2019, dated 31.10.2019 subject to the following conditions:

1. The existing features of the project site should be conserved as a Eco-nature park and should not be converted / used for the recreational or entertainment activities.
2. No activity shall be carried out in CRZ - I Eco-sensitive area and in the 50 mts. buffer zone around the Mangrove area except activities directly relate to the Conservation of Mangroves.
3. The Project proponent should not construct any new concrete structures such as Boat Jetty, Bridge, Laying of Paver Block, constructing of Concrete Walls, Walking Track, interpretation Centre, in CRZ-I A and CRZ -I B areas
4. Landscaping is not allowed in CRZ area, Planting of native species may be done in consultation with Forest Department in CRZ area.
5. No drawal of ground water in CRZ area.
6. Deepening of pond and excavation of sand / dredging should not be carried out.
7. Live fencing is only allowed.
8. New Road should not be formed. The existing road may be strengthened

9. The walkway for maintenance of pond should be made with natural stones and the walkway should not be allowed for public utilities / entertainment / recreational activities.
10. Strengthening of bund shall be carried out without putting concrete walls / retaining walls.
11. Bridge may be constructed if necessary, but without affecting free flow of water and shall be constructed only outside CRZ I A Eco sensitive area.
12. Food Court, Canteen, Restaurant and the like are not allowed in CRZ area.
13. Dressing shall not be carried out for providing Car parking.
14. Existing boat jetty may be strengthened / repaired without any expansion.

In the meantime a complaint was received regarding dumping of soil, damaging in the existing mangroves etc. during the execution of the project and as desired by the District Collector, Nagercoil, the following members of DCZMA – Kanyakumari District made an inspection at the said site on 15.02.2020:

- i) District Environmental Engineer, TNPCB, Nagercoil.
- ii) Deputy Director, Town and Country Planning, Tirunelveli.
- iii) Forest Ranger, Boothapandy Range (representative of District Forest Officer, Nagercoil).
- iv) Inspector of Fisheries, Fisheries Department, Nagercoil (representative of Assistant Director, Fisheries Department, Nagercoil)

During the inspection, the following officials are also present.

- i) Executive Engineer, Fishing Harbour Project Division, Fisheries Department, Nagercoil
- ii) Zonal Deputy Tahsildar, Agastheeswaram Taluk, Nagercoil.

During inspection, the following observations are made:

- 1) The Establishment of Eco-conservation Park in the existing Estuarine Fish Farm at R.S.No.807 (P), South Thamaraiikulam Village, Manakudy, Agastheeswaram Taluk, Kanyakumari District is under process.

- 2) Mangroves, Pelican birds etc. are found in the estuarine ponds.
- 3) The earth filling of the embankments, the strengthening of the existing road berms of the site by the gravel is almost completed.
- 4) The other construction including construction of the bridge (culvert) is under process.
- 5) During the strengthening of embankments, it is observed that the mangroves are affected by the gravel soil in the South East and East portion of embankments of ponds (Northern pond).
- 6) The strengthening of the existing boat jetty for a length of 30 metres is completed.
- 7) It is observed that the project proponent has generally complied the conditions No.1 & 3 - 14 prescribed in Environmental Clearance issued vide Proc. No.P1/1741/2019, dated 31.10.2019. The Executive Engineer, Fishing Harbour Project Division, Fisheries Department, Nagercoil has furnished the compliance of Environmental Clearance conditions. (Copy enclosed)
- 8) The laying of embankments provided in the Eastern boundary (Both in Pond I and II i.e. South and Northern ponds) runs through the buffer zone as prescribed as CRZ IA and marked in the IRS Map of Anna University, Chennai and the strengthening of the existing roadside berms in the mangrove buffer zone for a length of about 100 meters, are in non-compliance of the condition No.2 prescribed in the Environmental Clearance which reads as follows:

"2. No activity shall be carried out in CRZ - I Eco-sensitive area and in the 50 mts. buffer zone around the Mangrove area except activities directly relate to the Conservation of Mangroves."

- 9) The Fisheries Department officials has informed the following:
  - a) The gravel from the nearby Tirunelveli District is received and used for the strengthening of embankments / roadside berms.
  - b) The present mangroves mentioned in the approved CRZ Map is manmade during the Post Tsunami period in 2004.

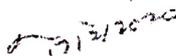
- e) The Prosopis along the roadside are removed / cleaned and so, the width of the road seems bigger and only lesser quantity of gravel is used for the strengthening of the roadside berms.
  - d) Rs.4.02 Lakhs is allocated for the conservation / re-plantation of mangroves in the project using fish bone method.
  - e) The bridge (culvert) is under construction which is away from the CRZ IA area as the same is to be completed early, as the construction of the same breaks the pedestrian pathway connectivity of the existing older road connecting Keezha Manakudy and Mela Manakudy residences.
  - f) The ponds receive surplus fresh water from the Thalaikulam channel, during the irrigation period.
  - g) The Fisheries Department has also confirmed that the salinity in the pond is around 5 ppt and the same is around 10 ppt in the backwaters of the Palayar River.
  - h) The Fisheries Department officials has expressed that ponds are under their possession since 1958's and the latest document with respect to the fish farming auction was carried in the year 2003 in Pre-Tsunami period.
9. The public of Keezha Manakudy has informed that the strengthening of the Eastern bund both in Northern and Southern ponds will ensure the stoppage of flow of water from both the pond towards the residences of the Keezha Manakudy Village during heavy monsoon period.

At this juncture, the following are submitted:

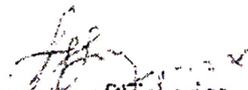
1. The Project proponent may be directed to remove the embankments provided on the Eastern Side of both ponds (Northern Pond and Southern Pond) which runs through the CRZ IA area (mangroves buffer zone)
2. The project proponent may also be directed to remove the gravel dumping for the strengthening of the roadside berms, and to restore the area in CRZ IA without any changes in the existing land use, land cover or topography etc.

3. The project proponent shall 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.
4. The project proponent has 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.
5. The project proponent has to provide red soil with alluvial soil for the turfing of the existing gravel embankments in the area not covered under CRZ IA.

  
District Environmental Engineer,  
TNPCB, Nagercoil

  
Deputy Director  
Town & Country Planning, (T/2)  
Tirunelveli.

  
17/02/2020  
Forest Ranger,  
Boothapandy Range,  
(Representative of DFO,  
Nagercoil)

  
Inspector of Fisheries,  
Fisheries Department  
(representative of Assistant  
Director, Fisheries Department,  
Nagercoil)

# Photos showing mangrove trees damaged and restoration planting

## Damaged Mangrove in Northern Pond



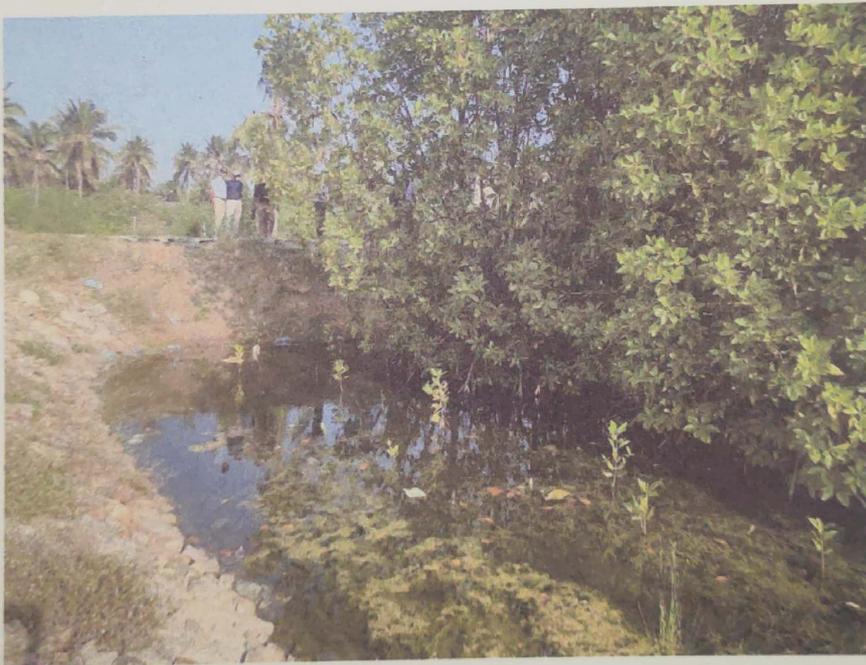
## Restoration by planting of Mangrove saplings in northern pond



**Damaged Mangrove in southern pond**



**Restoration by planting of Mangrove saplings in southern pond**



**Photos showing before and after execution of eco conservation park at Managudy**

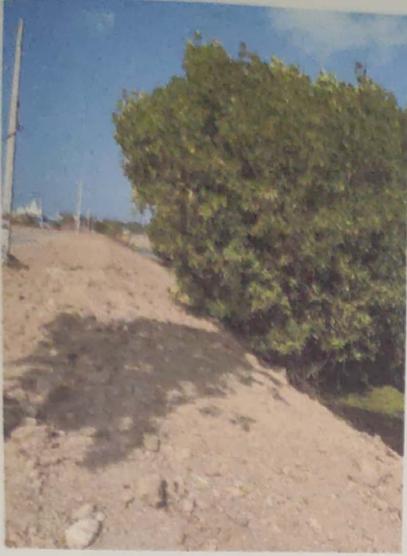
**Before**



**Now (paved with natural granite stones)**



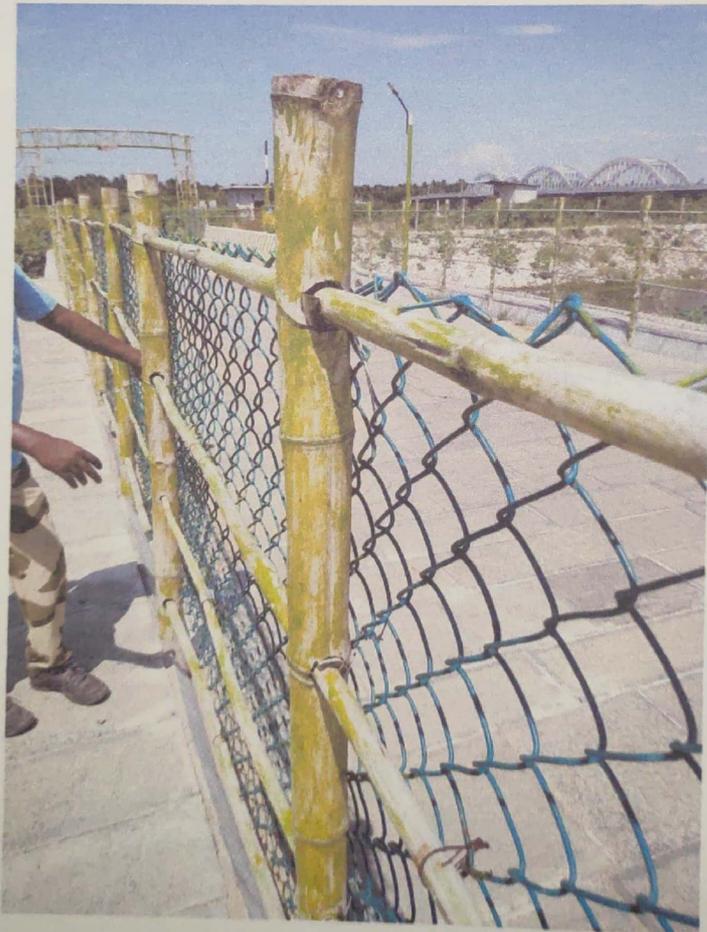
**Before**



**Now (Bund banks with rubble stones)**



**Fencing Using Natural material - Bamboo**



**Photo showing mangroves at present**  
**Mangroves at Northern Pond – At present**



**Mangroves at Southern Pond – At present**

