

**Edwin Jerome, M.A, M.L**

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September 12, 2020

►  
**To**  
**Secretary**  
**Ministry of Environment and Forest**  
**Department of Environment and**  
**Forest and wild life**  
**Paryavaran Bhavan**  
**Jor Bagh Road, New Delhi 110 003**  
**Email : Secy-moef@nic.in**

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Sir

Sub : OA No.172/2020 between

**Association of Deep Sea Going Artisanal Fishermen Vs. Union of India & Ors.**  
**At National Green Tribunal (SZ)**

Please take note that the above matter came before the Hon'ble National Green Tribunal (SZ) on 8-9-2020 through video conferencing.

The Honourable Tribunal has passed an order to serve notice to respondent.

The Honourable Tribunal passed an order to constitute a joint committee comprising of

- 1) the District Collector, Kanyakumari District, or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer, as designated by the District Collector,
  - 2) Senior officer from Ministry of Environment Forests and Climate and Change (MoEF & CC), Regional Office, Chennai,
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- 3) a Senior Officer from State Coastal Zone Management Authority, Chennai
- 4) The Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

The committee is directed to go in to the question as to

- a. whether there was any violation of any environmental laws and also if there is any damage caused to environment including river bed and surrounding area in the process of constructing the check dam in the river and if so, the committee is directed to assess the environmental compensation as well.
- b. The committee is also directed to go into the question regarding the impact on the livelihood of the local fisherman on account of the construction of dam in the river and
- c. if there is any damage caused to environment the committee is also directed to suggest the ways and means to restore the damage caused to the environment and who is responsible to carry out for the same as well.
- d. Ministry of Environment Forests and climate Change (MoEF & CC), Regional Office, Chennai will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.

I am enclosing herewith the order copy and Complete Set of Original Application along with documents.

Regards

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**Edwin Jerome, M.A., M.L**  
Counsel for the Applicant

Encl: As stated

**Item No.02:**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Original Application No. 172 of 2020 (SZ)**

*(Through Video Conference)*

**IN THE MATTER OF**

Association of Deep Sea going  
Artisanal Fishermen,  
Rep. by its Vice President,  
Mr. Selvoriyan.A,  
Kanyakumari District.

...Applicant(s)

**Versus**  
The Union of India and others.

...Respondent(s)

**Date of hearing: 08.09.2020.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN,  
JUDICIAL MEMBER**

**HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

**For Applicant(s):** Sri. Edwin Jerome

**For Respondent(s):** Sri. S.V. Vijay Prasanth,  
Special Government Pleader  
for R2 to R7.

## ORDER

1. The grievance in this application is regarding the proposed illegal construction of check dam at Tamiraparani River (Kuzhithuraiyaru) near Eraiyumanthurai of Kanyakumari District without getting necessary clearance from the State Coastal Zone Management Authority.
2. According to the applicant, if a check dam is constructed in the river, it is likely to affect the flow of water in the river and also adversely affect the flora and fauna which normally depend on the free flow of water in the river. This is also likely to affect the availability of the water to the people of the locality which they were using for irrigation and drinking purpose and this is also likely to affect the fisherman community, who are dependent on traditional fishing in the river for their livelihood.
3. On going through the allegations in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the issue permanently. So, the matter is admitted.

4. When the matter came up for hearing for admission today through Video Conference, Sri. Edwin Jerome represented the applicant. Sri. S.V. Vijay Prasanth, Special Government Pleader, represented for respondents 2 to 7.
5. Issue notice to respondent 1 by Registered post with acknowledgement due, email and also by dusthi if possible and produce proof of service on them by filing an affidavit before this Tribunal as per rules.
6. The applicant is also directed to serve copy of the application along with documents produced by him to the standing counsel appearing for respondents 2 to 7 within a week.
7. The applicant is also directed to submit necessary requisites before this Tribunal within a week along with necessary postal cover and postal stamps, so as to enable this Tribunal to send notice to all the respondents through Tribunal.
8. In order to ascertain the genuineness and real state of affairs and also the nature of violation said to have been committed in carrying out the construction of check dam in Tamiraparani river and also its impact on ecology, we

feel it appropriate to appoint a joint committee comprising of 1) the District Collector, Kanyakumari District, or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer, as designated by the District Collector, 2) Senior officer from Ministry of Environment Forests and Climate and Change (MoEF & CC), Regional Office, Chennai, 3) a Senior Officer from State Coastal Zone Management Authority, Chennai 4) The Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

9. The committee shall go in to the question as to whether there was any violation of any environmental laws and also if there is any damage caused to environment including river bed and surrounding area in the process of constructing the check dam in the river and if so, the committee is directed to assess the environmental compensation as well.

10. The committee is also directed to go into the question

regarding the impact on the livelihood of the local fisherman on account of the construction of dam in the river and if there is any damage caused to environment the committee is also directed to suggest the ways and means to restore the damage caused to the environment and who is responsible to carry out for the same as well.

11. Ministry of Environment Forests and climate Change (MoEF & CC), Regional Office, Chennai will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.
12. The applicant is also directed to serve a set of papers to the members of the committee within a week.
13. The committee is directed to submit the report to this Tribunal within a period of one month i.e., on or before 11.11.2020 by e-filing along with necessary hard copies to be produced as per rules.
14. The Registry is also directed to communicate this order to the members of the committee and also to the official respondents immediately by e-mail, so as to enable them to comply with the direction and also to file their independent responses regarding the allegation in the

application before the next hearing date.

15. For appearance of parties, submission of pleadings and also for consideration of report, post on 11.11.2020.

.....J.M.  
**(Justice K. Ramakrishnan)**

.....E.M.  
**(Shri. Saibal Dasgupta)**

**O.A.172 of 2020(SZ)  
08th September 2020. Sr.**

