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ENVIRONMENT & FORESTS(FR.10)  
DEPARTMENT, SECRETARIAT,  
CHENNAI 9.

Letter No.20575/FR.10/2018 - 21, Dated: 04.08.2020

From  
Dr. Sandeep Saxena, I.A.S.,  
Additional Chief Secretary to Government .

To  
✓ The Additional Director General of Forests (Central),  
Government of India,  
Ministry of Environment, Forests and Climate Change,  
Regional Office (South Eastern Zone),  
1<sup>st</sup> & 2<sup>nd</sup> Floor, HEPC Building,  
No.34, Cathedral Garden Road,  
Nungambakkam, Chennai-34. (w.e.)

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Tirunelveli Circle /  
Thoothukudi Forest Division - Proposal for diversion of 0.08 ha of forest  
land for 20 MGD Closed circuit Scheme for Water supply scheme to  
Thermal Power Project, SIPCOT complex, Heavy water plant and other  
industries in Thoothukudi District for drinking and industrial purpose in  
favour of Executive Engineer, TWAD Board, Thoothukudi - Regarding.

- Ref:
1. G.O.Ms.No 18, Environment & Forests (FR 10) Department, Dated 07.03.2008.
  2. Government Letter No. 20575/FR.10/2018-14, dated: 23.12.2019.
  3. From the Assistant Inspector General of Forest(Central), Government of India, Ministry of Environment, Forests and Climate Change, Chennai letter F.No. 4-TNB033/2019-CHN/077, dated 20.01.2020.
  4. Government Letter No. 20575/FR.10/2018-15, dated: 28.01.2020.
  5. From the Principal Chief Conservator of Forests letter No: TS4/24793/2018, dated: 03.06.2020.
  6. Government Letter No.20575/FR.10/2018-17, dated 15.06.2020.
  7. From the Deputy Inspector General of Forests (Central), Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (SEZ), Chennai Letter F.No.4-TNB033/2019-CHN/542, dated 07.07.2020 and 14.07.2020.
  8. Government Letter No.20575/FR.10/2018-18, dated 10.07.2020.
  9. From the Principal Chief Conservator of Forests letter No: TS4/24793/2018, dated 20.07.2020.

With reference to your letter third cited, the Principal Chief Conservator of Forests in the letters fifth and ninth cited has furnished his clarification as follows:

<p>The State Government has recommended the proposal subject to the decision of the District Collector, Thoothukudi as per the orders of the Hon'ble Supreme Court of India and subject to the outcome of the final orders of the Hon'ble NGT (SZ) in OA 33 of 2019. The District Collector's decision as per the Hon'ble Supreme Court on supplying water for Industrial purposes and views of the State Government on the same shall be forwarded.</p>	<p>The District Collector, Tuticorin has reported to the Govt vide his Ref. No.TWAD/20MGD/ WSS/NGT/2019 dt 14.10.2019 regarding the action taken as per the Hon'ble Apex Court's order on supplying water for Industrial purposes. Copy of Collector's reference is enclosed.</p>
<p>A copy of the reply Affidavit filed by the State Government in OA 33/2019 in Hon'ble NGT shall be provided along with the status of the case.</p>	<p>A copy of the reply Affidavit filed by the State Government in OA 33/2019 in Hon'ble NGT and the present status of the case is enclosed.</p>
<p>It is seen that in the proposal, there are two kinds of violations. One is excess area utilization and other violation is that of use of water for commercial purposes. State Government has mentioned that an amount of Rs.1,97,468/- has been collected and remitted in the CAMPA account. This penalty was imposed for which of the above two violations need to be clarified. The FC guideline provides for referring of such violations to REC for imposing the penalty. Hence the reason for not imposing the penalty. Hence the reason for not referring to the committee may be informed.</p>	<p>The Penalty amount of Rs.1,97,468/- has been collected and remitted in the CAMPA account for excess area utilization. In case REC is deciding to impose any more penalty, TWAD board undertakes to pay the same. Such violations in future will be referred to REC for imposing penalty. The undertaken given by the Executive Engineer, TWAD Board is enclosed.</p>
<p>The state Government shall report the action taken on the officials responsible for the violations including the action taken under section 3B of FCA,1980</p>	<p>The Dist. Forest Officer has stated that as mentioned by the Executive Engineer/ TWAD, the 20MGD water supply scheme was originally implemented during the year 1972 based on the approval of Govt. of Tamil Nadu vide G.OMs. No 2289, Public works Department, Dated 12.11.1970 exclusively for Industrial Development in Tuticorin District. The scheme is being functioned from 1974 onwards. Initially the water tapped from</p>
	<p>...3...</p>

		<p>Arumugamangalm Tank near Iruvappapuram in Thoothukudi District. It was proposed to tap the water from Srivaikundam anaicut in 2008 vide G.O.Ms.No 18, Environment &amp; Forest Dept. (FR 10) Dated 07.03.2008. The Government Order was issued for utilizing the forest land while Shifting the pumping location to Srivaikundam from Iruvappapuram. That GO was obtained for utilizing the forest land for the 20MGD scheme which is functioning exclusive for Industries from 1974 onwards. Hence the given GO is only related to the diversion of forest land in Srivaikundam village due to the change the location of water drawal in the year 2008.</p> <p>As mentioned in the Hon'ble NGT, South Zone, Chennai order dated 7.7.2017, the said GO.MS.No:18/E &amp; F (FR10)/07.03.2008 has not chosen to mention the other purposes like industrial activities. Hence the user agency has now applied for further permission from the MOEF &amp; CC to include the other purpose like industrial activities. Hence no action was taken by the State Government, against the officials anyone having no intention to do mistake.</p>
	<p>The Reserved Land notification of Srivaikundam Forest Block along with the map needs to be provided by the State Government.</p>	<p>The Reserved Land notification of Srivaikundam Forest Block and the map are enclosed</p>
	<p>There are some discrepancies in the ECO class and density of Forest as reported by the District Forest Officer, Thoothukudi in part II of the proposal and the State Government letter no.20575/FR.10/20018-14 dated 23.12.2019. The same may be reconciled and correct Eco- class and density of the area may be reported, in addition to the furnishing of Part I to Part IV of the proposal in original.</p>	<p>The proposed area is located on the bank of the river and surrounded by few thorny species like Prosopis. Hence the eco class IV has been taken for consideration. However the proposed area does not contain any vegetation and hence the category of open forest has been taken.</p>

2. In respect of the clarification submitted by the Principal Chief Conservator of Forests for the Point No.4, it is submitted that in the G.O. first cited the approval was accorded by the State Government for diversion of 0.055 ha. of forest land under the category of General approval to Tamil Nadu Water Supply and Drainage Board for drinking water purpose only. However the Tamil Nadu Water Supply and Drainage Board used the water for industrial purpose also and committed the violation of Forest Conservation Act, 1980.
3. In so far as the penalty for the violation committed by the Tamil Nadu Water Supply and Drainage Board for industrial use of water is concerned, it is stated that the State Government has no objection, if the matter is placed before the Regional Empowered Committee by the Ministry of Environment, Forests and Climate Change, Government of India to decide the quantum of penalty.
4. In case the Ministry of Environment, Forests and Climate Change, Government of India decides that the State Government shall place the matter of violation of Forest Conservation Act 1980 committed by the Tamil Nadu Water Supply and Drainage Board before the Regional Empowered Committee, it would be done after getting a communication from the Ministry of Environment, Forests and Climate Change, Government of India,
5. I am, therefore to request you to kindly obtain the concurrence of the Government of India, Ministry of Environment, Forests and Climate Change for the proposal submitted vide the State Government letter second cited and communicate the same to this Government, early.

Yours faithfully,

G. R. Sundarath  
u/s/20

for Additional Chief Secretary to Government.

TTS  
04/08/2020

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TAMILNADU WATER SUPPLY AND DRAINAGE BOARD

From

Thiru. Sandeep Nandurl, IAS.,  
District Collector,  
Thoothukudi District,  
Thoothukudi.

To

Principal Secretary to Government,  
Environment & Forest (FR.10) Dept,  
Government of Tamilnadu,  
Secretariat,  
Chennai-9.

Lr.No. TWAD / 20 MGD WSS / NGT / 2019/ Dt.14.10.2019

Sir,

Sub: Original Application No.33 of 2019 filed by Thiru.S.Joel, Tuticorin with National Green Tribunal (Southern Zone) Chennai VS Union of India and 6 others before the NGT (Southern Zone) Chennai regarding release of water for drinking and Industrial purpose from 20 MGD WSS— Action taken on the direction of Hon'ble Supreme Court of India in its order dated 4.2.2019 in C.A.No.11935 of 2018— Reply submitted—Reg.

Ref: 1.Orders of Hon'ble Supreme Court of India dt.04.02.2019 in C.A.No.11935 of 2018 and batch cases.  
2. From the Hon'ble National Green Tribunal, Principal Bench, New Delhi Order dt.23.09.2019 in Original Application No.33 of 2019 filed by Thiru.S.Joel, Tuticorin.  
3. Principal Secretary to Government, Environment & Forests (FR.10) Department Secretariat, Chennai Lr.No.16969/ FR.10/ 2019-20 dt.11.10.2019.

With reference to the above, as per the directions of the Hon'ble Apex Court's order dt.04.02.2019, the District Collector, Thoothukudi is conducting the meeting with

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the PWD and TWAD Officials every fortnight starting from 13.2.2019 to till date promptly to assess the water availability after fully meeting the requirement of water for drinking and irrigation purposes at the District Collector's Chamber, Thoothukudi.

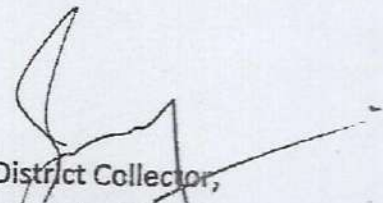
In every fortnight meeting convened by District Collector, the PWD Officials are reporting the availability of water in the dams, expected inflow details and the requirement for irrigation needs in the respective fortnight.

The TWAD Officials are reporting the requirement of water for the drinking and industrial purpose in the respective fortnight. The District Collector on analyzing the datas furnished by the PWD and TWAD Officials after considering the previous year data with due importance to the drinking water needs came out with availability of surplus water in the respective fortnight.

Out of the total requirement of 20 MGD Water Supply Scheme, only an average of 7 MGD quantity is being pumped primarily for the Drinking purpose of the Industrial Townships, Schools, Hospitals and Colonies and for Industrial purpose. Based on this, the District Collector is giving directions to release suitable quantity of water for drinking and industrial purpose from 20 MGD Water Supply Scheme fortnightly.

The Minutes of the 17 fortnightly meetings from 13.2.2019 to 1.10.2019 are enclosed herewith for reference.

Encl: Minutes of the fortnight meetings-17 Nos.

  
District Collector,  
Thoothukudi District.

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

Original Application No. 33 of 2019 (SZ)

S. Joel,  
S/o. D. Samuel,  
No. H-141, 31<sup>st</sup> Cross Street,  
Besant Nagar,  
Chennai - 90

Petitioner

Versus

1. UNION OF INDIA,  
Represented by its Secretary,  
Ministry of Environment, Forests and Climate change,  
Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi - 110 003.
2. STATE OF TAMILNADU,  
Rep. by the Principal Secretary,  
Department of Environment and Forests,  
Government of Tamil Nadu,  
Secretariat, Fort. St. George,  
Chennai - 600 009.
3. The Managing Director,  
TWAD Board, TWAD House,  
No. 31, Kamarajar Salai,  
Chepauk, Chennai - 600 005.
4. The Principal Chief Conservator of Forest,  
Panagal Maligai, No. 1, Jeemis Road,  
Saidapet, Chennai - 600 015.
5. The Assistant Inspector General of Forests (Central),  
MoEF& CC, Regional Office (South Eastern Zone),  
1<sup>st</sup> and 2<sup>nd</sup> Floor, HEPC Building,  
No. 34, Cathedral Garden Road,  
Nungambakkam, Chennai - 600 034
6. The District Collector,  
Thoothukudi District,  
Thoothukudi.
7. The Executive Engineer,  
Tamil Nadu Water Supply and Drainage Board,  
Urban Division, No. 164/1-A, Jaffari Colony Junction,  
Palayamkottai Main Road,  
Thoothukudi.

Respondents

*S. Joel*  
Under Secretary,  
Environment and Forests Department,  
Chennai 90

*M. S. Srinivasan*  
Principal Secretary to Government  
Environment and Forests Department

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**REPLY AFFIDAVIT FILED BY THE 2<sup>ND</sup> RESPONDENT**

1, Shambhu Kalloliker, Son of Krishna Kalloliker, aged about 56 years residing at A-19-01, AIS housing Complex, Nerukundram, Near Natesan Nagar West, Virugambakkam, Chennai-92, do hereby solemnly affirm and sincerely state as follows:-

I am the Principal Secretary to Government, Environment and Forests Department, Secretariat, Chennai-9, the 2nd Respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available and I am filing this Reply Affidavit on behalf of the Chief Secretary to Government of Tamil Nadu in pursuance of the National Green Tribunal Orders dated 23.09.2019. I have read the Memorandum of Application filed in support of the Original Application No.33 of 2019 and I deny all the averments stated in the application except those that are specifically admitted hereunder and the petitioner is put to strict proof of the same.

2) I humbly submit that on 23.09.2019, the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.33 of 2019 (SZ) has ordered as follows:-

"....3. In the mean time the Chief Secretary, State of Tamil Nadu is directed to submit their views on the allegations made in view of the direction given by this tribunal and the Honourable Apex Court regarding the use of the water in that area under this project and what is the action taken on the basis of the direction given by the MoEF&CC as per letter dated 10.04.2019, before the next date of hearing."

3) I humbly submit that the petitioner herein has filed this application with a prayer to direct the 3<sup>rd</sup> and 7<sup>th</sup> respondents herein to implement the G.O.(Ms) No.16, Environment and Forests (FR.10)



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Department, dated 07.03.2008 by supplying the water drawn under 20 MGD Water Supply Scheme from Srivalkundam village of Thoothukudi district through Closed Conduit System to General Public for drinking water purpose only. Further with interim prayer to pass an interim injunction to restrain 3rd and 7th respondent and their subordinate officers in Utilizing and supply of water *to industries.*

4) I humbly submit that the Hon'ble National Green Tribunal, Principal Bench, New Delhi earlier on the Original Application No.128/2017(SZ) filed by the petitioner herein has passed the following orders on 28.11.2018:-

*" 9. Considering the admitted facts and the circumstances set out above, we direct the TWAD to forthwith prohibit the use of the water drawn against the forest clearance for 0.055 ha which admittedly has been granted only for the purpose of drinking water making it quite clear that any other order passed by this Tribunal earlier contrary to this shall stand hereby superseded.*

*10. We also clarify that by this order, we do not prohibit use of water for drinking purpose by the housing colonies, schools, hospitals, etc. and is only confined to the industrial units.*

*16. With the above directions, the application stands allowed."*

5) It is respectfully submitted that a copy of the above said order was received by the District Forest Officer, Thoothukudi herein on 19.12.2018. Thereafter a copy of the above said order was sent to the Executive Engineer, TWAD Board, Maintenance Division, Thoothukudi by the District Forest Officer, Thoothukudi along with his letter No.D/2016/2017, dated 19.12.2018 with instructions to implement the order dated 28.11.2018 of the Hon'ble National Green Tribunal, Principal Bench in letter and spirit.

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6) It is respectfully submitted that a representation dated 17.11.2018 was received from the petitioner to take action against (i) the TWAD Board Officials, Thoothukudi, (ii) The District Collector, Thoothukudi, (iii) The District Forest Officer and other State Government officials for illegal supply of drinking water to industries for industrial purposes in violation of G.O.(Ms) No.18, Environment and Forests (FR.10) Department dated 07.03.2008 under the provisions of Prevention of Corruption Act, 1980 and the Environment (Protection) Act, 1986 and also requested not to consider the proposal made by the TWAD Board, Thoothukudi for diversion of Forest land in Sy.No.600 in Srivaikundam Village, Thoothukudi for non-forest purpose for the existing 20 MGD Water Supply Scheme Closed Conduit System to supply the water to industries. In the meantime, the petitioner filed the Writ Petition No.31254/2018 before the Hon'ble High Court, Madras praying directions to constitute Special Investigation team to investigate illegalities committed by officials when the pending of Application No 128 of 2017 filed by him before the National Green Tribunal ( Southern Zone ) Chennai seeking the implementation of Government order in question.

7) I humbly submit that against the Order dated 28.11.2018 passed by the Hon'ble National Green Tribunal the M/s.Southern Petrochemical Industries Corpn.Ltd, Alkali Chemicals, Thoothukudi, Thermal Power Project, Dharangathara Chemicals work, SIPCOT, Zirconium Titanic Sponge plant, Heavy water plant and Port trust etc. approached the Hon'ble Supreme Court of India in Civil Appeal No.11935/2018 and batch cases dated 06.12.2018 and the Hon'ble Supreme Court of India gave direction vide order dated 04.02.2019 and the same read as follows:-

*"20. In our view, it would be necessary for this Court to put in place an administrative mechanism that would ensure that a decision to release water for industrial*

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*purposes is monitored by the Collector of the District who shall conduct a due verification<sup>o</sup> of the data which is available with the TWAD Board. The Collector should independently assess the situation so as to ensure that the need for drinking water and irrigation is not compromised.*

21. We, accordingly, direct that within a period of one week from today the Collector responsible for Thoothukudi division shall convene a meeting of all the concerned departments, including the Public Works Department, the Irrigation department and the TWAD Board. The Collector shall ascertain whether any surplus water is available after fully meeting the requirement for drinking water. The Collector shall conduct a fortnightly review of the position thereafter to determine as to whether any further direction or modification is required to meet the exigencies of the situation. If the Collector does find that the data which has been produced is adequate to sustain the conclusion in regard to the availability of surplus water after fully satisfying the need for drinking water, directions may be issued for allocating a suitable quantity of water for industrial purposes. We reiterate that this should be without in any manner compromising the present and anticipated drinking water needs of the residents of the district concerned. Until the Collector takes a decision and for one week from today we restore the position as it obtained under the Interim order of the Tribunal dated 7 July 2017 to facilitate the supply of water for industrial purposes, including for the Thoothukudi Thermal Power Plant. This is subject to the condition that drinking water requirements are fully met

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on priority. Thereafter, parties shall abide by the decision of the Collector. Until the Collector takes a decision, the interim order which we have passed in the case of Thoothukudi Thermal Power Plant shall also continue in operation.

22. Insofar as the proposal under the Forest (Conservation) Act 1980 is concerned, we are apprised that TWAD Board had forwarded it to the State Government on 11 June 2018. We have been apprised that there were communications between the State Government and the Board with a view to rectifying certain deficiencies in the proposal. Be that as it may, we direct that within a period of two weeks from today, a joint meeting be held of the representatives of the State Government and of the TWAD Board to resolve the issue. The proposal shall thereupon be forwarded to MoEF&CC within three weeks from today. The competent authority shall take a decision on the proposal in accordance with law within a period of two months thereafter. Any allocation of water for industrial purposes in the meantime shall abide by such final decision as may be arrived at by the Union of India after considering the proposal. We have not expressed any opinion on the merits of such a proposal."

8) I humbly submit that as per the directions of the Hon'ble Supreme Court's Order dated 04.02.2019, the District Collector, Thoothukudi (Respondent No.6) is conducting the meeting with the Public Works Department and Tamil Nadu Water Supply and Drainage Board officials every fortnight starting from 13.02.2019 to till date promptly to assess the water availability for drinking and irrigation purposes and

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*(Handwritten signature)*

analyzing the data furnished by the Public Works Department and Tamil Nadu Water Supply and Drainage Board and considering the previous year data with due importance to the drinking water needs came out with availability of surplus water in the respective fortnight. Out of the total requirement of 20 MGD Water Supply Scheme, an average of 7 MGD quantity is being pumped primarily for the Drinking purposes of the Industrial Townships, Schools, Hospitals and Colonies and for Industrial purpose. Based on this, the District Collector is giving directions to release suitable quantity of water for drinking and industrial purpose from 20 MGD Water Supply Scheme fortnightly.

9) I humbly submit that as per the Government of India guidelines, a penalty amount of Rs.1,97,468/- has been fixed and collected from the User Agency, (i.e.) Tamil Nadu Water Supply and Drainage Board for the violations committed by the User Agency by usage of excess forest area of 0.025 ha. and by supply of water to industries other than allowed by State Government orders and the User Agency has deposited the said amount in the CAMPA Account on 06.12.2018.

10) I humbly submit that as per the directions of the Hon'ble Apex Court's Order dated 04.02.2019, a review meeting was conducted on 18.02.2019 along with the officials of Forest Department and Tamil Nadu Water Supply and Drainage Board. In the said review meeting, the Principal Chief Conservator of Forests was requested to send his reply on certain clarifications sought for by the Government vide letter No.20575/FR.10/2018-1 dated 01.02.2019 in respect of the proposal for diversion of 0.08 ha. of forest land in Srivaikundam Forest block Reserved land in Thoothukudi Forest Division, Thoothukudi District for 20 MGD Closed Conduit Scheme, within the time limit specified by the Hon'ble Apex Court vide its Order dated 04.02.2019. The Principal Chief Conservator of Forests (Respondent No.4) stated that the Additional Principal Chief Conservator of Forests in the Part-IV recommendation has

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recommended the diversion proposal for drinking water purpose only and not for usage of Industrial purpose, since the User Agency has violated the provisions of Forest (Conservation) Act, 1980 by usage of excess forest area of 0.025 ha. and by supply of water to industries other than allowed by State Government orders. Hence, the Principal Chief Conservator of Forests has also recommended the said proposal for **drinking purpose only** and not for industrial use for a period of 20 years, subject to certain conditions. Even though the proposed diversion of forest land was below 1 ha., the proposal was forwarded to the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office (South Eastern Zone), Chennai for obtaining their concurrence vide Government letter No.20575/FR.10/2018-9, dated 25.03.2019, since certain violations were committed by the User Agency by usage of excess forest area of 0.025 ha. and by supply of water to industries other than allowed by State Government orders.

11) I humbly submit that the Government of India vide letter F.No. TNB033/2019-CHN/0610, dated 10.04.2019 has stated that it is discernible that the State Government has recommended the proposal for drinking water purpose only, against the proposal of the User Agency for supply of water for both drinking and industrial purposes. The Government of India has informed that as per the existing guidelines issued by the Ministry of Environment, Forests and Climate Change, Government of India, the category of the project i.e. for drinking water purpose would fall under "General Approval" category for which the State Government itself is competent to deal with such proposals. Hence the Government of India has requested the State Government to take appropriate action on the subject proposal as per the provisions under Forest (Conservation) Act, 1980 and Rules / Guidelines issued there under.

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12) I humbly submit that in the meantime the Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai has sent a representation to the Principal Chief Conservator of Forests wherein he has requested the Principal Chief Conservator of Forests to recommend the proposal to the State Government as already applied by him for the purpose of 20 MGD Water Supply Scheme for Industrial as well as drinking purpose, since applying the same proposal afresh once again will be a time consuming process. The Managing Director, Tamil Nadu Water Supply and Drainage Board has requested the Principal Chief Conservator of Forests for diversion of 0.08 ha. of forest land for providing water supply under 20 MGD Water Supply Scheme for drinking as well as Industrial purpose, which has been recommended by the Principal Chief Conservator of Forests and sent to the Government on 03.10.2019. On scrutiny of the proposal, certain documents along with the justification for recommending the proposal for drinking water purposes and the Industrial use have been called for from the Principal Chief Conservator of Forests in Government Letter No.20575/FR.10/2018-13, dated 15.10.2019. The report of the Principal Chief Conservator of Forests in this regard is awaited.

In view of the reasons and circumstances explained above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to pass suitable orders on the application and thus render justice.

Solemnly affirmed at Chennai  
On this the \_\_\_\_\_ day of  
November, 2019 and signed his  
name in my presence.

BEFORE ME

*[Signature]*  
Under Secretary to Government  
Environment and Forests Department  
Secretariat, Chennai-6

*[Signature]*  
Principal Secretary to Government  
Environment and Forests Department

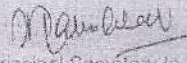
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VERIFICATION

I, Shambhu Kallollikar, Son of Krishna Kallollikar, aged about 56 years residing at A-19-01, AIS Housing Complex, Nerukundram, Near Natasan Nagar West, Virugambakkam, Chennai-92, do hereby verify that the above contents are true to the best of my knowledge and belief through records.

Verified at Chennai on this      day of November, 2019.

  
Principal Secretary to Government  
Environment and Forests Department



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~~10/11/2010~~



**TAMILNADU WATER SUPPLY AND DRAINAGE BOARD  
MAINTANENCE DIVISION  
THOOTHUKUDI**

**UNDERTAKING**

We hereby undertake to pay any more penalty incase REC is deciding to impose in future for excess area utilization of 0.025ha in diversion of 0.08ha of forest land for 20MGD closed conduit Water supply Scheme to Thermal Power Project, SIPCOT complex and other industries in Thoothukudi District for drinking and Industrial purposes in favour of Executive Engineer, TWAD, Thoothukudi.

*J. [Signature]*  
11/13/2010  
Executive Engineer, TWAD Board  
Maintenance Division, Thoothukudi  
*[Signature]*  
11/13

It starts from the above and runs north to a distance of 139 links along the eastern boundary of No.32, Kilpidagai Cusba village and ends in the starting point. (14) (5)

Under rule 5 of the General rules under Section 26 of the Tamil Nadu Forests Act, 1882, the lands at the disposal of the Government specified in the schedule below are declared to be "Reserved Land". Free grazing of cattle and other concessions allowed under rule 7 of the General rules under Section 26 of the Tamil Nadu Forests Act as well as clearing of land for cultivation or any other purposes are prohibited in the areas, specified in the schedule below.

(2) SCHEDULE  
TIRUNELVELI DISTRICT.  
SRIVAIKUNTAM TALUK  
SRIVAIKUNTAM VILLAGE.

Name of plot: Srivaikuntam plot.  
Survey No. 600 of 21, Srivaikuntam village.  
Area: 96.40 acres. 39.01  
BOUNDARIES.

North:

Starts from south-east corner of S.No.460 of Srivaikuntam village and runs towards east to a distance of 224, 339, 500, 365, 111, 874, 250, 531, 321, 575 and 306 links and touches No.29, Sriparankunallur village boundary ends.

East:

It starts from the above and runs towards south to a distance of 2346 links and touches the village No.58, Vellurpudumudi village and ends.

South:

It starts from the above and runs towards west along the northern boundary of village No.57, Adichanallur to a distance of 1138, 1602, 436, 642, 435, 575 and 368 links and touches S.No.599 of Srivaikuntam village and ends.

West:

It starts from the above and runs towards north to a distance of 2,166 links along the eastern boundary of S.No.599 of Srivaikuntam village and ends in the starting point.

Under rule 5 of the General rules under Section 26 of the Tamil Nadu Forests Act, 1882, the lands at the disposal of the Government specified in the schedule below are declared to be "Reserved Land". Free grazing of cattle and other concessions allowed under rule 7 of the General rules under Sec.26 of the Tamil Nadu Forests Act, as well as clearing of land for cultivation or any other purposes are prohibited in the areas specified in the schedule below.

/ pto /

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(1)	(2)	(3)
ottapiddanam (Sub Taluk)	Rs. 207.00	Rs. 1.07
Subicorin	207.00	1.07
Seiydikunnam	206.20	1.07
Tiruchendur	207.20	1.07
Neeruneri	206.00	1.07
Arasamuduru	206.00	1.07
Vilathiyalam	206.20	1.00

2. The prices are inclusive of sales-tax. They will come into force with effect from 15th July, 1974. The prices shown against item (2) above will apply to all sales by wholesalers whether to retailers or institutions or persons to whom special permits have been granted by the competent officers.

3. Any sale at rates in excess of the above will constitute an offence under the Essential Commodities Act, 1955 and will be punishable under the provisions of the Act. This notification supersedes the rates fixed and notified in notification No. A-5, 14267/74 dated 9th March, 1974.

Tiruvallur,  
24th July, 1974.

V. D. DURAIRAJ,  
COLLECTOR AND DISTRICT MAGISTRATE.

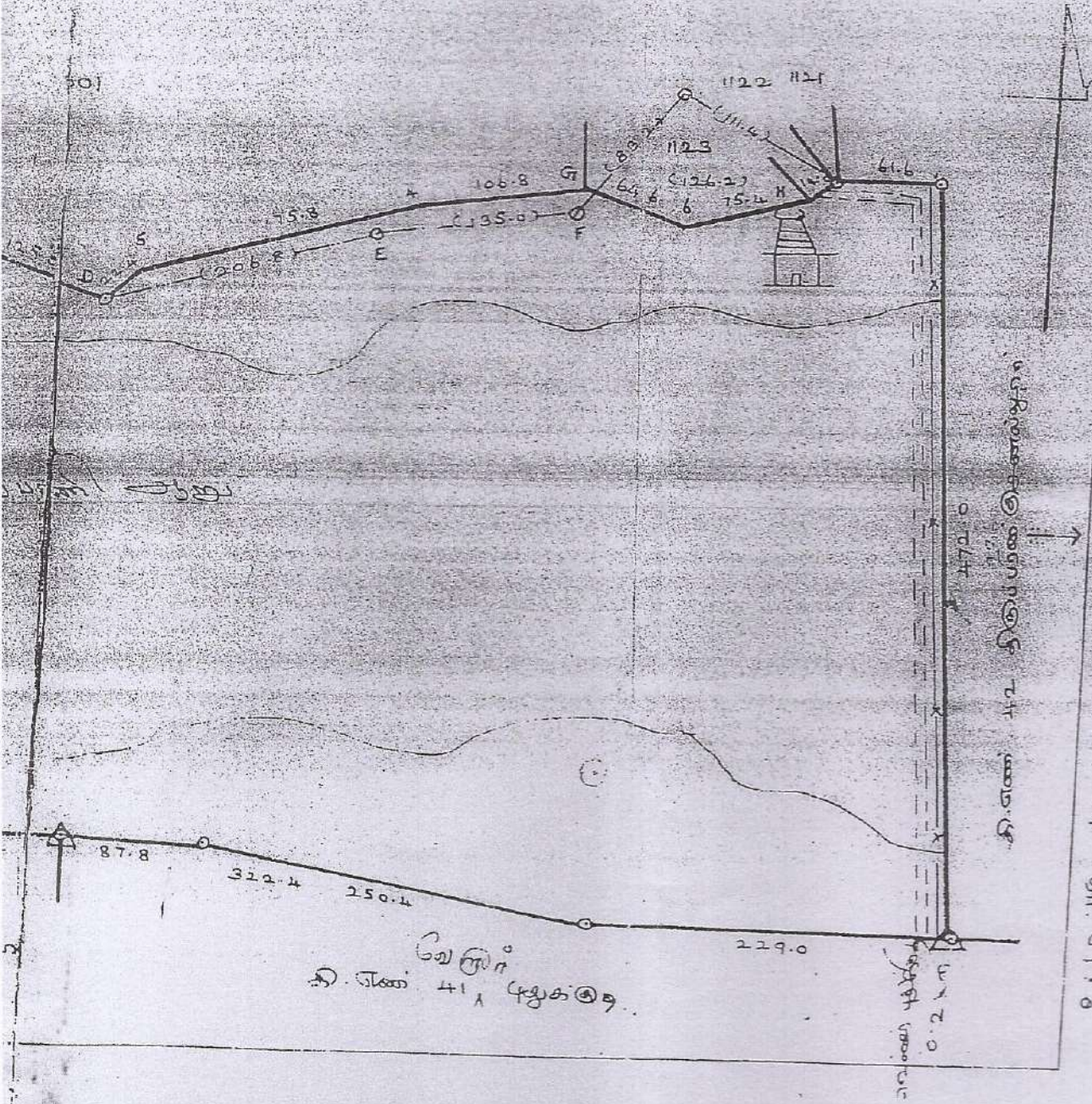
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DISTRICT MAGISTRATE ASSISTANT.

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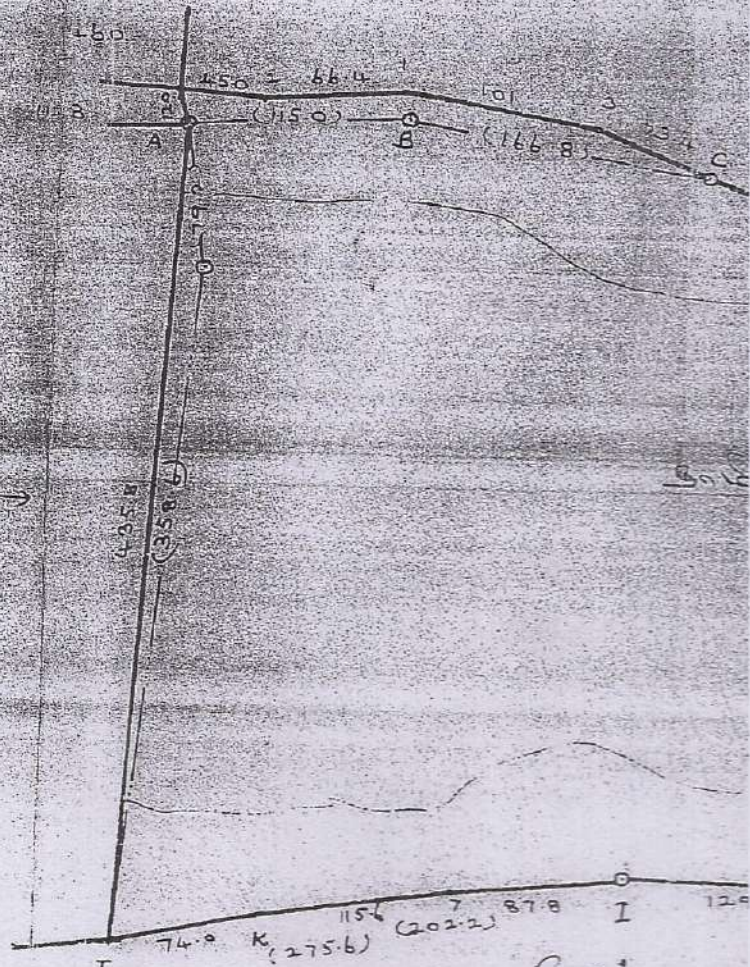


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(Campus Signal)

28/11/88

District Forest Officer  
 Thoothukudi Division  
 Thoothukudi

20/11/88



सत्यमेव जयते

भारत सरकार  
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

क्षेत्रीय कार्यालय (दक्षिणी पूर्व परिक्षेत्र) / Regional Office (South Eastern Zone)

1<sup>st</sup> & 2<sup>nd</sup> floor, HEPC Building, No.34, Cathedral Garden Road,

Nungambakkam, Chennai - 600034; Ph: 044-28222041; Fax: 28252536;

E-mail: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in) / [roefccc1@gmail.com](mailto:roefccc1@gmail.com)



**IMPORTANT**

F.No. 4-TNB033/2019-CHN/077

Date: 20<sup>th</sup> January, 2020

To,

The Principal Secretary to the Govt. of Tamil Nadu,  
Environment & Forest Department,  
Secretariat, Fort St. George,  
Chennai-600 009.

Subject: Diversion of 0.08 ha of forest land for 20 MGD closed circuit scheme for Water Supply scheme in Thoothukudi District for drinking purpose in favour of EE, TWAD board, Thoothukudi - **additional information/clarification required** - reg.

Reference: The State Government letter No 20575/FR.10/2018-14 dated 23.12.2019.

Sir,

In adverting to the above mentioned subject and reference of the State Government, it is requested to clarify the following.

1. The State Government has recommended the proposal subject to the decision of the District Collector, Thoothukudi as per the orders of the Hon'ble Supreme Court of India and subject to the outcome of the final orders of the Hon'ble NGT (SZ) in OA 33 of 2019. The District Collector's decision as per the Hon'ble Supreme Court on supplying water for Industrial purposes and views of the State Government on the same shall be forwarded.
2. A copy of the reply Affidavit filed by the State Government in OA 33/2019 in Hon'ble NGT shall be provided along with the Status of the case.
3. It is seen that in the proposal, there are two kinds of violations. One is excess area utilization and the other violation is that of use of water for commercial purposes. State Government has mentioned that an amount of Rs.1,97,468 has been collected and remitted in the CAMPA Account. This penalty was imposed for which of the

18  
above two violations needs to be clarified. The FC guideline provides for referring of such violations to REC for imposing the penalty. Hence the reason for not referring the same to the committee may be informed.

4. The State Government shall report the action taken on the officials responsible for the violation(s) including the action taken under Section 3B of FCA, 1980.
5. The Reserved land notification of Srivaikundam Forest block along with the map needs to be provided by the State Government.
6. There are some discrepancies in the Eco class and density of Forest as reported by the DFO, Thoothukudi in part II of the proposal and the State Government letter No. 20575/FR.10/2018-14 dated 23.12.2019. The same may be reconciled and the correct Eco class and density of the area may be reported, in addition to furnishing of Part I to Part IV of the proposal in original.

Yours faithfully,

Enclosure: As above

  
(Dr. K. Ganesh Kumar, IFS)

Assistant Inspector General of Forests (Central)

Copy to:

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No. 1, Jeenis Road, Panagal Building, Saidapet, Chennai-600 015.
2. The Principal Chief Conservator of Forests cum Nodal Officer (FCA), Office of the Principal Chief Conservator of forests, Govt. of Tamil Nadu, Forest Department, No. 1, Jeenis Road, Panagal Building, Saidapet, Chennai-600 015.

  
(Dr. K. Ganesh Kumar, IFS)

Assistant Inspector General of Forests (Central)

24793

2018.

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By E-mail



ENVIRONMENT & FORESTS (FR.10)  
DEPARTMENT, SECRETARIAT,  
CHENNAI 9.

004481

Letter No.20575/FR.10/2018-15, Dated. 28.01.2020

From  
Thiru. Deepak Srivastava, I.F.S.,  
Special Secretary (Forests).

To  
✓ The Principal Chief Conservator of Forests  
(Head of Department),  
Chennai-15. (w.e)

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 - Tirunelveli Circle /  
Thoothukudi Forest Division - Proposal for diversion of 0.08 ha of  
forest land for 20 MGD Closed circuit Scheme for Water supply  
scheme in Thoothukudi District for drinking as well as industrial  
purpose in favour of Executive Engineer, TWAD Board, Thoothukudi -  
Clarifications - Called for - Regarding.

- Ref:
1. Your Letter No.TS4/24793/2018, dated 22.10.2018, 23.01.2019.
  2. Government Letter No.20575/FR.10/2018-1, dated 01.02.2019 and 27.02.2019.
  3. Your Letter No.TS4/24793/2018, dated 26.02.2019 and 28.02.2019.
  4. Orders of Hon'ble Supreme Court of India dated 04.02.2019 in C.A.No.11935 of 2018 and batch cases.
  5. Government Letter No.20575/FR.10/2018-9, dated 25.03.2019.
  6. Your Letter No.TS4/24793/2018, dated 01.10.2019 and 28.11.2019.
  7. Government Letter No.20575/FR.10/2018-14, dated 23.12.2019.
  8. From the Government of India, Ministry of Environment, Forests and Climate Change, Chennai Letter F.No.4-TNB033/2019-CHN/077, dated 20.01.2020.

====

I am directed to enclose a copy of the reference eighth cited and to request you to furnish your report on the clarifications sought for therein except for item no.2, to Government for onward transmission to the Government of India, immediately.

Yours faithfully,

*S. Mohan* 28/1/2020  
for Special Secretary (Forests)

*Sy*  
28/1/2020





भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS &amp; CLIMATE CHANGE

क्षेत्रीय कार्यालय (दक्षिणी पूर्व परिक्षेत्र)/Regional Office (South Eastern Zone)

1st &amp; 2nd floor, HEPC Building, No.34, Cathedral Garden Road,

Nungambakkam, Chennai - 600034; Ph: 044-28222041; Fax: 28252536;

E-mail: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in) / [roefccc1@gmail.com](mailto:roefccc1@gmail.com)

सत्यमेव जयते

**IMPORTANT**

F.No. 4-TNB033/2019-CHN/017

Date: 20<sup>th</sup> January, 2020

K

To,

The Principal Secretary to the Govt. of Tamil Nadu,  
Environment & Forest Department,  
Secretariat, Fort St. George,  
Chennai-600 009.

**Subject:** Diversion of 0.08 ha of forest land for 20 MGD closed circuit scheme for Water Supply scheme in Thoothukudi District for drinking purpose in favour of EE, TWAD board, Thoothukudi - **additional information/clarification required** - reg.

**Reference:** The State Government letter No 20575/FR.10/2018-14 dated 23.12.2019.

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6. There are some discrepancies in the Eco class and density of Forest as reported by the DFO, Thoothukudi in part II of the proposal and the State Government letter No. 20575/FR.10/2018-14 dated 23.12.2019. The same may be reconciled and the correct Eco class and density of the area may be reported, in addition to furnishing of Part I to Part IV of the proposal in original.

Yours faithfully,

Enclosure: As above

  
(Dr. K. Ganesh Kumar, IFS)

Assistant Inspector General of Forests (Central)

Copy to:

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No. 1, Jeenis Road, Panagal Building, Saidapet, Chennai-600 015.
2. The Principal Chief Conservator of Forests cum Nodal Officer (FCA), Office of the Principal Chief Conservator of forests, Govt. of Tamil Nadu, Forest Department, No. 1, Jeenis Road, Panagal Building, Saidapet, Chennai-600 015.

(Dr. K. Ganesh Kumar, IFS)

Assistant Inspector General of Forests (Central)

Dr.C.N.Mahesvaran IAS.,  
Managing Director,



TAMIL NADU WATER SUPPLY AND  
DRAINAGE BOARD  
No.31, Kamarajar Salai, Chepauk,  
Chennai-05  
Phone Off;2852 5501, Fax.2852 2934  
email:mdtwadboard@gmail.com  
Web : twadboard.gov.in

To

✓ The Principal Chief Conservator of Forest,  
(Head of the Department)  
Panagal Building,  
Saidapet, Chennai- 600 015.



Lr. No: F.Forest perm/Line Dept/Mega/2019 /dt: 24.05.2019

Sub: TWAD Board-Pending permission in Environment & Forest  
Dept-in respect of ongoing schemes nearing completion-not  
able to commission- for want of permission-  
Clearance/Approval/G.O requested-regarding

- Ref: 1) Details observed from PARIVESH website.  
2) MD/TWAD Board/H O/Chennai Lr. No: F. Forest perm/Line  
Dept/AEE/2017/ dt:04.09.2018  
3) Principle Secretary,MA&WS,Lr.No.20970/WS.3/2018 1, dt:  
08. 04.2019

I am to state that permissions are pending in the Environment and  
Forest Department for the proposals for diversion of forest land for the non forest  
purposes in the following water supply projects under execution/ maintenance by  
TWAD board at present.

- 1) CWSS to 293 Rural Habitations in Musiri,Thathaiyangarpettai,Thuraiyur  
and Uppiliyapuram Unions of Trichy District.(Ongoing)
- 2) CWSS To 135 Habitations in Vaiyampatti and Marungapuri Unions in  
Trichy District. (Ongoing)
- 3) CWSS to Manmangalam and 71 other habitations in Karur District. (Under  
Maintenance)
- 4) 20 MGD WSS in Thoothukudi District.(Under Maintenance)

The present status of the proposals submitted for diversion of Reserve Forest area in water supply works are as detailed below.

Sl. No	Name of the Scheme / Date of request/application	Permission requested details	Present Status
1	<p><b>CWSS to 293 Rural Habs</b> in Musiri,Thathaiyang arpettai,Thuraiyur and Uppilyapuram Unions of <b>Trichy District</b></p> <p>(Proposal No: FP/TN/WATER/1848 8/2016)</p> <p>16.06.2016</p>	<p>1) Constn of Foot bridge for Laying of P'main to a length of 580 m. Area Required in Forest Portion is 1650 Sq.m @ SF.No.331/1(0.17ha) Seventhilingapuram Village (Ayyampalayam R.F.) Musiri Tk.Trichy</p> <p>2) Constn of Transformer yard and Control room Area Required in Forest Portion is 1000 Sq.m @ SF.No.331 Seventhilingapuram Village (Ayyampalayam R.F.),Musiri Tk.Trichy Dist.</p>	<p>1) Proposal submitted by TWAD Bd recommended by all levels of Forest officials and sent to Govt during May 2017.</p> <p>2) CCF inspected the Head Works site on 13.2.18 with DFO/Trichy &amp; stopped the work stating it as violation of FCA and instructed to wait till the receipt of FCA clearance to enter the area.</p> <p>3) Proposal got cleared in Regional Empowered Committee meeting conducted by GOI on 25.04.2018 since the issue was reported as violation against FCA.</p> <p>4) GOI Clearance obtained vide MoE,F &amp; CC R.O/Nungambakkam/Chennai Lr.No.F.No-4-TNB021/2018-CHN/0790 dt.23.5.2018 as a special case.</p> <p>5) Net Present Value including interest and penalty charges to a tune of Rs.238382 remitted to CAMPA on 05.07.2018.</p> <p>6) Penalty amount paid intimation given to E &amp;F section/Secretariat from PCCF/Chennai on 20.8.18.</p> <p><b>7) Proposal forwarded to RO/Chennai from State Government on 28.03.2019 and pending at RO.</b></p>

24

-823-

Sl. No	Name of the Scheme / Date of request/application	Permission requested details	Present Status
2	<b>CWSS To 135 Habs in Vaiyampatti and Marungapuri Unions in Trichy District</b>  (Proposal No : FP/TN/WATER/3006 5/2017)  08.11.2017	Laying of Pipe Line in the Following Locations 1) Kodumpampatti – 0.0230 Ha 2) Puthanatham- 0.036 Ha 3) Kayamalai - 0.0561 Ha 4) Thatchamalai - 0.0264 Ha	1) Proposal under scrutiny at Nodal office PCCF/Chennai. 2) Remarks given by Nodal Officer PCCF/Chennai on 02.01.18. 3) Remarks attended on 18.01.18. 4) AEE concerned attended at Nodal office PCCF/Chennai on 19.04.18. 5) EE attended at Nodal office PCCF/Chennai on 16.05.18. 6) Further remarks given by Nodal Officer PCCF/Chennai on 21.05.18 and remarks were attended and resubmitted on 11.06.18 for four locations. <b>7) Proposal is pending at Nodal Office.</b>
3	<b>CWSS to Manmangalam and 71 other habitations in Karur District</b>  (Proposal No : FP/TN/WATER/3278 2/2018)  21.12.2017	Flexi Fund 2017-18 A new infiltration well, Pumphoom (4m X 3m) & Pipeline (river Cauvery near Vangal village) Forest area - pipelaying - 500m (160mm OD PVC) & Constn of 1 pumphoom @ Vangal (Survey No.1499)(Area - 0.0512 ha)	1) Online application requesting permission done on 27.03.2018. 2) Addl particulars as called for by the PCCF vide C.No.TS4/12378/2018 dt.19.04.2018 has been uploaded. 3) Further remarks communicated on 14.8.2018 has been attended and the revised application submitted on 25.08.2018 4) Proposal sent to Nodal office on 11.03.2019. 5) Query raised by Nodal office on 18.03.2019. 6) Replied by Circle /Dindigul on 11.04.2019. <b>7) Proposal is pending at Nodal office.</b>

23

Sl. No	Name of the Scheme / Date of request/application	Permission requested details	Present Status
4	20 MGD WSS in Thoothukudi District.  (Proposal No : FP/TN/IND/34099/2018)  11.06.2018	Approval for the total forest area 0.08 Ha diverted for non forestry purposes. (Including the already approved area 0.055 hectare).	1) The E E, TWAD Maint Dn, Thoothukudi applied for approval for 0.08 Ha of diverted Forest land for drinking as well as for industrial purpose through online on 11.06.2018. 2) As per the direction of the Hon'ble Supreme Court, decision should be arrived at from the MoEF & CC (Ministry of Environment and Forest and Climatic Change) for the proposal. 3) Proposal sent to state Govt on 22.10.2018 by PCCF with the recommendation for drinking and industrial purpose. 4) Proposal forwarded by the state Govt to the RO /MoEF&CC, Chennai with the recommendation only for drinking purpose on 25.03.2019. 5) Proposal is pending at state Govt due to EDS raised by Regional Office. 6) Report called for from the PCCF from state Govt.

In the above, it is learnt that the proposals in the following water supply schemes are pending with the nodal office.

- 1) CWSS to 135 Habitations in Vaiyampatti and Marungapuri Uns in Trichy District. (Proposal No : FP/TN/WATER/30065/2017)
- 2) CWSS to Manmangalam and 71 other habitations in Karur District. (Proposal No : FP/TN/WATER/32782/2018) and
- 3) 20 MGD WSS in Thoothukudi District. (Proposal No : FP/TN/IND/34099/2018)

➤ CWSS to 135 Habitations in Vaiyampatti and Marungapuri Unions in Trichy District is nearing completion and could not be commissioned for want of the above permission. On commissioning this project 0.293 lakh of water

with 1.78 Mld of Cauvery river water which will be a solution in mitigating the prevailing severe drought and water scarcity during this summer for a part of Trichy District.

- In CWSS to Manmangalam and 71 other habitations in Karur District all other works have been completed but could not be commissioned for want of the above permission. On commissioning this project 0.24 lakh of water starving people in 72 Rural Habitations of Karur District with 0.79 Mld of Cauvery river water **which will be a solution in mitigating the prevailing severe drought and water scarcity during this summer for a part of Karur District.**
- In 20 MGD WSS in Thoothukudi District , based on the order of the Hon'ble Supreme Court, decision should be arrived at from the MoEF & CC (Ministry of Environment and Forest and Climatic Change) for the proposal submitted for approval for 0.08 Ha of diverted Forest land for drinking as well as for industrial purpose before 17.05.2019.

In view of the above, it is hereby requested to process, finalise and recommend the above proposals immediately to the State Government to facilitate for according necessary approval by the competent authority.

*CRGopalakrishnan*  
For Managing Director,  
TWAD Board, Chennai-5  
17.05.2019

Copy submitted to the Principal Secretary to Govt/MA&WS Dept/ Secretariat/ Chennai for kind information please.

Copy to CEs / TWAD Board / Thanjavur, Coimbatore and Madurai for necessary action.

(27)

**TAMILNADU FOREST DEPARTMENT**

**From**

Dr.P.Durairasu I.F.S.,  
Principal Chief Conservator of Forests,  
(Head of Forest Force )  
Chennai – 15.

**To**

873

The Principal Secretary to Government,  
Environment and Forest Department,  
Secretariat,  
Chennai

**C.No: TS4/24793/2018 Dated: 03.06.2020**

Sir,

**Sub :** Forests – Forest(Conservation) Act 1980-Tirunelveli Circle/Thoothukudi Forest Division- proposal for diversion of 0.08ha of forest land for 20MGD closed conduit scheme for Water supply Scheme to Thermal Power Project,SIPCOT complex and other industries in Thoothukudi District and for drinking and Industrial purposes in favour of Executive Engineer, TWAD, Thoothukudi- regarding.

- Ref:-**
1. GOI, MoEF, Chennai -34 F.No.4-TNB033/2019-CHN/077 DATED 20.01.2020
  2. Government Lr. No. 20575/FR10/2018-14, dated 23.12.2019
  3. Principal Chief Conservator of Forests, Chennai C.N.TS4/24793/2018 dated 01.10.2019 and 28.01.2020

<<<>>>

I wish to state that the further details called for in the Govt. of India Letter 1<sup>st</sup> cited are as below.

1.	The State Government has recommended the proposal subject to the decision of the District Collector, Thoothukudi as per the orders of the Hon'ble Supreme Court of India and subject to the outcome of the final orders of the Hon'ble NGT (SZ) in OA 33 of 2019. The District Collector's decision as per the Hon'ble Supreme Court on supplying water for Industrial purposes and views of the State Government on the same shall be forwarded.	The District Collector, Tuticorin has reported to the Govt vide his Ref.No TWAD/20MGD/WSS/NGT/2019 dt 14.10.2019 regarding the action taken as per the Hon'ble Apex Court's order on supplying water for Industrial purposes. Copy of Collector's reference is enclosed.
2.	A copy of the reply Affidavit filed by the State Government in OA 33/2019 in Hon'ble NGT shall be provided along with the status of the case.	A copy of the reply Affidavit filed by the State Government in OA 33/2019 in Hon'ble NGT with the status of the case is enclosed..



28

3.	<p>It is seen that in the proposal, there are two kinds of violations. One is excess area utilization and other violation is that of use of water for commercial purposes. State Government has mentioned that an amount of Rs.1,97,468/- has been collected and remitted in the CAMPA account. This penalty was imposed for which of the above two violations need to be clarified. The FC guideline provides for referring of such violations to REC for imposing the penalty. Hence the reason for not imposing the penalty. Hence the reason for not referring to the committee may be informed.</p>	<p>The Penalty amount of Rs.1,97,468/- has been collected and remitted in the CAMPA account for excess area utilization. In case REC is deciding to impose any more penalty, TWAD board undertakes to pay the same. Such violations in future will be referred to REC for imposing penalty. The undertaken given by the Executive Engineer, TWAD Board is enclosed herewith in original.</p>
4.	<p>The state Government shall report the action taken on the officials responsible for the violations including the action taken under section 3B of FCA,1980</p>	<p>The Dist. Forest Officer has stated that as mentioned by the Executive Engineer/TWAD, the 20MGD water supply scheme was originally implemented during the year 1972 based on the approval of Govt. of Tamil Nadu vide G.O.Ms. No 2289, Public works Department, Dated 12.11.1970 exclusively for Industrial Development in Tuticorin District. The scheme is being functioned from 1974 onwards. Initially the water tapped from Arumugamangalm Tank near Iruvappapuram in Thoothukudi District. It was proposed to tap the water from Srivaikundam anaicut in 2008 vide G.O.Ms.No 18, Environment &amp; Forest Dept. (FR 10) Dated 07.03.2008. The Government Order was issued for utilizing the forest land while Shifting the pumping location to Srivaikundam from Iruvappapuram. That GO was obtained for utilizing the forest land for the 20MGD scheme which is functioning exclusive for Industries from 1974 onwards. Hence the given GO is only related to the diversion of forest land in Srivaikundam village due to the change the location of water drawal in the year 2008.</p> <p>As mentioned in the Hon'ble NGT, South Zone, Chennai order dated 7.7.2017, the said GO.MS.No:18/E &amp;F</p>

27

**TAMILNADU FOREST DEPARTMENT**

**From**

Dr.P.Durairasu I.F.S.,  
Principal Chief Conservator of Forests,  
(Head of Forest Force )  
Chennai – 15.

285

**To**

The Principal Secretary to Government,  
Environment and Forest Department,  
Secretariat,  
Chennai

873

**C.No: TS4/24793/2018 Dated: 03.06.2020**

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  2. Government Lr. No. 20575/FR10/2018-14, dated 23.12.2019
  3. Principal Chief Conservator of Forests, Chennai C.N.TS4/24793/2018 dated 01.10.2019 and 28.01.2020

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1.	The State Government has recommended the proposal subject to the decision of the District Collector, Thoothukudi as per the orders of the Hon'ble Supreme Court of India and subject to the outcome of the final orders of the Hon'ble NGT (SZ) in OA 33 of 2019. The District Collector's decision as per the Hon'ble Supreme Court on supplying water for Industrial purposes and views of the State Government on the same shall be forwarded.	The District Collector, Tuticorin has reported to the Govt vide his Ref.No TWAD/20MGD/WSS/NGT/2019 dt 14.10.2019 regarding the action taken as per the Hon'ble Apex Court's order on supplying water for Industrial purposes. Copy of Collector's reference is enclosed.
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(29) ~~29/1~~ 875

		(FR10)/07.03.2008 has not chosen to mention the other purposes like industrial activities. Hence the user agency has now applied for further permission from the MOEF & CC to include the other purpose like industrial activities. Hence no action was taken by the State Government, against the officials anyone having no intention to do mistake.
5.	The Reserved Land notification of Srivaikundam Forest Block along with the map needs to be provided by the State Government.	The Reserved Land notification of Srivaikundam Forest Block along with the map is enclosed.
6.	There are some discrepancies in the ECO class and density of Forest as reported by the District Forest Officer, Thoothukudi in part II of the proposal and the State Government letter no.20575/FR.10/20018-14 dated 23.12.2019. The same may be reconciled and correct Eco- class and density of the area may be reported, in addition to the furnishing of Part I to Part IV of the proposal in original.	The proposed area is located on the bank of the river and surrounded by few thorny species like Prosopis. Hence the eco class IV has been taken for consideration. However the proposed area does not contain any vegetation and hence the category of open forest has been taken.

I request that necessary orders may kindly be accorded in this regard  
Enc:- As stated above

Yours faithfully,  
Sd/- P. Durairasu  
Principal Chief Conservator of Forests  
(Head of Forest Force)

Copy to the CCF, Tirunelveli,  
Copy to the DFO, Thoothukudi

by 3.6.2020

/True copy/By Order/

Head. Y. Prasad ob  
03/03/2020  
Senior Draughting Officer

30  
94/154  
By Speed Post

## TAMIL NADU FOREST DEPARTMENT

From

Thiru. Dinkar Kumar, I.F.S.,  
Chief Conservator of Forests,  
Tirunelveli Circle,  
Tirunelveli -7.  
Phone No : 0462 - 2902612  
Fax.No. : 0462 - 2901132  
E.mail id. : cftni@yahoo.co.in

To

The Principal Chief Conservator of Forests  
(Head of Forest Force) ,  
Chennai - 15.

**C.No. D/5353/2017 dated: 17.07.2020**

Sir,

**Sub :** Forest (Conservation) Act.1980- Tirunelveli Circle / Thoothukudi Forest Division - Proposal for diversion of 0.08 Ha of forest land for 20 MGD closed circuit scheme for Water supply scheme to Thermal Power Project, SIPCOT complex, Heavy water plant and other industries in Thoothukudi for drinking and industrial purposes in favour of Executive Engineer- TWAD Thoothukudi-report submission of - Reg.

- Ref :**
1. Principal Chief Conservator of Forests (HOD), Chennai Ref.No. TS4 / 24793/2018, dated: 28.01.2020.
  2. GOI, MoEF, Chennai-34 F.No.TNB033/2019-CHN/077 dated 20.01.2020.
  3. Chief Conservator of Forests, Tirunelveli Ref.No.D/5353/2017 dated 20.03.2020.
  4. Principal Chief Conservator of Forests (HOD), Chennai Ref.No. TS4 / 24793/2018, dated: 03.06.2020.
  5. State Govt Letter No.20575/FR.10/2018-17 E& F dated 15.06.2020
  6. GOI, MoEF, Chennai-34 F.No.TNB033/2019-CHN/542 dated 07.07.2020.
  7. Principal Chief Conservator of Forests (HOD), Chennai Ref.No. TS4 / 24793/2018, dated: 13.07.2020.
  8. District Forest Officer, Thoothukudi Ref.No.D/3522/2018 dated 16.07.2020.

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With reference mentioned above, I submit herewith the detailed reply for the quarry raised by the Government of India letter 2<sup>nd</sup> cited as communicated in Principal Chief

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Conservator of Forests reference 1<sup>st</sup> cited duly received from the District Forest Officer Thoothukudi Division in his reference 8<sup>th</sup> cited as detailed below.

**4) The state Government shall report the action taken on the officials responsible for the violations including the action taken under section 3B of FCA, 1980.**

**Reply :** As per the details available and report submitted by Executive Engineer, TWAD, the 20MGD Water Supply Scheme was implemented considering the total Industrial need in Thoothukudi District for Tuticorin rural development with the recommendations of High power committee Constituted by the State Government of Tamilnadu, Vide the G.O.Ms.no.2289/Public works Departmental dated.12.11.1970. Further the Government of Tamilnadu allocated water to the Industries initially vide G.O.Ms.No.1211 Industries dated 20<sup>th</sup> July 1972. The scheme has been implemented by tapping the river water for Industries in Thoothukudi area, from Arumugamangalam Tank by getting water from North main channel of Srivaikundam Anaicut. Due to the suggestions of PWD, Technical Committee, Water Resources Organization vide Letter dated.14.05.1997, and the Hon'ble Madras High Court (Madurai Bench) order dated 23.01.2002, the closed conduit scheme was formulated to avoid the loss in the transmission of water through open channel, by taking the water to the Industries directly from Srivaikundam Anaicut. The need of diversion of forest land in Srivaikundam village arisen only to switch over the water drawl location from Arumugamangalam Tank to Srivaikundam Anaicut and for continuing the existing purpose. Accordingly, an area of 0.055 Ha of Forest land in S.No.600 of Srivaikundam Reserved Land was diverted to TWAD Board, Urban division, Thoothukudi vide G.O.Ms.No 18, Environment & Forest Dept. (FR 10) Dated 07.03.2008.

Thereafter, One Mr. S. Joel filed a case in NGT, South Zone alleging violation of the above said G.O by the user agency. During the course of inspection it was noticed that the user agency has occupied area more area than diverted. Accordingly the user agency has submitted the present proposal for diversion of additional forest area.

For the case filed by Mr.Joel in NGT regarding the alleged violation regarding used of water for industrial purpose in violation of the G.O.Ms.No 18, Environment & Forest Dept. (FR 10) Dated 07.03.2008,the Honorable NGT Southern Zone, Chennai vacated the interim stay and in order dated 07.07.2017 stating that,

***"The Government of Tamil Nadu while passing G.O.Ms.No.18 Environment & Forest (FR.10) Department dated 7.3.2008 has not chosen to mention other purposes like industrial activities and restricted only for drinking purpose alone and it appears that there is a mistake in passing such order,However, taking note of the facto that for***

*maintaining water supply not only for drinking purposes but also for the industrial purposes, we are of the considered view that applying the principle of sustainable development, the industries should not be allowed to run out of water. Therefore, as and interim arrangement, we modify our order dated 31.5.2017 to the effect that the situation which was in existence before our interim order dated 31.02.2017 shall be continued, however, subject to the condition that the 3<sup>rd</sup> respondent Board shall closely scrutinize whatever water is required for industrial purpose and also subject to the condition that sufficient quantity of water is available for drinking purpose for the people “.*

Also the Hon'ble Apex Court, New Delhi, in its order dated 04.02.2019 has permitted to supply water to the Industrial purpose of TTPS by the order that

*“We, accordingly, direct that within a period of one week from today the Collector responsible for Thoothukudi division shall convene a meeting of all the concerned departments, including the Public Works Department, the Irrigation department and the TWAD Board. The Collector shall ascertain whether any surplus water is available after fully meeting the requirement for drinking water. The Collector shall conduct a fortnightly review of the position thereafter to determine as to whether any further direction or modification is required to meet the exigencies of the situation. If the Collector does find that the data which has been produced is adequate to sustain the conclusion in regard to the availability of surplus water after fully satisfying the need for drinking water, directions may be issued for allocating a suitable quantity of water for industrial purposes. We reiterate that, this should be without in any manner compromising the present and anticipated drinking water needs of the residents of the district concerned. Until the Collector takes a decision and for one week from today they restore the position as it obtained under the interim 14 order of the Tribunal dated 7 July 2017 to facilitate the supply of water for industrial purposes, including for the Tuticorin Thermal Power Plant. This is subject to the condition that drinking water requirements are fully met on priority. Thereafter, parties shall abide by the decision of the Collector. Until the Collector takes a decision, the interim order which we have passed in the case of Tuticorin Thermal Power Plant shall also continue in operation.*

*Insofar as the proposal under the Forest (Conservation) Act 1980 is concerned, we are apprised that TWAD Board had forwarded it to the State Government on 11 June 2018. We have been apprised that there were communications between the State Government and the Board with a view to rectifying certain deficiencies in the proposal. Be that as it may, we direct that within a period of two weeks from today, a joint meeting be held of the representatives of the State Government and of the TWAD Board to*

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*resolve the issue. The proposal shall thereupon be forwarded to MoEF&CC 15 within three weeks from today. The competent authority shall take a decision on the proposal in accordance with law within a period of two months thereafter. Any allocation of water for industrial purposes in the meantime shall abide by such final decision as may be arrived at by the Union of India after considering the proposal. We have not expressed any opinion on the merits of such a proposal “.*

The Executive Engineer, TWAD has also informed that the District Collector Thoothukudi has given order in every fortnight to supply the water to the Industries for the drinking purpose and also for the industrial part considering the availability of surplus water.

For the violation on utilizing the excess land and the penal action has already been taken in the form of penalty to the tune of Rs. 1,97,468/- (including 12% interest from 2008 to 2018) and remitted in the CAMPA account

Also no action was taken by the State Government, against the officials as anyone having an intention to do mistake.

This is for favor of kind submission.

- Encl :1) District Forest Officer, Thoothukudi Ir dated 16.07.2020  
2) Hon'ble NGT, Southern zone, Chennai Order dated. 07.07.2017.  
3) Hon'ble Apex Court, New Delhi Order dated. 04.02.2019.

Yours faithfully,  
Sd/- Dinkar Kumar,  
Chief Conservator of Forests,  
Tirunelveli Circle,  
Tirunelveli.

Copy to the District Forest Officer, Thoothukudi Division, Thoothukudi.  
/t.c.b.o/

*D. Chandra Sekhar*  
Senior Draughting Officer  
17/7/20

34 9/15

TAMILNADU FOREST DEPARTMENT

From

A.S.Marimuthu I.F.S.,  
District Forest Officer (A/c.),  
Thoothukudi Division,  
Collectorate Campus,  
Thoothukudi - 628 101.

To

The Principal Chief Conservator of Forests,  
(Head of Forest Force)  
Chennai - 15

(Through Chief Conservator of Forests,  
Tirunelveli)

C.No: D/3522/2018 Dated: 16.07.2020

Sir,

Sub : Forests - Forest(Conservation) Act 1980-Tirunelveli Circle/Thoothukudi Forest Division- proposal for diversion of 0.08ha of forest land for 20MGD closed conduit scheme for Water supply Scheme to Thermal Power Project, SIPCOT complex and other industries in Thoothukudi District and for drinking and Industrial purposes in favour of Executive Engineer, TWAD, Thoothukudi- Query raised- Reply submission of - regarding.

- Ref:-
1. Principal Chief Conservator of Forests, Chennai C.N.TS4/24793/2018 dated 01.10.2019 and 28.11.2019.
  2. Government Lr. No. 20575/FR10/2018-14, dated 23.12.2019.
  3. GOI, MoEF, Chennai -34 F.No.4-TNB033/2019-CHN/077 dated 20.01.2020
  4. Principal Chief Conservator of Forests, Chennai C.N.TS4/24793/2018 dated 01.10.2019 and 28.01.2020
  5. Special Secretary(Forests), Environment and Forests(FR.10) department, Secretariat, Chennai-600009 Letter No.20575/FR.10/2018-17 dated 15.06.2020
  6. Principal Chief Conservator of Forests, Chennai C.N.TS4/24793/2018 dated 01.10.2019, 22.06.2020 and 13.07.2020

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With reference to the above subject, I submit herewith the revised detailed reply for the query raised by the Government of India in respect of point No.4 as called for in the Principal Chief Conservator of Forest, Chennai reference 6<sup>th</sup> cited as follows:-

**4) The state Government shall report the action taken on the officials responsible for the violations including the action taken under section 3B of FCA, 1980.**

**Reply :** As per the details available and report submitted by Executive Engineer, TWAD, the 20MGD Water Supply Scheme was implemented considering the total Industrial need in Thoothukudi District for Tuticorin rural development with the recommendations of High power committee Constituted by the State Government of Tamilnadu, Vide the G.O.Ms.no.2289/Public works Departmental dated.12.11.1970. Further the Government of Tamilnadu allocated water to the Industries initially vide G.O.Ms.No.1211 Industries dated 20<sup>th</sup> July 1972. The scheme has been implemented by tapping the river water for Industries in Thoothukudi area, from Arumugamangalam Tank by getting water from North main channel of Srivaikundam Anaicut. Due to the suggestions of PWD, Technical Committee, Water Resources Organization vide Letter dated.14.05.1997, and the Hon'ble Madras High Court (Madurai Bench) order dated 23.01.2002, the closed conduit scheme was formulated to avoid the loss in the transmission of water through open channel, by taking the water to the Industries directly from Srivaikundam Anaicut. The need of diversion of forest land in Srivaikundam village arisen only to switch over the water drawl location from Arumugamangalam Tank to Srivaikundam Anaicut and for continuing the existing purpose. Accordingly, an area of 0.055 Ha of Forest land in S.No.600 of Srivaikundam Reserved Land was diverted to TWAD Board, Urban division, Thoothukudi vide G.O.Ms.No 18, Environment & Forest Dept. (FR 10) Dated 07.03.2008.

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Thereafter, One Mr. S. Joel filed a case in NGT, South Zone alleging violation of the above said G.O by the user agency. During the course of inspection it was noticed that the user agency has occupied area more area than diverted. Accordingly the user agency has submitted the present proposal for diversion of additional forest area.

For the case filed by Mr. Joel in NGT regarding the alleged violation regarding used of water for industrial purpose in violation of the G.O.Ms.No 18, Environment & Forest Dept. (FR 10) Dated 07.03.2008, the Honorable NGT Southern Zone, Chennai vacated the interim stay and in order dated 07.07.2017 stating that,

*"The Government of Tamil Nadu while passing G.O.Ms.No.18 Environment & Forest (FR.10) Department dated 7.3.2008 has not chosen to mention other purposes like industrial activities and restricted only for drinking purpose alone and it appears that there is a mistake in passing such order, However, taking note of the fact that for maintaining water supply not only for drinking purposes but also for the industrial purposes, we are of the considered view that applying the principle of sustainable development, the industries should not be allowed to run out of water. Therefore, as an interim arrangement, we modify our order dated 31.5.2017 to the effect that the situation which was in existence before our interim order dated 31.02.2017 shall be continued, however, subject to the condition that the 3<sup>rd</sup> respondent Board shall closely scrutinize whatever water is required for industrial purpose and also subject to the condition that sufficient quantity of water is available for drinking purpose for the people".*

Also the Hon'ble Apex Court, New Delhi, in its order dated 04.02.2019 has permitted to supply water to the Industrial purpose of TTPS by the order that

*"We, accordingly, direct that within a period of one week from today the Collector responsible for Thoothukudi division shall convene a meeting of all the concerned departments, including the Public Works Department, the Irrigation department and the TWAD Board. The Collector shall ascertain whether any surplus water is available after fully meeting the requirement for drinking water.*

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The Collector shall conduct a fortnightly review of the position thereafter to determine as to whether any further direction or modification is required to meet the exigencies of the situation. If the Collector does find that the data which has been produced is adequate to sustain the conclusion in regard to the availability of surplus water after fully satisfying the need for drinking water, directions may be issued for allocating a suitable quantity of water for industrial purposes. We reiterate that, this should be without in any manner compromising the present and anticipated drinking water needs of the residents of the district concerned". Until the Collector takes a decision and for one week from today they restore the position as it obtained under the interim 14 order of the Tribunal dated 7 July 2017 to facilitate the supply of water for industrial purposes, including for the Tuticorin Thermal Power Plant. This is subject to the condition that drinking water requirements are fully met on priority. Thereafter, parties shall abide by the decision of the Collector. Until the Collector takes a decision, the interim order which we have passed in the case of Tuticorin Thermal Power Plant shall also continue in operation.

Insofar as the proposal under the Forest (Conservation) Act 1980 is concerned, we are apprised that TWAD Board had forwarded it to the State Government on 11 June 2018. We have been apprised that there were communications between the State Government and the Board with a view to rectifying certain deficiencies in the proposal. Be that as it may, we direct that within a period of two weeks from today, a joint meeting be held of the representatives of the State Government and of the TWAD Board to resolve the issue. The proposal shall thereupon be forwarded to MoEF&CC 15 within three weeks from today. The competent authority shall take a decision on the proposal in accordance with law within a period of two months thereafter. Any allocation of water for industrial purposes in the meantime shall abide by such final decision as may be arrived at by the Union of India after considering the proposal. We have not expressed any opinion on the merits of such a proposal."

The Executive Engineer, TWAD has also informed that the District Collector Thoothukudi has given order in every fortnight to supply the water to the Industries for

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the drinking purpose and also for the Industrial part considering the availability of surplus water. Hence the allegation of violating the drinking purpose is superseded by the consequent orders of Hon'ble Apex court and the Hon'ble NGT.

Further, the State and Central Government owned industries are now being getting water from the 20MGD Scheme for the purpose of electrical energy generation and for the production need of National Security and defense, other than the private industries of SPIC, TAC and DCW. The SPIC Industry is functioning in the interest of Farmer's Wealth and its Fertilizers products is essential for the National Agriculture growth.

Hence taking all this in to consideration, it is submitted that there was only violation on utilizing the excess land and the penal action has already been taken in the form of penalty to the tune of Rs. 1,97,468/- (including 12% interest from 2008 to 2018) and remitted in the CAMPA account

Hence no action was taken by the State Government, against the officials as anyone having an intention to do mistake.

This is for favor of kind information and necessary action.

Encl : 1) Hon'ble NGT, Southern zone, Chennai Order dated. 07.07.2017.

2) Hon'ble Apex Court, New Delhi Order dated. 04.02.2019.

Yours faithfully,  
Sd/-A.S.Marimuthu  
District Forest Officer (A/c),  
Thoothukudi

Copy submitted to the Chief Conservator Forests, Tirunelveli Circle for favor of kind information and necessary action. (D/5353/2017, dt 15.07.2020)

\T.C.B.O\

Superintendent

16/7/2020

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BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Application No. 128 of 2017 (SZ)

Applicant(s)

Respondent(s)

S. Joel  
Muthamural Colony  
Tuticorin

1. The Inspector General of Forests  
MinEF & CC, New Delhi
2. The Secretary to Government of Tamil Nadu  
Dept. Of Environment & Forest, Chennai
3. The Managing Director, TWAD Board,  
Chennai
4. The Principal Chief Conservator of Forest  
Chennai
5. The Addl. Principal Chief Conservator of  
Forest (Central), Chennai
6. The District Collector, Thoothukudi
7. The District Forest Officer, Tuticorin
8. The Superintending Engineer  
Water Resources Organisation  
Tamilbarani Basin Circle, Tiruchelveli
9. The Executive Engineer,  
TWAD Board, Thoothukudi
10. M/s. Southern Petrochemical Industries  
Corpn. Ltd., Chennai rep. by S. G.M  
R. Venkata Krishnaiah
11. M/s. Tuticorin Alkali Chemicals and  
Enginers Ltd.,
12. M/S. DCW Ltd., rep by its Senior General Manager

Counsel appearing for applicant

Counsel appearing for respondents

M/s. P. Ravi Kumar  
Mr. Sathish Kumar  
G. Vijaya Kumar  
E. Felix Parthiban  
M.A.No.93 of 2017

Mr. Syed Nurulhan Siddiqi for R1 & 5  
M/s. M.K. Subramanian, Velmani - R2,R4  
Mr. E. Manojkumar - R6 to R8  
Mr. M. Anandaram for R3, R9  
Mrs. A.L. G. Anitha for R10 & R11  
M/s. R. Parthasarathy, Rahul Balaji, Madhan Babu  
Vishnu Mohan for R12

Note of the Registry	Orders of the Tribunal

Item.No.11

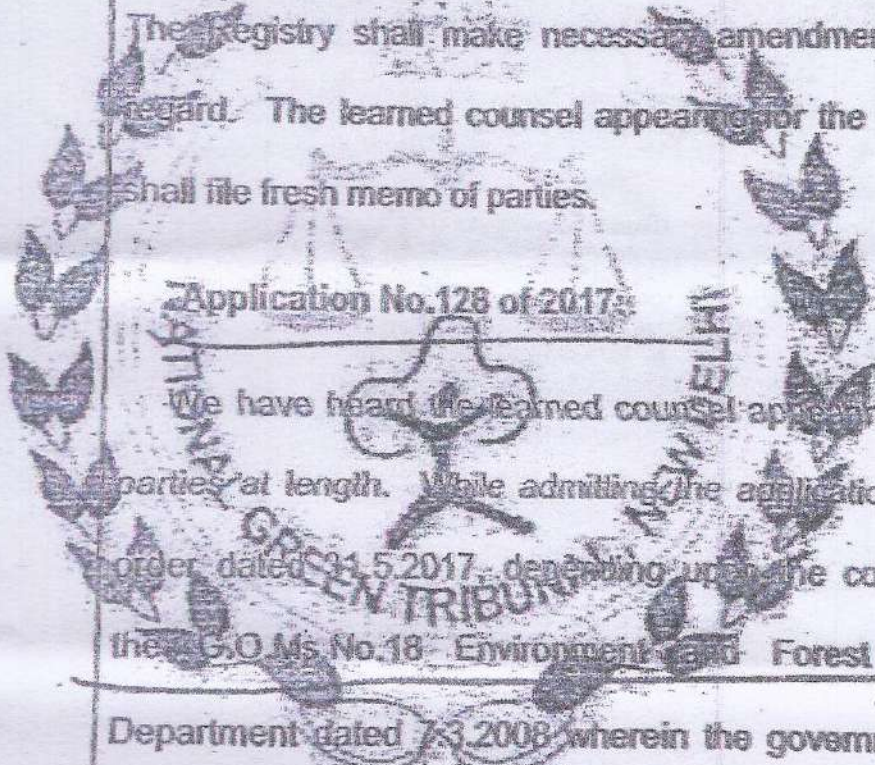
7<sup>th</sup> July, 2017

**M.A.No.93 of 2017**

This M.A is to implead M/s. DCW Ltd as one the respondents in the original application. The M.A is not opposed by the applicant. Accordingly, M.A.No.93 of 2017 stands allowed and the applicant therein is directed to be impleaded as respondent No. 12 in the main application. The registry shall make necessary amendment in this regard. The learned counsel appearing for the applicant shall file fresh memo of parties.

**Application No.128 of 2017:**

We have heard the learned counsel appearing for the parties at length. While admitting the application, in our order dated 31.5.2017, depending upon the contents of the G.O Ms No.18 - Environment and Forest (FR.10) Department dated 7.3.2008 wherein the government has granted approval for diversion of 0.055 ha of forest land in Survey No.600 of Srivaigundam Village, Thoothukudi District for the purpose of construction of intake well along the Control Room and Foot Bridge for drinking water



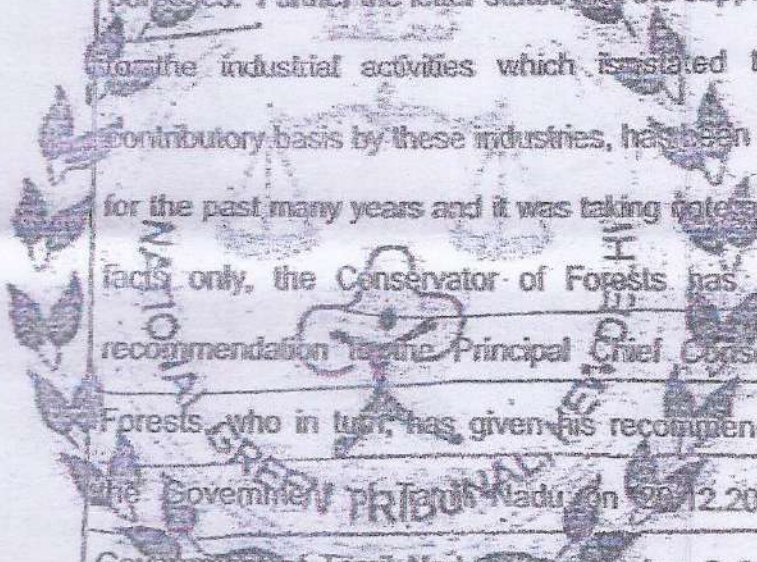
(L) 253

purposes subject to various conditions, we have passed status quo order, directing that the supply of water based on the above G.O should only for drinking purpose. The result is that the supply of water to various industries which is stated to have been in existence for the past 40 years not only to maintain their industrial process but also for providing drinking water to the employees working in those industries were deprived of water supply.

It is in those circumstances, the said industrial units have filed the impleadment petitions and the learned counsel appearing for the industries impleaded have insisted for the modification of the earlier order.

It is relevant to note that in the G.O. No.18 dated 7.3.2008 referred to above, a reference is made to the proceedings of the Chief Conservator of Forests, Chennai dated 20.12.2007. The said proceeding dated 20.12.2007 is a recommendation of the Principal Chief Conservator of Forest and it was based on the report of the Conservator of Forest, Tirunelveli Circle dated 4.12.2007 addressed to the Principal Chief Conservator of Forests. In the said report, the Conservator of Forests has clearly stated that

the proposed Reserved land is essential for providing water supply to the Industries and also for drinking purpose. In fact, in the letter he has referred to the fact that the proposal for diversion of forest land for non-forest activity is in respect of 0.055 ha of 'forest land' and that has been permitted by way of delegation of power by the Government of India to the State Government for specified purposes. Further the letter states that the supply of water for the industrial activities which is stated to be on contributory basis by these industries, has been continued for the past many years and it was taking note of all these facts only, the Conservator of Forests has given his recommendation to the Principal Chief Conservator of Forests, who in turn, has given his recommendations to the Government of Tamil Nadu on 29/12/2007. The Government of Tamil Nadu while passing G.O.Ms.No.18 Environment & Forests (FR.10) Department dated 7.3.2008 has not chosen to mention other purposes like industrial activities and restricted only for drinking purpose alone and it appears that there is a mistake in passing such order. Needless to state that using water for





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industrial purpose, as correctly submitted by the learned counsel appearing for the MoEF & CC, the Government or the user agency viz., TWAD Board – the 3<sup>rd</sup> respondent herein ought to have applied for specific permission from the MoEF & CC which has not been done admittedly in this case. Mr. Syed Nurullah Sheriff, learned counsel appearing for the MoEF & CC has referred to various circulars issued by the MoEF & CC which include the proceedings dated 3.1.2005 wherein the Government of India has permitted diversion of forest land for non-forest activity.

However, taking note of the fact that for maintaining water supply not only for drinking purpose but also for the industrial purposes, we are of the considered view that applying the principle of sustainable development, the industries should not be allowed to run out of water.

There is another issue viz., employees working in the industries who are residing in the said area are also deprived of water.

Mr. Venkataramani, learned Additional Advocate

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General appearing for the 3<sup>rd</sup> respondent Board would submit that there is no impediment on the part of the State Government viz., the user agency in the mean time to approach the MoEF & CC seeking permission. It is also stated that by virtue of monsoon, plenty of water is available in the said area.

Therefore, as an interim arrangement, we modify our order dated 31.5.2017 to the effect that the situation which was in existence before our interim order dated 31.5.2017 shall be continued, however, subject to the condition that the 3<sup>rd</sup> respondent Board shall closely scrutinise whatever water is required for industrial purpose and also subject to the condition that sufficient quantity of water is available for drinking purpose for the people.

This order is passed as an interim arrangement which shall continue till final orders are passed.

Post the application on 16.8.2017.

(Justice Dr. P. Jyothimani)

(Sri P.S. Rao)

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REPORTABLE



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11935 OF 2018

M/S. SOUTHERN PETROCHEMICAL  
INDUSTRIES CORPN. LTD.

... APPELLANT(S)

VS.

S. JOEL & ORS.

... RESPONDENT(S)

WITH  
C.A.Nos.12227 & 12224 of 2018  
and C.A.Nos.834 & 1332 of 2019

ORDER

1. Appeals Admitted.
2. This batch of appeals arises from a decision of the National Green Tribunal<sup>1</sup> dated 28 November 2018.<sup>2</sup>
3. On 15 June 2004, the Government of India in the Ministry of Environment and Forests<sup>2</sup> issued



<sup>1</sup> "The Tribunal"  
<sup>2</sup> "Ministry"

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guidelines regulating the diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980. These guidelines were clarified on 3 January 2005. The guidelines delegate to the state governments the authority to permit diversion of forest land up to one hectare for the purpose of government departments for public utility purposes. The permissible activities are :

1. Schools;
2. Dispensary/hospital;
3. Electric and Telecommunication lines;
4. Drinking water;
5. Water/rainwater harvesting structures;
6. Minor irrigation canal;
7. Non-conventional sources of energy;
8. Skill up-gradation/vocational training centre;
9. Power sub-stations;
10. Communication posts; and
11. Police establishments like police stations/outposts/border outposts/watch towers, in sensitive areas (identified by Ministry of Home Affairs)."

*(emphasis supplied)*

4. Based on the above guidelines of the Government of India, on 7 March 2008, the Government of Tamil Nadu accorded approval for

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diversion of 0.055 hectares of forest land in Sy.No.600 of Srivaigundam Village in Thoothukudi Division of the Tamil Nadu Water Supply and Drainage Board (TWAD Board) for construction of an intake well (along with a control room and foot bridge) for "drinking water purposes". This permission was subject to certain conditions. The facility has been set up.

5. A proceeding was instituted before the National Green Tribunal by the first Respondent, complaining that instead of confining the use of water for drinking purposes, TWAD Board has permitted the use of water for industrial purposes.

6. The Union Ministry of Environment, Forests and Climate Change (MoEF&CC) submitted before the Tribunal that if the proposal involved a diversion of forest land both for drinking water and industrial purposes, then it would not fall within the purview of the "General approval" category under the Forest Conservation Act, 1980. MoEF&CC submitted that the user agency had acted

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12. Initially, when this Court was moved in a batch of civil appeals, on 11 January 2019, a grievance was urged on behalf of Tuticorin Thermal Power Plant to the effect that as a result of the order of the Tribunal, serious hardship was faced in its operational activities and that the situation was assuming a critical dimension in the absence of regular supply of water. Accordingly, while issuing notice this Court directed that the order of the Tribunal shall remain stayed insofar as the Tuticorin Thermal Power Plant is concerned, subject to the condition that drinking water needs are fully met. This Court clarified that any supply thereafter of surplus water to the power plant shall be in accordance with the terms of the interim order (of the Tribunal) dated 7 July 2017, extracted above. TWAD Board was directed to file an affidavit indicating

- i) the extent of water which is available for distribution;
- ii) the water which is required to fully meet the drinking water needs; and

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iii) the surplus, if any, that is available.

13. On 28 January 2019, finding that the TWAD Board had not indicated a bifurcation of the requirements of water for drinking and industrial use, this Court called for fresh affidavits on the anticipated requirements for the period between 1 February 2019 and 30 June 2019. An affidavit has been filed on 31 January 2019 on behalf of the Board.

14. Learned senior counsel appearing on behalf of the Board has drawn our attention to relevant extracts from the affidavit, in support of the submission that even after meeting drinking water requirements fully, there is surplus water available which can be allocated for industrial use. The affidavit indicates that requirement of water for drinking, irrigation and other industrial purposes, in Tirunelveli and Thoothukudi Districts, is met from the water drawn from Tamirabarani River. For that purpose, water is released from three dams, namely, (i) Papanasam

Dam; (ii) Servalaru Dam; and (iii) Manimuthar Dam.

Paragraph 6 of the affidavit is extracted below :

"6. The Water Account details as annexed prepared to know the storage position of dams and anticipated Inflow of water from the data obtained from the office of the PWD and Electricity Board as detailed below :-

i) Expected inflow of water and the storage of water to be used is 10285.60 MCft (31.01.2019 to 30.06.2019)

ii) Losses due to evaporation and leakages is estimated as 1028.56 MCft

iii) Balance quantity of water is 9257.04 MCft

iv) Water requirement for drinking use from 31.01.2019 to 30.06.2019 (150 days x 167.73 Cusecs x 0.0864) is 2173.78 MCft [.0864 is conversion factor from cusecs to MCft]

v) Water required for industrial usage from 31.01.2019 to 30.06.2019 (150 days x 52.27 cusecs x 0.0864) is 742.22 MCft

vi) Anticipated average release of water from 31.01.2019 to 31.03.2019, 1000 cusecs per day for irrigation (60 days x 1000 cusecs x 0.0864) is 5184.00 MCft

vii) Expected inflow and available storage for use of dam on 30.06.2019 is  $(9257.04 - (2173.78 + 742.22 + 5184.00)) = 1157.04 \text{ MCft}^{\circ}$

15. Accordingly, it has been submitted that the



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water available in the dams is sufficient to meet the requirement of water for drinking, irrigation and industrial purposes upto 31 March 2019 and for meeting the requirement of water for drinking needs and industrial purposes upto 30 June 2019 in both Tirunelveli and Thoothukudi Districts. The affidavit states that in case there is any shortfall in the expected inflow, it will be compensated with the seasonal rains in the lower part of the dams in Tamirabarani River basin and irrigation tanks, as per the report of the PWD authorities. Finally, it has been stated that if any shortfall arises in the expected inflow of water, the first priority will be given to drinking water requirements.

16. Placing reliance on the affidavit which has been filed by the TWAD Board, Shri Ranjit Kumar and Shri Huzefa Ahmadi, learned senior counsel submitted that it would be appropriate if the stay granted by the Tribunal is modified so as to permit the release of water for industrial purposes, subject to the drinking water needs

being fully met. Learned counsel submitted that a blanket stay of the nature which has been issued by the Tribunal will not serve any purpose.

17. On the other hand, Ms. Anitha Shenoy, learned counsel appearing on behalf of the first respondent, who is the original petitioner before the Tribunal, submitted a chart containing the data of the Government of India in the Ministry of Earth Sciences (India Meteorological Department), Regional Meteorological Centre, Chennai. Learned counsel submitted that for Thoothukudi District official statistics show that the rainfall as of 31 January, 2019 has been below normal (-100 or as the case may be -92). Moreover, on the basis of the data collated from the affidavit of the Board, it has been submitted that there is a precipitous decline in the current position of water in the reservoirs in Tirunelveli District and in consequence, it would not be appropriate to issue any direction, modifying the direction of the Tribunal.

18. We may note that it was urged on behalf of

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the appellants that the permission which was granted on 7 March 2008 by the State Government for the diversion of 0.055 hectares of land for the construction of an intake well for drinking water purposes, did not contain a prohibition for utilizing the water for industrial purposes. We cannot accept the submission. Both before the Tribunal as well as before this Court, the consistent position of the State Government as well as of MoEF&CC has been that Government of India delegated its authority under the Forest Conservation Act, 1980 to the states to grant a diversion of forest land upto one hectare and for specified projects of a public utility. Among them is drinking water. Hence, in the face of this position, the submission cannot be accepted.

19. The position as it now exists is that TWAD Board has moved the State Government with a proposal to seek the clearance of MoEF&CC for the purpose of authorizing the use of the surplus water also for industrial purposes under the Forest Conservation Act, 1980. TWAD Board

submitted before this Court that even after meeting the drinking water requirements fully, a surplus of water is available which it may be permitted to utilize for industrial purposes. On the other hand, as we have noted earlier, this is disputed on behalf of the petitioner before the Tribunal who has submitted that there has been a paucity of rain fall, as a result of which, Thoothukudi District has recorded scarcity conditions.

20. In our view, it would be necessary for this Court to put in place an administrative mechanism that would ensure that a decision to release water for industrial purposes is monitored by the Collector of the District who shall conduct a due verification of the data which is available with the TWAD Board. The Collector should independently assess the situation so as to ensure that the need for drinking water and irrigation is not compromised.

21. We, accordingly, direct that within a period of one week from today the Collector responsible

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for Thoothukudi division shall convene a meeting of all the concerned departments, including the Public Works Department, the Irrigation department and the TMAD Board. The Collector shall ascertain whether any surplus water is available after fully meeting the requirement for drinking water. The Collector shall conduct a fortnightly review of the position thereafter to determine as to whether any further direction or modification is required to meet the exigencies of the situation. If the Collector does find that the data which has been produced is adequate to sustain the conclusion in regard to the availability of surplus water after fully satisfying the need for drinking water, directions may be issued for allocating a suitable quantity of water for industrial purposes. We reiterate that this should be without in any manner compromising the present and anticipated drinking water needs of the residents of the district concerned. Until the Collector takes a decision and for one week from today we restore the position as it obtained under the interim

order of the Tribunal dated 7 July 2017 to facilitate the supply of water for industrial purposes, including for the Tuticorin Thermal Power Plant. This is subject to the condition that drinking water requirements are fully met on priority. Thereafter, parties shall abide by the decision of the Collector. Until the Collector takes a decision, the interim order which we have passed in the case of Tuticorin Thermal Power Plant shall also continue in operation.

22. Insofar as the proposal under the Forest (Conservation) Act 1980 is concerned, we are apprised that TWAD Board had forwarded it to the State Government on 11 June 2018. We have been apprised that there were communications between the State Government and the Board with a view to rectifying certain deficiencies in the proposal. Be that as it may, we direct that within a period of two weeks from today, a joint meeting be held of the representatives of the State Government and of the TWAD Board to resolve the issue. The proposal shall thereupon be forwarded to MoEF&CC

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within three weeks from today. The competent authority shall take a decision on the proposal in accordance with law within a period of two months thereafter. Any allocation of water for industrial purposes in the meantime shall abide by such final decision as may be arrived at by the Union of India after considering the proposal. We have not expressed any opinion on the merits of such a proposal.

23. We dispose of the appeals in the above terms. Pending applications, if any, shall also stand disposed of. There shall be no order as to costs.

.....J.  
[Dr. DHANANJAYA Y. CHANDRACHUD]

.....J.  
[HEMANT GUPTA]

New Delhi;  
4 February 2019.

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ITEM NO. 64

COURT NO. 9

SECTION XVII

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Civil Appeal No(s).11935/2018

M/S. SOUTHERN PETROCHEMICAL INDUSTRIES CORPN. LTD. Appellant(s)

VERSUS

S. JOEL & ORS.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment and stay)

WITH

C.A.No.834/2019 (XVII)

(With appln.(s) for permission to file appeal, exemption from filing c/c of the impugned judgment, permission to file addl. documents/facts/annexures and ex-parte stay)

C.A.No.12224/2018 (XVII)

(With appln. for ex-parte stay)

C.A.No.12227/2018 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and stay)

CA No.1332/2019 (XVII)

(With appln.(s) for exemption from filing c/c of the impugned judgment and ex-parte stay)

Date : 04-02-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. K.K. Nani, AOR  
Ms. T. Archana, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. Balaji Srinivasan, Adv. (AAG)  
Mr. Vinodh Kanna B., AOR  
Ms. S. Valarmathi, Adv.  
Ms. Pallavi Sengupta, Adv.



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Mr. Ravindra Shrivastav, Sr. Adv.  
Mr. C. Paramasivam, Adv.  
Mr. N. Avokiyaraj, Adv.  
Mr. N. Yogesh Kanna, AOR

For Respondent(s)

Mr. K.V. Vijayakumar, AOR  
Mr. R. Naveenraj, Adv.  
Ms. Purbitaa Mitra, Adv.

Ms. Anitha Shenoy, Adv.  
Mr. Y. Arunagiri, Adv.  
Mr. Ramesh, Adv.  
for Mr. P. Soma Sundaram, AOR

Mr. Sanjai Kumar Pathak, Adv.  
for Mr. G.S. Makker, AOR

Mr. Mahesh Agarwal, Adv.  
Ms. Aastha Mehta, Adv.  
Mr. Rajesh Kumar, Adv.  
for Mr. E.C. Agrawala, AOR

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

Appeals admitted.

The appeals are disposed of with no order as to  
costs in terms of the signed reportable order.

{Saroj Kumari Gaur}  
Branch Officer

{Sarita Purohit}  
AR-cum-PS

{Signed reportable order is placed on the file}

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**TAMIL NADU FOREST DEPARTMENT**

From  
Dr. P. Durairasu, I.F.S.  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
Panagal Building, Saidapet,  
Chennai 600 015.

To  
The Additional Chief Secretary to  
Government,  
Environment & Forests Department  
Secretariat, Fort.St.George,  
Chennai-600 009.

**Ref.No.TS4/24793/2018 Dated: 20 .07.2020**

Sir,

Sub: Forests - Forests - Forest (Conservation) Act, 1980 - Tirunelveli Circle/Thoothukudi Forest Division - Proposal for diversion of 0.80 ha of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to Thermal Power Project, SIPCOT complex and other industries in Thoothukudi District and for drinking and Industrial purposes in favour of Executive engineer, TWAD, Thoothukudi - Regarding.

- Ref:
1. Government of India, Ministry of Environment and Forests and Climate Change, Chennai F.No.4-TNB03/2019 -CHN /077 dated: 20.01.2020.
  2. Government letter No.20575/FR.10/2018-15 dated:28.1.2020.
  3. Principal Chief Conservator of Forests Ref.No.TS4/24793/2018 dated: 03.06.2020.
  4. Government letter No.20575/FR.10/2018-15 dated: 15.06.2020.
  5. Chief Conservator of Forests, Tirunelveli Ref.No.D/5353/2017 dated: 17.07.2020.
  6. Dist.Forest Officer, Tuticorin Ref.No 3522/2018 D dated 16.07.2020

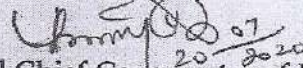
With reference to the subject cited above, I wish to inform that the Chief Conservator of Forests, Tirunelveli has reported that as per the details available and report submitted by Executive Engineer, TWAD, the 20MGD Water Supply Scheme was implemented considering the total Industrial need in Thoothukudi District for Tuticorin rural development with the recommendations of High power committee Constituted by the State Government of Tamilnadu, Vide the G.O.Ms.no.2289/Public works Departmental dated.12.11.1970.(copy enclosed) Further the Government of Tamilnadu allocated water to the Industries initially vide G.O.Ms.No.1211 Industries dated 20th July 1972.(copy enclosed) The scheme has been implemented by tapping the river water for Industries in Thoothukudi area, from Arumugamangalam Tank

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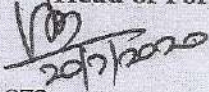
by getting water from North main channel of Srivaikundam Anaicut. Due to the suggestions of PWD, Technical Committee, Water Resources Organization vide Letter dated.14.05.1997, and the Hon'ble Madras High Court (Madurai Bench) order dated 23.01.2002, the closed conduit scheme was formulated to avoid the loss in the transmission of water through open channel, by taking the water to the Industries directly from Srivaikundam Anaicut. The need of diversion of forest land in Srivaikundam village arisen only to switch over the water drawl location from Arumugamangalam Tank to Srivaikundam Anaicut and for continuing the existing purpose. Accordingly, an area of 0.055 Ha of Forest land in S.No.600 of Srivaikundam Reserved Land was diverted to TWAD Board, Urban division, Thoothukudi vide G.O.Ms.No 18, Environment & Forest Dept. (FR 10) Dated 07.03.2008. Hence no action has been taken by the State Government against the officials as no one having an intension to do mistake.

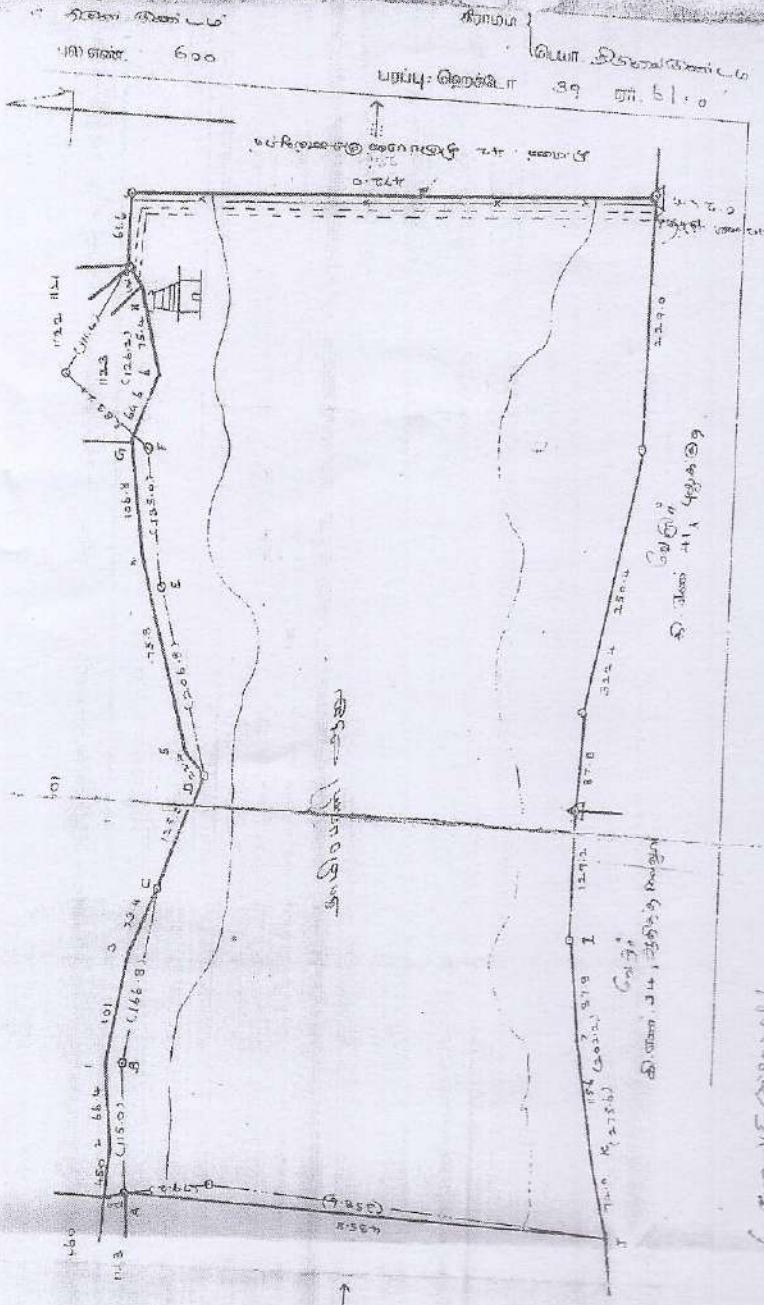
The remarks of the District Forest Officer, Tuticorin and Chief Conservator of Forests, Tirunelveli are enclosed and same may be forwarded to the Government of India, Ministry of Environment, Forests and Climate change.

Yours faithfully



for Principal Chief Conservator of Forests  
(Head of Forest Force)

- Enc:- 1) G.O.MS.No 2289 PWD dt 12.11.1970. 
- 2) G.O.Ms.No 1211 Industries dt 20.07.1972
  - 3) D.F.O. Tuticorin Ref.No 3522/2018D dt 16.07.2020
  - 4) CCF, Tirunelveli Ref.No D/5353/2017 dt 17.07.2020



சென்னை மாவட்டம்

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கிராமம்

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District Forest Officer  
Theothukudi Division  
Theothukudi

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