

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

MEMORANDUM OF APPLICATION

(Under Section 18(1) Read with Section 14 of  
National Green Tribunal Act, 2010)

APPLICATION 167 OF 2021(SZ)

**BETWEEN**

Edwin Wilson,  
No.28, Partasarathy Street,  
Purasaiwakkam  
Chennai – 600 084  
9884422695  
[taaurs@gmail.com](mailto:taaurs@gmail.com)

-----Applicant

**AND**

1. The District Collector,  
Office of the District Collector,  
Vengikal, Tiruvannamalai District – 606 604  
04175 – 233333 [collrtvm@nic.in](mailto:collrtvm@nic.in)
2. The Chief Engineer,  
Public Works Department,  
Water Resources Department,  
State Ground and Surface Water Resource Data Centre,  
Tharamani, Chennai-113.  
044-22541526 [cegwhennai@gmail.com](mailto:cegwhennai@gmail.com)
3. The Chairman  
Tamilnadu Pollution Control Board,  
No.76, Mount Salai,  
Guindy, Chennai – 600 032.  
044-22353145.



Special Secretary to Government  
Public Works Department  
Secretariat, Chennai-600 009.

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Additional Chief Secretary to Government  
Water Resources Department,  
Secretariat, Chennai – 600 009.

4. The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Tiruvannamalai district – 606 604  
04175-233118

-----Respondents

**STATUS REPORT FILED BY THE ADDITIONAL CHIEF SECRETARY TO  
GOVERNMENT, WATER RESOURCES DEPARTMENT ON BEHALF OF  
THE CHIEF SECRETARY TO GOVERNMENT**

I, Dr. Sandeep Saxena I.A.S., S/o. late Krishna Gopal Saxena, Hindu, aged about 55, residing at 2/632-B, Narmada Street, 4<sup>th</sup> Main Road, River View enclave, Manapakkam, Chennai do solemnly affirm and sincerely state as follows:

2. I state that, I am the Additional Chief Secretary to Government, Water Resources Department, Tamil Nadu and I am filing this report on behalf of the Chief Secretary to Government in order to comply with the orders of the Hon'ble National Green Tribunal dated 09.12.2021 and 24.02.2022. I am well acquainted with the facts of the case from records.

**1. INTRODUCTION & BACKGROUND:**

The Hon'ble National Green Tribunal, Southern Zone, Chennai issued an order dated 09.08.2021 in the matter of an application filed by Thiru. Edwin Wilson, Chennai, Original Application No.167/2021 (SZ) regarding the operation of Rice Mills in Arani Taluk and surrounding areas of Thiruvannamalai District without obtaining the necessary No Objection Certificate from the concerned authorities, in other words from the 2<sup>nd</sup> respondent, the Chief Engineer, Water Resources Department (WRD), State Ground and Surface Water Resources Data Center (SG&SWRDC), Tharamani, Chennai for extracting ground water for their industrial purpose.

The applicant filed an application for the following relief:

- Restrain the operation of all the Rice Mills, operating without No Objection Certificate from the Chief Engineer, Water Resources

  
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Water Resources Department,  
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Department, State Ground and Surface Water Resources Data Centre, Tharamani, Chennai.

- Direct the Tamil Nadu Pollution Control Board (TNPCB), not to renew the Consent applications without the necessary No Objection Certificate from the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, Tharamani, Chennai.
- Direct the TANGEDCO, to disconnect electricity to Rice Mills operating without No Objection Certificate from the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, Tharamani, Chennai.
- Direct the Respondent authorities 1 to 4 to assess the damages due to the unregulated extraction of ground water and use the same to remediate the area.

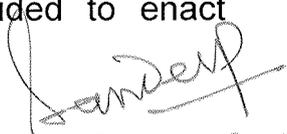
**The Hon'ble National Green Tribunal, Southern Zone, Chennai has passed interim orders on 09.08.2021, 06.10.2021 and 09.12.2021 and 24.02.2022 in Original Application No. 167/ 2021.**

## **2. STATUS REPORT :**

The Tamil Nadu Groundwater (Development and Management) Act, 2003 (Tamil Nadu Act No. 3 of 2003) was enacted to control, regulate and manage the ground water resources in the State of Tamil Nadu. Due to lack of framing of rules and assignment of the authority, the Act was not implemented. In the year 2013, in view of the drastically changed scenario in regard to the demand, need and supply of water, to enact a comprehensive law to develop and manage the ground water, the said Act was repealed by the Tamil Nadu Ground Water (Development and Management) Repeal Act, 2013 (Tamil Nadu Act 23 of 2013)

Based on the High Court order dated 03.10.2018 in W.P. No. 28535 and others of 2014, for effective monitoring of extraction and transportation of ground water by all commercial units, individuals, for mining activities, etc and also for protective measures including management and development of ground water resources, the Government have now decided to enact

  
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legislation for the State. Accordingly, for enactment of Legislation for Management and Development of Ground Water in the State, Government constituted a Technical and High Level Committee for framing Act/ Rules vide G.O. (Ms) No.141, Public Works (R2) department, dated. 19.10.2019. The technical committee has submitted its draft Ground Water (Management and Development), Bill and has been reviewed by the High Level Committee and it is under active consideration of the Government.

Meanwhile orders were issued in G.O (Ms.) No.142, Public Works (R2) Department, Dated: 23.07.2014 for the regulation and management of groundwater resources. As per the said G.O (Ms.) No.142, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, Tharamani, Chennai is empowered to issue No Objection Certificate for extraction of groundwater in Safe and Semi-critical areas for industries.

As per the Revised Consolidated Guidelines – 2020 issued on 24.03.2020 by the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, Rice mills are considered as livelihood of the farmers and public and it is being dealt under the category of “Infrastructure”. Ground water is being used by the Rice Mills for washing and cooling purposes in making of Rice. The Rice Mills have to apply for No Objection Certificate for extraction and transportation of groundwater by following the procedure prescribed in the aforesaid G.O. (Ms.) No. 142 and the said Guidelines. Applications for No Objection Certificate for drawal of Ground water will be processed based on merits and as per the orders in force. No blanket concession for exemption from getting No Objection Certificate for extraction of Ground water has been given to the Rice Mills.

In view of the above, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to accept this report and pass orders as this



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Additional Chief Secretary to Government  
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Hon'ble National Green Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Signed :

Date :



Verification

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Additional Chief Secretary to Government  
Water Resources Department  
Secretariat, Chennai - 600 009.

I, Dr. Sandeep Saxena I.A.S., Additional Chief Secretary to Government, Water Resources Department, Tamil Nadu, St. George Fort, Chennai-09, do hereby verify that the contents of the paragraphs stated above are true and correct to the best of my knowledge and belief.

Signed :

Date :



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Additional Chief Secretary to Government  
Water Resources Department,  
Secretariat, Chennai - 600 009.

Solemnly affirmed at Chennai on this the 21<sup>st</sup> day of March, 2022 and signed his name in my presence

BEFORE ME



Special Secretary to Government  
Public Works Department  
Secretariat, Chennai-600 009.