

**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

-----Applicant

AND

1. The District Collector,
Office of the District Collector,
Vengikal, Tiruvannamalai District – 606 604
04175 – 233333 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 cegwchennai@gmail.com
3. The Chairman
Tamilnadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.
044-22353145
4. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Tiruvannamalai district – 606 604
04175-233118

-----Respondents

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Superintending Engineer, WRD,
Ground Water Circle,
Tharamani, Chennai – 600113.

Date: 10.01.2022

Place: CHENNAI

STATUS REPORT IN COMPLIANCE TO THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI DATED 09.12.2021 IN ORIGINAL APPLICATION 167 OF 2021(SZ) (ON BEHALF OF THE 2nd RESPONDENT)

1. INTRODUCTION & BACKGROUND:

The Hon'ble National Green Tribunal, Southern Zone, Chennai issued an order dated 09.08.2021 in the matter of petition 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, that is from 2nd respondent, the Chief Engineer, Water Resources Department (WRD), State Ground & Surface Water Resources Data Center (SG&SWRDC), Tharamani, Chennai for drawing ground water for their industrial purpose.

The applicant filed the petition for the following relief:

- Restrain the operation of all the Rice Mills, operating without NOC from the Chief Engineer, WRD, SG&SWRDC, Tharamani, Chennai.
- Direct the Tamil Nadu Pollution Control Board (TNPCB), not to renew the Consent applications without the necessary NOC from the Chief Engineer, WRD, SG&SWRDC, Tharamani, Chennai.
- Direct the TANGEDCO, to disconnect the electricity, to the Rice Mills operating without NOC from the Chief Engineer, WRD, SG&SWRDC, 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 in Original Application No. 167/ 2021 .,


SUPERINTENDING ENGINEER
W.R.O. P.W.D.
Ground Water Circle,Chennai-600 112.

2. FACTUAL AND ACTION TAKEN REPORT

As per G.O (Ms.) No.142, Public Works (R2) Department Dated: 23.07.2014, the water based industries i.e, those industries which use water as raw material or one of the raw material are eligible for No Objection Certificates in the Safe and Semi-critical areas only, not in Critical and Over Exploited categories. Since, the rice mills use water as one of the raw material, it comes under the category of water based industries and hence the Rice Mills should obtain NOC from the Chief Engineer, Water Resources Department, SG&SWRDC, Tharamani, Chennai – 600 113.

The Executive Engineer (EE), Ground water Division (GWD), Vellore, who is working under the control of Superintending Engineer, Ground Water Circle ,Chennai and District representative of 2nd Respondent has been instructed to take appropriate action against all the Rice Mills functioning in Arani Taluk, Tiruvannamalai District as per the Government orders and High Court Judgments which are in force.

Based on the District Collector's instructions, the Executive Engineer, Groundwater Division, Vellore has issued **1st show cause notice** to the Rice mills as per the Government Orders and Hon'ble Chennai High Court order, and the same was served to the 137 Rice mills on 24.09.2021 asking them to submit their explanation on extracting Ground water without valid ground water NOC.

In this connection, 131 Rice mills had replied to the Executive Engineer, Ground Water division, Vellore, requesting for exemption from obtaining ground water NOC and also stated various reasons unanimously in their reply.

Replies received from the Rice mills have not satisfied the existing Government Orders and Hon'ble Chennai High Court order, the explanations cannot be considered, hence **2nd show cause notice** has been issued to the 137 Rice Mills on 20.10.2021 to apply for NOC to be obtained from competent authority and also further clearly instructed in the notice "failing to produce Groundwater NOC from Competent Authority within 15 days, borewell/open/ dug well used by the Rice Mills will be sealed".

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SUPERINTENDING ENGINEER
W.R.O. P.W.D.
Ground Water Circle, Chennai-600 113

So far, no application has been received from the referred Rice mills seeking NO OBJECTION CERTIFICATE for ground water extraction to the Competent Authority, that is, to the Chief Engineer, State Ground & Surface Water Resources Data Centre, Water Resources Department, Tharamani, Chennai - 600113 till date. Legal action has not taken with reference to the 2nd show cause notice since this issue has also been discussed at Government level.

In the meanwhile, the Hon'ble NGT in the interim order dated 09.12.2021 has sought for the report from the Chief Secretary to Government, Government of Tamil Nadu vide it's latest order in para 8 and directed to submit the report regarding the present status as to whether any policy decision has been taken, exempting the rice mills from obtaining No Objection Certificate (NOC) from the concerned authorities for drawing ground water for their purpose irrespective of the status of the area, after consultation with the respective departments before the next hearing date, so that this Tribunal can pass appropriate orders in this matter”

It is also submitted that the 3rd show cause notice (model-enclosed as Annexure I) has also been served to the referred Rice mills to produce their Groundwater NOC within 15 days from the date of receipt of the notice

Under the above circumstances, it is humbly prayed that the Hon'ble National Green Tribunal may be pleased to pass such order as the National Green Tribunal may deem fit and thus render justice.


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Superintending Engineer,
Water Resources Department,
Ground Water Circle,
Tharamani, Chennai – 600113.

PUBLIC WORKS DEPARTMENT

From
Er.P.Rajendran B.E., i/c
Executive Engineer, PWD,
Ground Water Division,
Vellore - 6.

To

Arani All Rice mills
136 No. of Unity Arani,
T.V. malai Dt

Lr. No. 6M /F 555 (NOC) / DDPC / VLR / 2021 / Dt: 06.01.2022

Sir,

Sub:- National Green Tribunal -Southern Zone, Chennai order Dtd 06.10.21 in application No .167/2021(SZ)i- Instruction from District Collector, Tiruvannamalai - Extracting Ground Water Without NOC- Final Notice to produce NOC-- Regarding.

Ref:- 1.National Green tribunal ,Southern Zone, Chennai order Dtd 09.08.2021 in application No .167/2021(SZ)
2. National Green tribunal ,Southern Zone, Chennai order Dtd 06.10.2021 in application No .167/2021(SZ)
3.National Green tribunal ,Southern Zone, Chennai order Dtd 09.12.2021 in application No .167/2021(SZ)
4. G.O (Ms) No 142, PW(R2)D Dated.23.07.2014
5.Hon'ble High Court of Madras order dated 3.10.2018 in WP No. 28535 of 2014
6.Show cause Notice issued from this Office Lr No. 379M /F555(NOC)/DDPC/VLR/2021/ Dated; 24/09/2021
7. Show cause Notice issued from this Office Lr No. Lr. No. 484M /F 555 (NOC) / DDPC / VLR / 2021 / Dated: 20.10.2021 /2021

Honourable National Green tribunal in their orders cited in the reference 1,2 & 3, has directed to submit the action taken report against the Rice Mills functioning without NOC for Ground water extraction in Arani Taluk and town, Tiruvannamalai District.

Show cause notices have been issued to your firm vide reference cited 6th & 7th seeking clarification and further to produce Groundwater NOC within 15 days. Till date we have not received any response from your firm for obtaining NOC.

Honorable High court of Madras in it's 5th order cited has directed to constitute District Level Monitoring Committees under the chairmanship of District Collectors of


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W.R.O. P.W.D.
Ground Water Circle, Chennai-600 113

respective districts for taking action against the illegally operating units/industries those who are not having valid NOC/ license for ground water extraction in the state of Tamil Nadu. Accordingly a District Level Monitoring Committee has already been constituted for Tiruvannamalai district.

In the circumstances stated above you are again instructed to submit your NOC for Ground water extraction obtained from competent authority to this office within 15 days. Failing to produce NOC will be liable for sealing the ground water extraction points(Borewell / Openwell), as per the orders of the Government and Honorable High Court cited in the reference.

D.M. Bhat 22
Executive Engineer, PWD.,
Ground Water Division,
Vellore - 6

Copy submitted to

- 1.The District Collector,
Tiruvannamalai
- 2.The Chief Engineer, SG&SWRDC,
PWD, WRD, Taramani, Chennai - 113
- 3.The Superintending Engineer,
Groundwater Circle, PWD, Taramani, Chennai -113
- 4.The Scientist, Central Ground Water Board,
Rajaji Bhavan, Besant Nagar, Chennai

Copy to

- 5.The District Environmental Engineer,
TNPCB, Tiruvannamalai
- 6.The Assistant Director,
Department of Geology and Mines
Tiruvannamalai
- 7.The Assistant Director,
Groundwater subdivision,PWD, Vellore - 6
- 8.The Assistant Geologist,
Groundwater Section,PWD, Tiruvannamalai

20/05/22
SUPERINTENDING ENGINEER,
W.R.O. P.W.D.
Ground Water Circle, Chennai-600 113.

