

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ),
SOUTHERN ZONE AT CHENNAI**
Application No. 179 of 2020 (SZ)

P.Gengaiyan (72 Years)
Son of Perumal Naidu,
No.43, Magaral Village,
Kooduvalli P.O.
Thiruvallur Taluk & District.

...Applicant

Versus

1. The District Collector,
Thiruvallur.
2. The Assistant Director of Mines and Minerals,
O/o The District Collector, Thiruvallur.
3. The Superintending Engineer, Public Works
Department, Thiruvallur-01.
4. The Secretary,
State Level Environmental Impact Assessment Authority,
Panagal Buildings, Chennai 600 015.
5. The Revenue Divisional Officer,
Thiruvallur.
6. The Tahsildar,
Thiruvallur.

.... Respondents

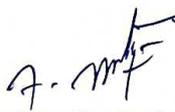
PROGRESS REPORT FILED BY THE 3rd RESPONDENT

I, A.Muthaiya. son of Mr.A.L.Asokan aged about 56 years, officiating as Superintending Engineer, Public Works Department, Water Resources Department, Palar Basin Circle, Chennai -05 do, solemnly affirm and sincerely state as follows:

2. I state that, I am the Superintending Engineer, Public Works Department / Water Resources Department, Palar Circle, Chepauk, Chennai file the interim report 3rd respondent herein and I am well acquainted with the facts of the case from records.

3. It is submitted that, the Hon'ble National Green Tribunal in its order dated 22.09.2020 directed that


Assistant Engineer (I & II)
Irrigation Section I (WF)
Thiruvallur - 602 00*


Superintending Engineer, WRD.
Palar Basin Circle,
Chepauk, Chennai-5.

"9. In order to ascertain the genuineness of the allegations made in the application and also the real state of affairs that transpires in that area, we feel it appropriate to appoint a Joint Committee comprising of 1) the District Collector, Thiruvallur District or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate duly deputed by him, 2) a Senior Officer deputed by the Director of Mines and Minerals, 3) the Superintending Engineer, Public Works Department, Thiruvallur and 4) a Senior Officer from State Environmental Impact Assessment Authority (SEIAA), Tamil Nadu to inspect the area in question and submit a factual as well as action taken report, if there is any violation found."

4. It is submitted that the order of the Hon'ble National Green Tribunal the Committee constituted by the Hon'ble National Green Tribunal has inspected the subject area on 20.01.2021. In the inspection report it is mentioned that the Assistant Director Geology and Mining records shows that there was no savudu quarry operated / permitted since 2015 in the Magaral tank and further stated that the Public Works Department was never taken up any desilting / dredging work in this tank and only the renovation works such as bund strengthening, maintenance of sluices and weir was taken up in the year 2011 under the World bank scheme.

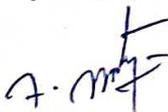
5. It is submitted that, the Petitioner in his affidavit states that,

"6. However, for the two months there are strangers found at the site of the lake and around with earthmovers all meant for removing the savudu sand. When the villagers queried them they said in single tone that they are going to perform quarry operations ie., to remove the sand in the Periya Eri / Lake. When the villagers queried about their authority to do so they said that they would get the quarry licence at any time and that on that getting the quarry permit from the second respondent they would start their sand removing operations and would continue the same day and night.

7. The applicant states that on coming to know the attempted sand quarrying in the Periya Eri, in behalf of the villagers a representation has been given on 28.08.2020 to all the respondents, all of whom had acknowledged the same."

From the above statement of the petitioner it is clearly understood that there was no sand/savudu quarry operation commenced in the Magaral tank.


Assistant Engineer (PWD)
Irrigation Section I (WRD)
Thiruvallur - 602 001.


Superintending Engineer, WRD,
Palar Basin Circle,
Chepauk, Chennai-5.

Page No : 2

No of Corrn : Nil

The petitioner on his own assumptions and presumptions approached this Hon'ble Tribunal to forebear the respondents over 1 to 4 from without any substantiating evidence sanctioning/granting sand quarrying licence/permit at the lake bed of PeriyaEri comprised in survey number 216 of Magaral village in ThiruvallurTaluk and District in contravention of G.O.938 dated 7.6.1988 issued by the Public Works Department. There is no such licence /permit has been given to anybody by the District Administration in the duringperiod issued by the Petitioner.

6. It is submitted that, the Hon'ble Tribunal in its order in OA 64 of 2015 on 24.01.2017 directed the official respondents not to permit the 5th respondent (one Mr.Sathish Kumar) or any other person to quarry at the PeriaEri comprised in Survey No.216, Magaral Village unless and until such persons are granted permission based on compliance of the terms and conditions stipulated in G.O.Ms. No.938 dated 7.6.1988 and follow the policy of the Government in this regard. The order is duly complied by the official respondents so far. There is no such allegation has been made against the officials. It other words that there was no savudu quarry sanctioned at the Magaral tank since the filing of the above said application (OA 64/2015) in this Hon'ble Tribunal. On mere assumptions and presumptionswithout any corroborating evidence or proof or any record, the petitioner approached this Hon'ble Tribunal.The petitioner has his own liberty to approach this Hon'ble Tribunal if the officials are sanctioning/granting sand quarrying licence/permit over the lake bed of PeriyaEri comprised in survey number 216 of Magaral village in ThiruvallurTaluk and District. It is humbly submitted that, without granting any permission in the subject area by the officials the petitioner's prayer is null and void.
7. It is submitted that, this Hon'ble Tribunal constitute the joint committee to inspect the Magaral tank to ascertain the illegal mining. There was no illegal mining found in the lake bed. The scrub jungle in the lake bed shows that there was no chance of illegal mining in the recent pasts. The statement of Assistant Director Geology and Mining also stated that there was no savudu quarry from the year 2015. The Petitioner's prayer is to forebear the respondents 1 to 4 from anyway sanctioning/granting sand quarrying licence/permit the lake bed of PeriyaEri and stated in his petition that illegal mining to be done in the month of June and July 2020. There was no such illegal mining attempt was found during the inspection. The Petitioner himself stated in his affidavit that on coming to know the attempted

sand quarrying in the PeriyaEri, on behalf of the villagers a representation has been given on 28.08.2020. The pits mentioned by the Petitioner is found in the lake with bushes and jungles which meant that the pits are very old one., the Petitioner is trying allege that the illegal mining will be done in the lake by mentioning with very old pits. The committee in its report stated that detail levels such as Sluice sill level, Tank bed level, in-let supply channel level and Irrigation ayacut levels will be taken and the restoration of lake will be done. It is submitted that, due to Covid-19 and assembly election 2020' getting of funds from Government is delayed. As soon as receiving funds from the Government the lake restoration work will be commenced at once.

8. It is submitted that, now survey works are being taken up by the Revenue Department with Public Works Department to remove the encroachments. List of encroachment in Magaral tank is received now from Revenue Department. The form I & II has received since been on 13-12-2021 and from Tahsildar, Thiruvallur and Number of encroachments and extent of encroachment are identified. Hence, there are no huts/homes are identified in water spread area of Magaral tank, but agricultural encroachments are founded, corresponding form III notice as regards to PWD from irrigation section I, Thiruvallur PWD/WRD has been issued to the encroachers along with revenue officials such as VAO, Magaral and Revenue Inspector, Magaral on 16-12-2021. Eviction of encroachment will be carried out duly following eviction of encroachment act. Also necessary tank restorations works will be taken up and restore the tank to its original standard so as to use effectively for irrigation purpose.
9. It is submitted that the allegations made by the applicant in the application that the officials are about to issue sand quarrying licence/permit over the lake bed of Periya Eri comprised in survey number 216 of Magaral village, is only his own assumption. Since, there was no savudu quarry from the year 2015, Even quarry permission granted already will be cancelled and savudu quarry permission will not be recommended in the tank in future. To curb the illicit sand/savudu mining the district administration strictly instructed the enforcement authorities then and there.

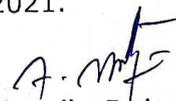
It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

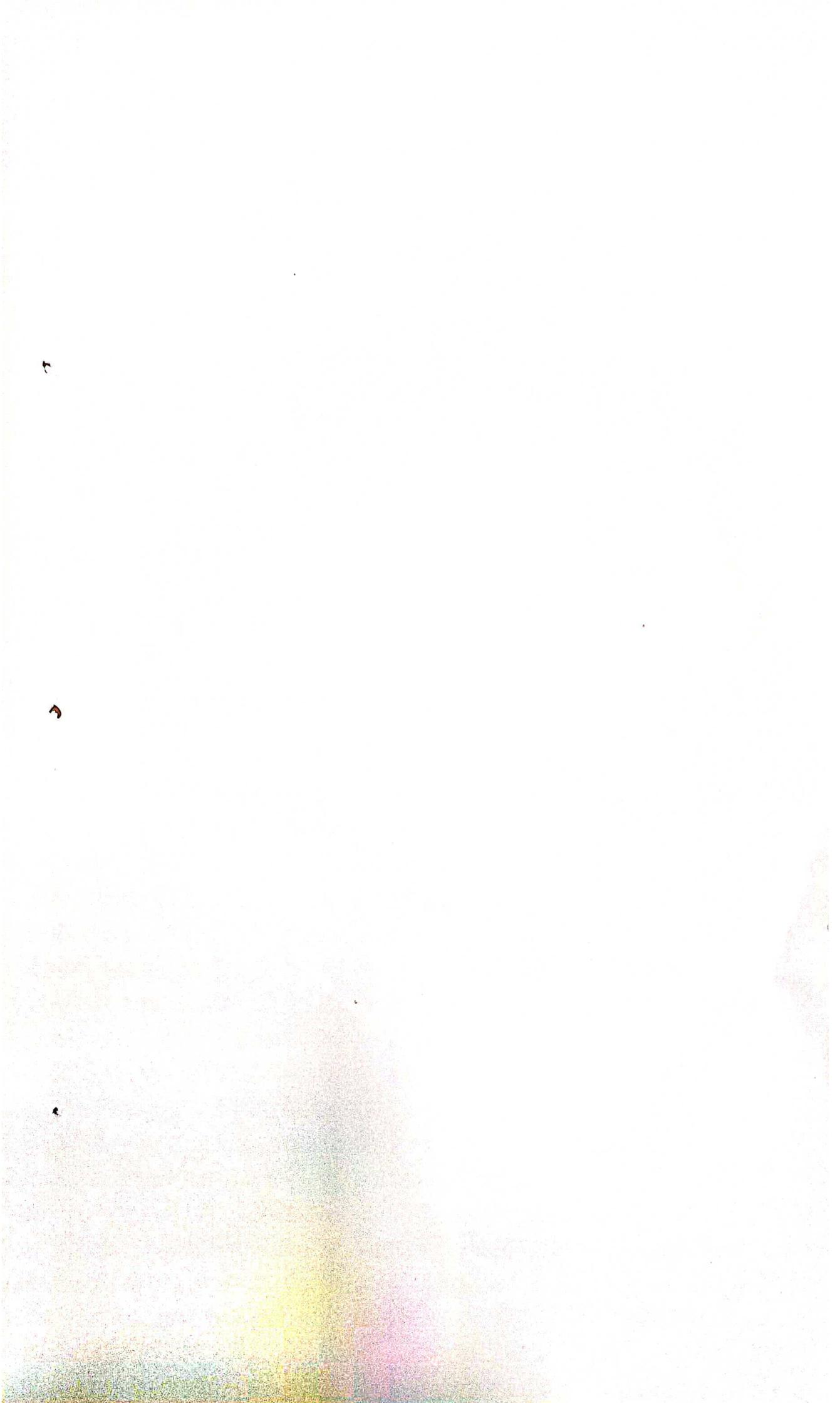
Dated at Chennai on this the 17th day of December, 2021.

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Assistant Engineer (PWD)
Irrigation Section I (WRD)
Thiruvallur - 602 001.


Superintending Engineer, WRD,
Palar Basin Circle,
Chepauk, Chennai-5.



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NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
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P.Gengaiyan Applicant

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INTERIM REPORT FILED
BY THE 3rd RESPONDENT

GOVERNMENT PLEADER

Page No : :

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அனுப்புநர்

திரு.ஏ.செந்தில்குமார்,
வட்டாட்சியர்,
திருவள்ளூர்.

பெறுநர்

உதவிப் பொறியாளர் (பொது),
பாசனப்பிரிவு-1, நீஆது,
திருவள்ளூர்

ந.க.எண்: 6885/2021/ஆ2 நாள். 12.2021.

அய்யா,

பொருள் : ஆக்கிரமிப்பு - திருவள்ளூர் மாவட்டம் மற்றும் வட்டம்
- அம்மணம்பாக்கம் குறுவட்டம் - மாகரல் ஏரி - புல
எண்:216- மாகரல் ஏரியில் உள்ள ஆக்கிரமிப்பு -
படிவம் 1 & 2 - அனுப்புதல் - தொடர்பாக

பார்வை : உதவிப் பொறியாளர் (பொது), பாசனப்பிரிவு-1, நீஆது,
கடித எண் 16/கோ.3உ.பொ-1/2021 நாள்
02.11..2021.

திருவள்ளூர் மாவட்டம் மற்றும் வட்டம், அம்மணம்பாக்கம் குறுவட்டம், மாகரல்
ஏரி, புல எண்:216-ல் உள்ள ஆக்கிரமணங்களை அகற்றுதல் தொடர்பாக பார்வையல் காணும்
கடிதத்தில் கோரியவாறு படிவம் 1 மற்றும் 2-ஐ இத்துடன் இணைத்து அனுப்புகிறேன்
என்பதை தெரிவித்துக்கொள்கிறேன்.

இணைப்பு: படிவம் 1 மற்றும் 2

தங்கள் உண்மையுள்ள,


வட்டாட்சியர்
திருவள்ளூர்.


3/12/2021

2007-ம் ஆண்டு தமிழ்நாடு எரிசுனைப்பாதுகாத்தல் மற்றும் ஆக்கிரமிப்பை அகற்றுதல்
படிவம் - 1

(விதி 2(1) (ஆ) I காண்க)

எரியின் பெயர்
கிராமத்தின் பெயர்
வட்டத்தின் பெயர்
மாஸ்டத்தின் பெயர்
மாசரல் எரி
மாசரல் II
திருவள்ளூர்.
திருவள்ளூர்.

தொடர் எண்	கிராமம்	வட்டம்	நில அளவை புல எண்	மொத்த பரப்பு (ஹெ)	ஆக்கிரமிப்பின் பரப்பு (ஹெ)	ஆக்கிரமிப்பாளர்கள் பெயர் மற்றும் முகவரி	ஆக்கிரமிப்பின் தன்மை	தொழில்	சாதி
1	மாசரல்	திருவள்ளூர்	216	63.80.0	0.20.0	ஐதா க/பெ சூப்பன், கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
2	மாசரல்	திருவள்ளூர்	216	63.80.0	0.20.0	நிரமலா	நெற்பயிர்	கூலி வேலை	MBC
3	மாசரல்	திருவள்ளூர்	216	63.80.0	0.80.0	காண்பன் த/பெ ஏகாம்பரம் கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
4	மாசரல்	திருவள்ளூர்	216	63.80.0	0.20.0	சித்ரா க/பெ பிரகாஷ் கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
5	மாசரல்	திருவள்ளூர்	216	63.80.0	0.80.0	நாகம்மாள் க/பெ செல்லப்பன் கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
6	மாசரல்	திருவள்ளூர்	216	63.80.0	0.80.0	எழிலரசி க/பெ மணி கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
7	மாசரல்	திருவள்ளூர்	216	63.80.0	0.20.0	தங்கராசு	நெற்பயிர்	கூலி வேலை	MBC
8	மாசரல்	திருவள்ளூர்	216	63.80.0	2.40.0	மோகனசுந்தரம் த/பெ சூப்பன் கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
9	மாசரல்	திருவள்ளூர்	216	63.80.0	0.40.0	துளசி ரெட்டி த/பெ திருநாவுக்கரசு கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC
10	மாசரல்	திருவள்ளூர்	216	63.80.0	0.40.0	கோபால் த/பெ திருநாவுக்கரசு கொம்மக்கம்பேடு	நெற்பயிர்	கூலி வேலை	MBC

திருவள்ளூர்
வட்டாட்சியர்
திருவள்ளூர்.

படிவம் - III

(விதி 6 (1) - ஐ காண்க)

திருவள்ளூர் மாவட்டத்தின் திருவள்ளூர் வட்டத்தின்.....காத்தலி..... கிராமத்தில்
.....216..... நில அளவை புல எண்களில்2.2.2. ஜனகலம்..... பரப்பில் பொதுப்பணித்துறையின்
நீர்வள ஆதார அமைப்பிற்கு உரியதானகாத்தலி..... ஏரியின் ஒரு பகுதியை தாங்கள் ஆக்கிரமித்து
தங்கள், சிவசாயம் செலிதி ரீசர்வ் என நான்.....உதவி பொறியாளர்..... அலுவலர் கருதுகிறேன்.
இந்த அறிவிப்பு கிடைக்கப்பெற்ற இருபத்தியோரு நாட்களுக்குள், கூறப்பட்டுள்ள துண்டு மற்றும் பகுதி
நிலங்களில் தங்கள் ஆக்கிரமிப்பை அகற்றும்படி கோருகிறேன். தவறும் நேர்வில், நான் ஆக்கிரமிப்பு
உட்கற்றவிட்டு ஆக்கிரமிப்பை அகற்றுவதற்குண்டான செலவுத் தொகையை தங்கள் மீது விதிப்பேன்.
நிலப்பகுதியிலிருந்து அகற்றப்பட்டு வெளியேற்றப்படும் ஆக்கிரமிப்புகளுக்கு துரை எவ்வித பொறுப்பும்
ஏற்காது.

இடம் - திருவள்ளூர்.

நாள்:- 16.12.2021

பொறுத்தி:
திருமதி. ஜகதா ச/ம. குமார்
தொழில்நுட்பம் 606

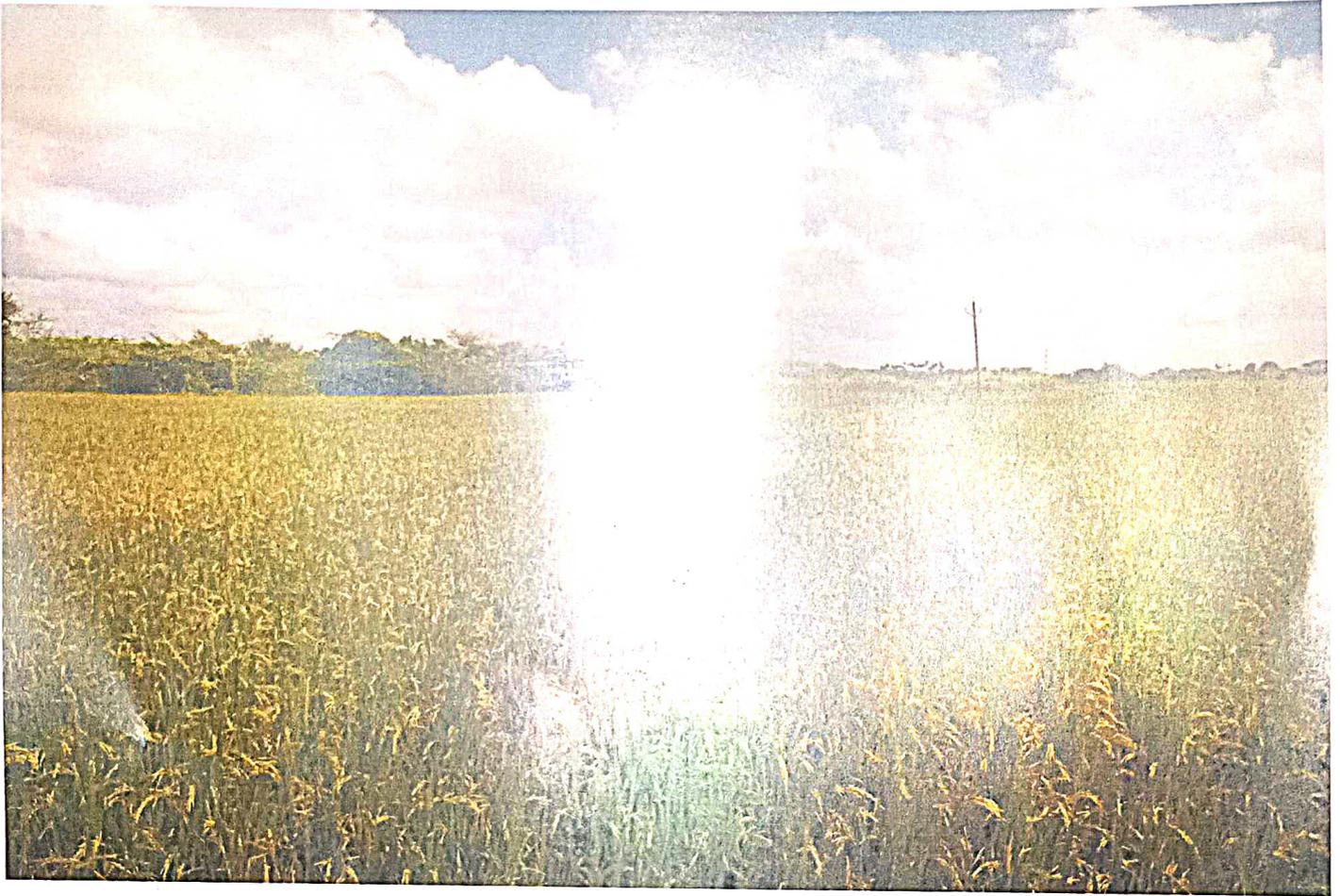
N. Mani

16/12/21
Assistant Engineer (PWD)
Irrigation Section I (WRD)
Thiruvallur - 602 001.

MAGARAL TANK ENCROACHMENTS ,SURVEY NO.216



MAGARAL TANK ENCROACHMENTS ,SURVEY NO.216



MAGARAL TANK ENCROACHMENTS ,SURVEY NO.216



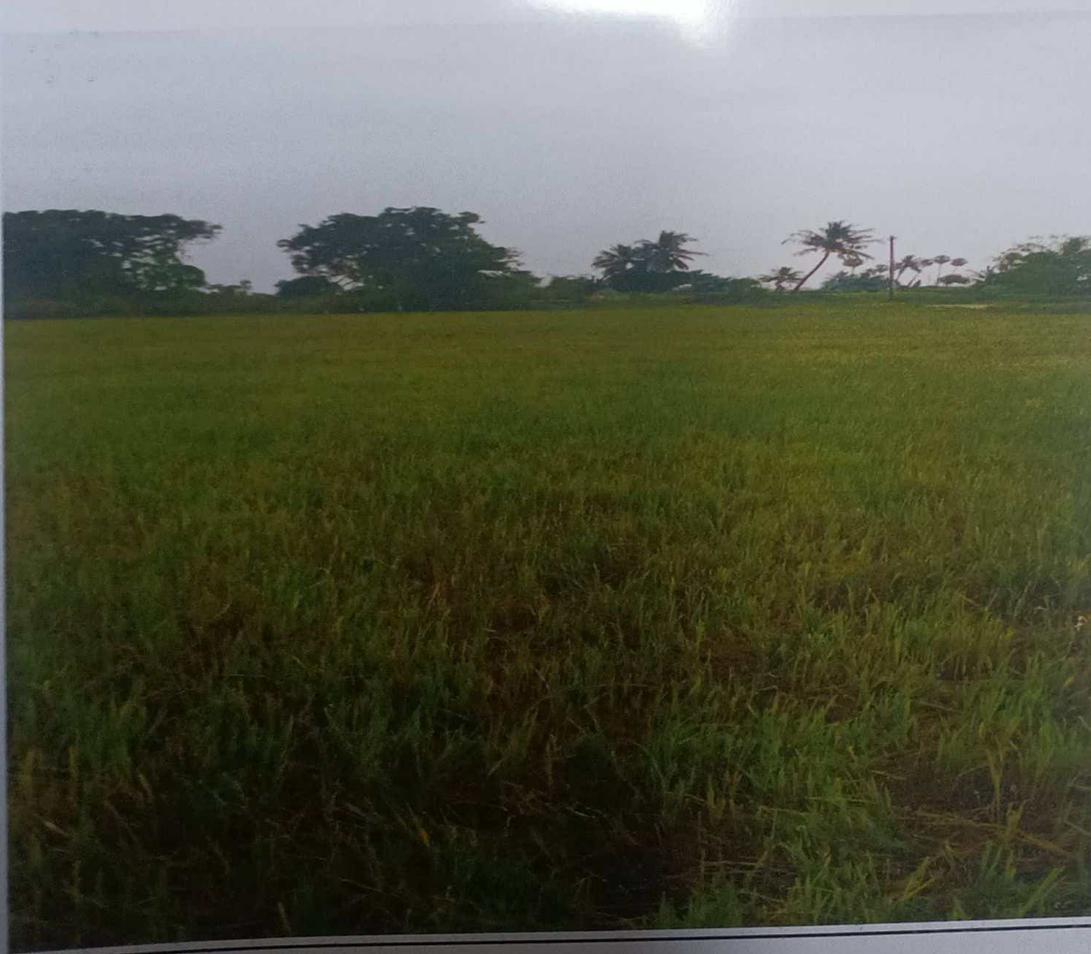
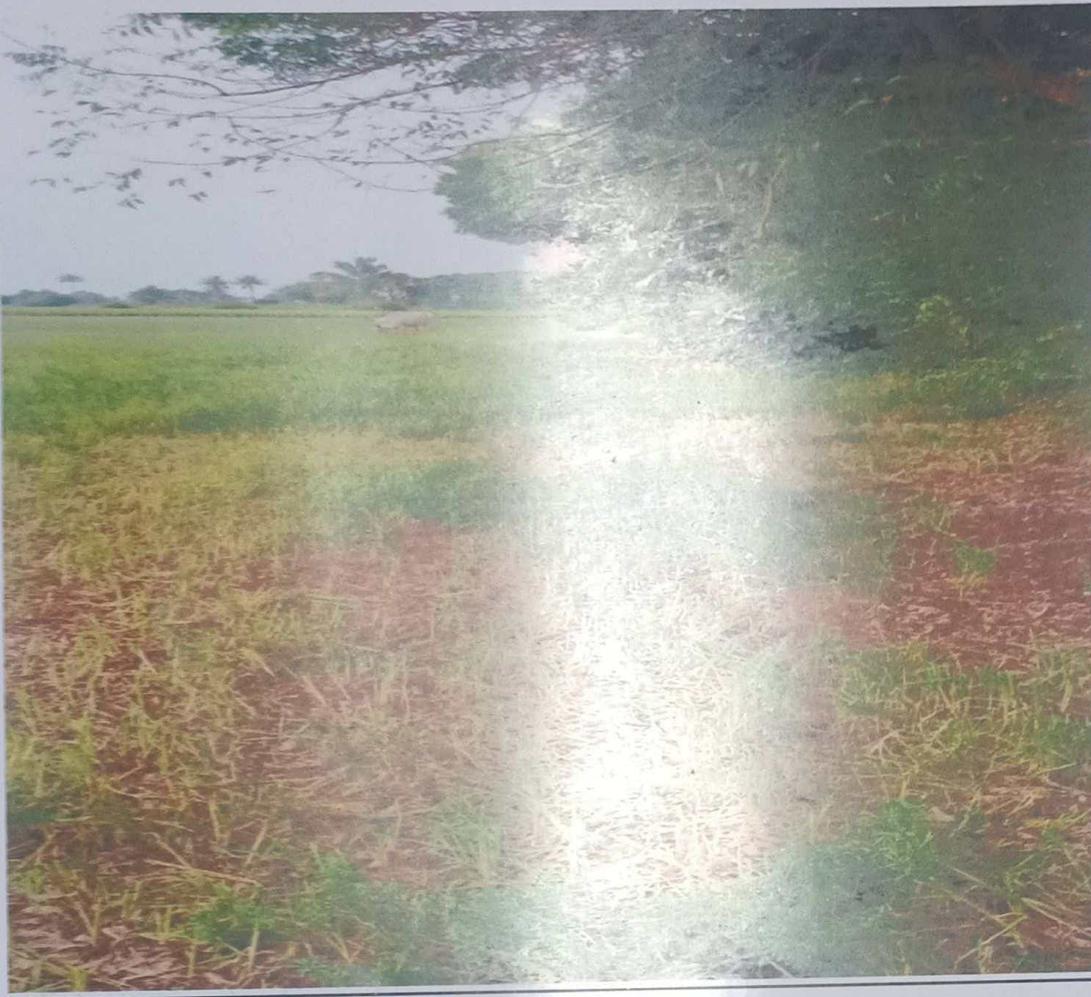
MAGARAL TANK BUND ,SURVEY NO.216



MAGARAL TANK SUPPLY CHANNEL ,SURVEY NO.216



MAGARAL TANK SUPPLY CHANNEL ,SURVEY NO.216



MAGARAL TANK BUND ,SURVEY NO.216



MAGARAL TANK SUPPLY CHANNEL ,SURVEY NO.216

