

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ),
SOUTHERN ZONE AT CHENNAI**

Original Application No. 183 of 2021&
I.A. No.07/2021 (SZ) & I.A. No.08/2022 (SZ)

Meenava Thanthai,
K.R. Selvaraj Kumar,
Meenavar Nala Sangam,
Chennai.
Applicant

Versus

1. STATE OF TAMIL NADU

Through the Chief Secretary,
Government of Tamil Nadu, Secretariat
Chennai 600 009 Ph.24959973: email:- cs@tn.gov.in

**2. TAMIL NADU STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,**

Through the Chairman
3rd Floor, PanagalMaligai,
No.1, Jeenis Road, Saidapet, Chennai, 600 015,
Tamil Nadu, Ph. 25671555, email:- mstnseiaa@yahoo.com

3. TAMIL NADU POLLUTION CONTROL BOARD,

Through the Chairman,
76, Mount Salai,
Guindy, Chennai – 600 032.
Tel: 044-22353134 – 139
Email: ID: tnpccb-chn@gov.in

4. WATER RESOURCE DEPARTMENT,

Public Work Department,
Government of Tamil Nadu,
Throught the Chief Engineer,
PWD Estate, Chepauk,
Chennai-600 005.
eicwrdsn@gmail.com Ph.044-28410402

5. THE DISTRICT COLLECTOR, THIRUVALLUR

1st Floor, Collectorate,
Thiruvallur 602 001.
+91-44-27661600.


Superintending Engineer, PWD.,
PALAR BASIN CIRCLE, WRD.,
Chepauk, Chennai - 600 005.

6. SHRI.DURAI,

S/o Arumugham,
Residing at No.1, Reddy Street,
ChinnaKoladi, Thiruverkadu,
Thiruvallur District,
Chennai.600 007
ChinnaKoladi, Thiruverkadu,
Chennai-77.

Having Fish market at

Survey No.1/93, Poonamallee High Road,
Pallikuppam, Numbal Village, Vanagaram,
Chennai.600 077.

...Respondents

INTERIM REPORT FILED ON BEHALF OF THE 4th RESPONDENT

I, A.Muthaiya. son of Mr.A.L.Asokan aged about 58 years, officiating as Superintending Engineer, Water Resources Department, Palar Basin Circle, Chennai-05 do, solemnly affirm and sincerely state as follows:

1. I state that, I am the superintending Engineer, Water Resources Department of the Water Resources Department, Palar Basin Circle, Chepauk, Chennai, file the interim report on behalf of the 4th respondent herein and I am well acquainted with the facts of the case from records.

2. It is submitted that, the Hon'ble National Green Tribunal in its order dated 04.11.2022,

"2. However, certain photographs have been produced by the applicant alleged to have been taken a week before, from which he points out that the realignment of the compound wall has been mentioned by the project proponent is not correct and the buffer zone of 15 meter is measured from the start of the building to the compound wall and it is now being used as a car park, whereas the actual buffer zone should be from the river boundary and there should be a buffer zone of 15 meter which is a no construction area.

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PALAR BASIN CIRCLE, WRD.,
Chepauk, Chennai - 600 005.

3. In this regard, the Chennai Metropolitan Development Authority (CMDA) and the Water Resources Department (WRD) have to clarify and file a detailed report. "

3. It is submitted that the following inspection report has already been submitted before this Hon'ble Tribunal.

Officers Present:

1. Er.C.Podupanithilagam, M.E.,
Executive Engineer, W.R.D., P.W.D.,
Kosasthalayar Basin Division, Thiruvallur.
2. Thiru.P.Senthur Pandey,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thiruvallur
3. Thiru.M.Ramesh
Revenue Divisional Officer,
Thiruvallur
4. Thiru.R.Selvam
Tahsildar,
Poonamallee Taluk.
5. Thiru.R.Jeyaprakash Narayanan
Assistant Engineer,
Tamilnadu State Level Environment Impact Assessment Authority.
Chennai

The Honourable National Green Tribunal, Southern Zone, Chennai, in the matter of I.A.No.8/2022 in O.A.No.183/2021 by the orders dated 05.01.2022 directed the committee inter alia as follows:

"7. As per order in I.A.No.08 /2022 (SZ) this tribunal had directed the committee appointed by this Tribunal to go into the question as to whether there was any violation of the permission granted by the Chennai Metropolitan Development Authority (CMDA) to the 6th respondent in construction of the impugned building for the fish market and whether there is any encroachment into the flood plain of the Cooum river while making their construction

9. The committee is directed to consider the allegation mentioned in I.A.No.08 of 2022 (SZ) and also the permission plan and the photograph produced by the applicant to ascertain as to whether any violation of the permission granted while making the

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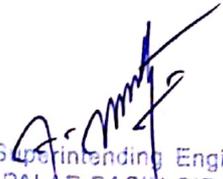
construction by the 6th respondent and if so what is the nature of proposed action taken in this regard "

Further the Hon'ble National Green Tribunal, Southern Zone, Chennai, in O.A.No.183/2021 by the orders dated 27.01.2022 directed the Joint Committee to file the reports as directed by this Tribunal as per order dated 14.12.2021 and subsequent order dated 5.1.2022 on or before 16.02.2022

In due compliance of the Honourable NGT order dated 05.1.2022, the fish market in question of M/s The Chennai Fish at SF.No.98/12,98/5A1B,Noombal Village, Poonamallee taluk, Tiruvallur District was inspected by the Joint Committee on 12.01.2022 along with the official of Public Works Department(WRD),TamilNadu Pollution Control Board, State Level Environment Impact Assessment Authority, Tahsildar, Poonamallee and along with CMDA official. During the joint committee inspection the following were observed:

- 1) The unit has constructed the compound wall along with its patta land boundary line parallel to the River Cooum on the northern side of the unit.
- 2) The Tahsildar, Poonamallee has reported that the unit has realigned its compound wall within their patta land boundary which is away from the original encroachment area of River Cooum and presently there is no encroachment by the unit in river Cooum.
- 3) The Committee observed that 15m Buffer Zone as demarcated in the CMDA approved Plan vide planning permission No. B/NHRB/127/A-C/2020 dated 21.5.2020, has been provided to the main building of the Fish market.
- 4) Further, it was observed by the Joint Committee that the underground Sewage collection sump & trade effluent collection sump which were earlier constructed within 15m of the buffer zone are presently not in use and it was observed that the unit has constructed new underground Sewage collection sump & trade effluent collection sump, 15m away from the buffer zone and the same were in use presently.
- 5) The buffer zone area and surrounding area of the unit is paved with cement concrete flooring.

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6) Further, the Committee observed that the unit has extended its unit premises than the CMDA approved land extent to the adjoining area on the north-eastern side (SF. No. 98/14) and being paved with cement concrete flooring and used as vehicle parking of the vehicles coming to the fish market and also constructed a small temple and a shed installed with ice crushing machine-2Nos.

4. It is submitted that, it was clearly mentioned in the inspection report that the subject building was constructed beyond the set back distance of 15 meters and it was also ensured in the joint inspection itself.

5. It is submitted that the same subject area has been inspected on 23.11.2022 and found that the eastern boundary of the building lies 16.20 Meters and western boundary of the building lies 16.10 meters away from the River boundary.

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

Dated at Chennai on this the day of November, 2022.


Superintending Engineer, PWD.,
PALAR BASIN CIRCLE, WRD.,
Chepauk, Chennai - 600 005.

Verification

I A.Muthaiya, Superintending Engineer, Water Resources Department, Palar Basin Circle, Chennai-05, do hereby verify that the contents of the paragraphs stated above are true and correct to the best of my knowledge and belief.


Superintending Engineer, PWD.,
PALAR BASIN CIRCLE, WRD.,
Chepauk, Chennai - 600 005.

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