

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 191 of 2021

In the matter of

S. Sekar,
S/o. (Late) Mr. P. Suyambu Nadar,
No- 3, Venkateswara Nagar,
Kishkintha Main Road, Tambaram (West),
Chennai – 600045.
Email id – gokulkrish.law@gmail.com
Phone Number – 9677180414

...Applicant

And

1. The Secretary,
Ministry of Agriculture & Farmers,
Welfare, Govt. of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi – 110001.
Email ID : secy-agri@nic.in
Phone No. 011- 23382651

2. The Chief Secretary / Chairperson,
Tamil Nadu Wetland Authority and Chief Wildlife Warden,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu,
Email ID : cwiw-wildlife3@yahoo.in
Phone No. 044-25671556

3. The Revenue Secretary,
Tamil Nadu Revenue Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai- 600009, Tamil Nadu.
Email ID : mawssec@tn.gov.in
Phone No. 044-25671556

Asst. Secretary

4. The Secretary,
Tamil Nadu Agricultural Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu.
Email ID : agrisec@tn.gov.in
Phone No. 044-25674482

5. The Secretary,
Tamil Nadu Public Works Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600009, Tamil Nadu.
Email ID : pwdsec@tn.gov.in
Phone No. 044-28410402

6. The Director,
Director of Town & Country Planning,
No. 807, Anna Salai, Chennai – 600002.
Email ID : tcp@ap.gov.in
Phone No. 044-2852115

7. R.P. Dharmalingam,
S/o. (late) Ramakrishnan,
Plot No. 1379C, 6-th Street,
18-th Mail Road, I Block,
Anna Nagar, (West), Chennai – 600040.
Phone No. 9841036779.

8. The District Collector,
Kancheepuram District.

9. Tamil Nadu Pollution Control Board,

10. The District Forest Officer,
Chengalpattu Division

... Respondents

Aashamalakhand

AFFIDAVIT OF UNDERTAKING FILED BY 7th RESPONDENT

I, R.P.Dharmalingam @ A.R. Dharmalingam, S/o. Late Ramakrishnan, the Managing Director, M/s. Jubilee Plot and Housing Pvt. Ltd., residing at Plot No.1379C, Door No. 15C, Golden Villa, 6th Street, I Block, Vallalar kudiyrupu, 18th Main Road, Anna Nagar West, Chennai-600 040, do hereby solemnly affirm and sincerely state as follows :

1. I humbly submit that the applicant filed the above O.A. No. 191 of 2021 before this Hon'ble Tribunal by making various allegations against authorities and myself with respect to formation and approval of layout in the name of Sri Vari Nagar in S. Nos. 441, 442, 443, 445, 446, 448, 460, 469 of Ezhichur Village, Sriperumbudur Taluk, Kanchipuram District, Tamil Nadu. I have been arrayed as 7th respondent in this Application.

2. I humbly submit that, after considering all the allegations leveled and reliefs sought by applicant at the stage of admission itself, this Hon'ble Tribunal narrowed down the scope of the Application to the question of finding the existence/ obliteration of water channel by its order dated 20.09.2021, the relevant portion is extracted herein under

Aashamalingam

"4. Considering the fact that there are allegations of pollution to the water course on account of certain activities and also encroachment into the water channel and obstruction caused to the water channel which is leading to the forest area, we are satisfied that there arises a substantial question of environment, which requires the interference of this Tribunal and so, to the extent mentioned above alone, the applicant is admitted.

8. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Kancheepuram District or his/her nominee not below the rank of Assistant Collector or Sub Divisional Magistrate, (ii) the District Forest Officer, Kancheepuram or his/her nominee not below the rank of Range Officer and (iii) a Senior Officer from the Tamil Nadu Pollution Control Board of the respective area to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

9. The Committee is also directed to ascertain as to (i) Whether any work is being done by the party respondent without obtaining necessary permission from the authorities for

A. Arachandran

this purpose, (ii) Whether any diversion or filling up of water channel flowing through the property leading to the forest has been blocked, (iii) Is there any damage caused to the environment on account of the same and if so, what is the nature of remedial measures to be taken to restore the same, apart from assessing environment compensation payable.

3. I humbly submit that I entered appearance through my counsel on 29.10.2021 and thereafter filed my detailed counter affidavit denying the allegations imposed. However, after several hearings, in order to put a quietus, I undertook to restore the water channel which was alleged to have been obliterated, without admitting to the claim of the applicant. The Joint Committee filed its report which helped in narrowing down to finding solutions to bring the water course back into life.

4. I humbly submit that, with reference to the order of this Hon'ble Tribunal dated 06.04.2022. I have sent a representation to the Water Resource Department seeking permission to lay the water canal/water course to drain the excess rain water to reach Ezhichur lake. The Department officials had conducted an inspection and the Executive Director Palar Division, has granted no objection to erect water

Aashanandhan

canal/water course by an NOC/Order vide Letter No. EVA 1/ Ko. 28 NOC – Ezhichur/ 2022 dated 18.08.2022, imposed certain conditions and manner to erect the water drainage system along with the approved sketch plan.

5. I humbly submit this factum was brought to the knowledge of this Hon'ble Tribunal and after considering submissions of all the parties, this Hon'ble Tribunal passed an order dated 25.08.2022, directing me to file an Undertaking Affidavit, that I should undertake to comply the conditions imposed for constructing water canal/water course by the Executive Director, Palar Division in his no objection letter/order dated 18.08.2022 in its para 3, which is extracted below: *"3. We direct the 7th respondent to file an affidavit of undertaking in compliance to the conditions imposed by the Executive Director, Lower Palar Division along with the plan indicating the flow of water and also the survey number therein. The 7th respondent also has to give the time limit within which the above said work will be executed. They should also ensure that at least the earthen canal is completed before the onset of North East Monsoon, 2022."*

Anshuman Kumar

6. I humbly submit that, in pursuance to the order dated 25.08.2022, passed by this Hon'ble Tribunal, I undertake to do the following while laying water channel:

- i. I will erect the water canal/water course in my approved layout with the extent of measurement in 3m wide and 1.80m height (vent size 3.00m X 1.80m including free board 0.30m) as prescribed by the Water Resource Department in its order at my own cost.
- ii. The water canal/water course begins from the vadakupattu village Reserve Forest in S. Nos. 445/4B, 446/1A and flows through west to east direction and flows towards north to south direction in S. Nos. 446/1B, 2, 441/1 and 2 in the above mentioned measurement.
- iii. The water canal/water course will be diverted and extend in the direction of east to west through S. Nos. 441, 442, 443 and 460 in the above prescribed measurement.
- iv. Then the water canal/water course extended towards the S. Nos. 460/2A2C1, 460/2B, 460/2A2D2, 460/2A2D3 in north to south direction till S. No. 462 and finally drains into the Ezhichur lake in the above prescribed measurement.

A. Asha Malankar

v. I undertake to complete earthen the water canal/ water course before the beginning of North East Monsoon, 2022. Infact I have commenced the work since 22.08.2022.

vi. I undertake to complete the entire project within 4 months i.e. from 01.09.2022 on or before 31.12.2022.

7. I humbly submit that, I have enclosed the copy of plan which is approved by the Executive Engineer, Palar Division in his order dated 18.08.2022 along with this Undertaking Affidavit. The direction of flow of the water canal/water course which is approved for construction is marked in the pink color in the plan which passed through the Survey Numbers as imposed in the conditions of the order of the Executive Engineer dated 18.08.2022.

8. I humbly submit that, I have started the construction work on 22.08.2022, witnessing for which I have filed the photos in my typed set of paper which was filed before this Hon'ble Tribunal on 23.08.2022. The estimated time to complete the construction work of water canal/water course is 4 months from 01.09.2022. I am working full-fledged in the formation work of water drainage system and I am working in full esteem to complete the project as per the tribunal's

Aashamalankar

directions and also ensure that I will complete work on or before 31.12.2022.

9. I humbly submit that by recording the above affidavit of undertaking this Hon'ble Tribunal may grant 4 months time i.e. till 31.12.2022 to complete the project and consequently close this application with the above direction.

It is therefore prayed that this tribunal may be pleased to consider this Undertaking Affidavit and grant me 4 months time i.e. till 31.12.2022 to complete the construction work water canal/water course and further dismiss the application and thus render justice.

Solemnly affirmed at Chennai on this the 7th day of September 2022 and signed his name in my presence

A. R. Mahalingam

Before me

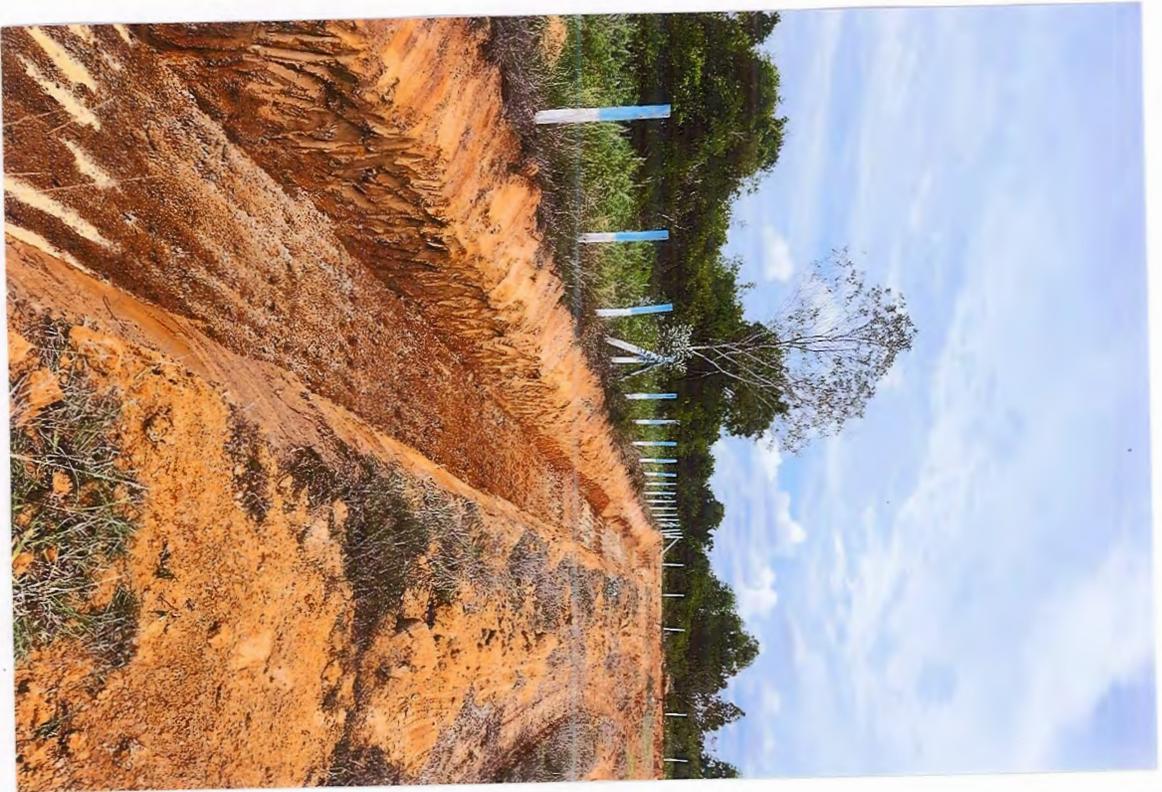
M. Mohan

Advocate, Chennai

MS/1663/21

NO. 45/18, Nagaji Rao St,
Tanjore, Chennai-05.





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TRIBUNAL SOUTHERN ZONE AT
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**AFFIDAVIT OF UNDERTAKING
FILED BY 7th RESPONDENT**

M/s.

**S.SENTHIL – 1050/98
R.ANBUKARASU – 1025/98
J.KARUPPIAH – 733/2000
D.VAIRAMOORTHY – 463/01
M.PREM KUMAR – 332/17
R.VIVEK – 2365/18
K.GOKUL – 1462/21**

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