

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

Appeal No.10 of 2021 (SZ)

&

O.A.No. 91 of 2021

IN THE MATTER OF:

G. Devarajan, Arumbakkam,
Chennai.

Appellant(s)

-versus-

State of Tamil Nadu

Rep. by its Chief Secretary to Govt. And Ors... Respondents

**STATUS REPORT FILED BY THE SUPERINTENDING ENGINEER,
WRD, PALAR BASIN CIRCLE, CHENNAI-5**

I, A. Muthiah, s/o. Asokan, aged about 57 years residing at "C" Block, 207, Casagrand Aristo Apartments, Nobel Street, Nanganallur, Chennai-61, do, hereby, solemnly affirm and sincerely state as follows:

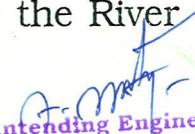
2. I am the Superintending Engineer, WRD, Palar Basin Circle, Chennai-5 and the above appeal has been filed by the appellant challenging the Environmental Clearance (EC) granted to the 3rd respondent namely, Tamil Nadu Housing Board (TNHB) by the 4th respondent/ State Level Environment Impact Assessment Authority, Tamil Nadu for some building project. This answering respondent is arrayed as second respondent in the O.A.No. 91 of 2021.


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Chepauk, Chennai-5,

4. I state that by the order dated 20.09.2021, vide paragraph 6, this Hon'ble Tribunal was pleased to take note of the status report filed by this answering respondent in O.A.No. 91 of 2021 and vide paragraph 15, the PWD was directed to file an independent report as to whether the boundary was fixed by the Survey Department and if they got any objection to the fixation of boundary, what is the nature of action taken in this regard especially when the joint committee report shows that there was serious encroachment.

5. I state that the revenue authorities surveyed the impugned site and demarcation of the limits of the PWD has been completed in the stretch. The plan prepared after the measuring the area by the revenue authorities are filed in the Annexure-I. It is ensured from the plan, the TNHB has not encroached any part and piece of land of the River and all constructions of the TNHB were confined to the TNHB limits and none of the S.Nos. are forming part of the river as alleged.

6. It is stated further that after the survey and demarcation made, the TNHB has set apart offset as buffer land of the rear side bank of the river as per the condition imposed while granting NOC for the construction (Annexure-I). From the plan annexed which was surveyed on 16.11.2021 and 04.12.2021, it is evident that the TNHB land has the boundary of the River Cooum is the village boundary and the extent was 39.867 sq.m out of which the TNHB has now having 30,898 square meter of land and an extent of 3898.60 sq. m has been let off by TNHB since the River Cooum is running in the TNHB land.


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7. It is further stated that since the water is flowing along the TNHB land, bank was formed by CRRT and the TNHB was informed of this and nothing shall be done in the newly formed bank and this portion was demarcated as the new boundary in the impugned site as per the conditions imposed in the NOC issued.

8. It is further stated that vide condition No. 5, the TNHB, it was clearly stated to TNHB as follows:

“ At present the applicant fixing their Northern boundary with available latest documents as FMB, Block Map & Patta which lies along the middle portion of the existing Cooum River where the Baby canal recently formed during the restoration works by CRRT which seems to be an encroachment in S.F. No. 253 of Arumbakkam and SF No. 97 of Naduvankarai Village. Originally the Baby canal width formed for about 14m along the middle portion of the Cooum River reduced to 4m wide at this stretch due to dumping of earth by TNHB without concurrence and prior permission from the PWD/WRD. In case of any legal proceedings in respect of the developmental activities in the sand water course poromboke, since it is violation against prevailing Government orders, Circulars, Hon'ble Supreme Court & High Court, NGT judgements, Tank Protection Act 2007 and G.O Ms. No. 78 / H&UD (UD4(3) D / 04.05.2017 etc. This was already brought to the notice of TNHB officials during marking. Hence, the PWD/WRD will not held responsible if any litigation arises. The above proposal is to be deferred due to the above said reasons. Also if there is any discrepancy in the Revenue records produced by the applicant, and the applicant will be held responsible. Hence, the applicant should

immediately restore the Cooum River with Baby canal to its original standards as per G. O. Ms. No. 78 / H&UD (UD4(3) D/ 04.05.2017 or otherwise upper reaches will out flank and leads to inundation and affect public and property and this could create flood surge and afflux during heavy flood and inundate the adjoining areas. It should be restored before ensuing North East monsoon which will set in by first week of October - 2020.

9. As such, it is stated that TNHB was already informed of the reducing of the width of the Baby Canal 9 formed in the centre of the river to facilitate lean flow, from 14 m to 4 m, the same should be restored to the standards as per the G.O.Ms.No. 98, Housing and Urban Development (UD 4(3) Department dated 05.05.2017.

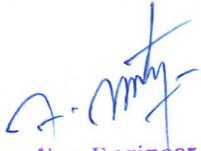
10. It is stated that all the encroachments by public were removed in the impugned site.

11. It is also stated that the debris dumped by the TNHB during construction was also entirely removed.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the submissions made above pertaining the action taken by the PWD in compliance of the order dated 20.09.2021 in O.A. No.91 of 2021 and to this writ appeal also and pass appropriate further orders as deemed fit in the facts and circumstances of the case and thus render justice.

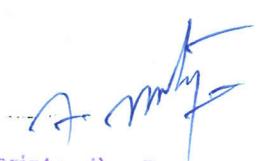
Place :

Date :


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

VERIFICATION

I, A. Muthiah, s/o. Asokan, officiating as Superintending Engineer, WRD, Palar Basin Circle, Chennai-5, do verify that the submissions made from paragraphs 1 to 5 are true and correct to the best of my knowledge from records and I signed this on this.....^{8th}.....Day of October, 2021 at Chennai.


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

Place :

Date :

**IN THE NATIONAL GREEN
TRIBUNAL (SZ) COURT AT
CHENNAI,**

O.A. No.91 of 2021

G. Devarajan, .. Plaintiffs

VERSUS

State of Tamil Nadu,

Rep.by Chief Secretary to

Government, Chennai. &

others. .. Respondents

STATUS REPORT

GOVERNMENT STANDING COUNSEL

(NATIONAL GREEN TRIBUNAL)