

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

**ORIGINAL APPLICATION No. 203 of 2021 (SZ)
I.A.No. 140 of 2021 (SZ)**

IN THE MATTER OF:

Meenava Thanthai K.R. Selvaraj Kumar
Meenava Nala Sangam
Chennai

.. Applicants

-versus-

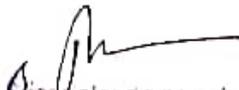
State of Tamil Nadu through
The Chief Secretary
Chennai and Ors.

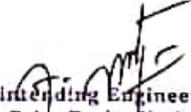
.. Respondents

**Report filed by the Superintending Engineer, WRD, Palar Basin
Circle, Chennai-5**

I, A. Muthiaya, s/o. Asokan, aged about 57 years residing at "C" Block, 207, Casagrand Aristo Apartments, Nobel Street, Nanganallur, Chennai-61 in my capacity as Superintending Engineer, WRD, Palar Basin Circle, Chennai in charge of the impugned mouth of the River Cooum, filing this report pursuant to the orders dated 15.09.2021 made by this Hon'ble Tribunal in the O.A. herein and also the Public Works Department has been appointed as the nodal agency for providing necessary logistics for this purpose.

2. In compliance of the order dated 15.9.2021 of this Hon'ble Tribunal, the Revenue Divisional Officer, North representing the


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District Collector, Chennai, a representative of the Ministry of Environment, Forests and Climate Change, the Joint Commissioner of Police (Eastern Zone) and the Assistant Director representing the Department of Geology and Mining and the undersigned (Superintending Engineer) have inspected the area on 07.10.2021.

3. It is, in this regard, stated the by the order dated 21.12.2021, this Hon'ble Tribunal has 'inter alia' passed the following order:

"5. We have perused the report, except general vague observation, there is nothing more than what was stated in the report extracted by us above. They have not mentioned anything about the allegations made in the application and its genuineness and what is the nature of enquiry conducted by them from the reporter who has given the report so as to collect the details regarding the data collected by them for making such reports in the newspaper. If such an exercise has been made by the police officials who have been made as a party, they may be able to trace out the miscreants and take appropriate action in accordance with law. The report also does not show as to whether they are doing dredging only, what is the methodology adopted by them for doing dredging, whether it is in conformity with the guidelines issued by the Ministry of Environment, Forests & Climate Change,


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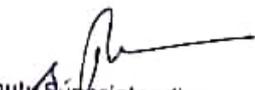

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(MoEF&CC) in this regard and also the directions issued by the National Green Tribunal, Principal Bench in some matters where similar issues have been raised. Further, there is no comment regarding the deposit of concrete waste seen in the photographs produced along with the application.

6. Though the committee has already inspected the area on 07.10.2021, we do not know as to what is the reason for delay in finalizing the report and submit the same to this Tribunal, in spite of the fact nearly 1 ½ months have lapsed after inspection. This will only give room for the perpetrator of crime to repeat such things or destroy evidence which may be available there. They have also not mentioned as to what is the nature of steps taken by them to have vigil of preventing such activities in that area as well.

7. When this was pointed out, the learned counsel appearing for the State Department submitted that if some time is granted, they may be able to come with a detailed report.

8. Further, if there is any possibility of conflict between the State Coastal Zone Management Authority and the State authorities who are doing dredging and if it is against the CRZ Notification, then it is always better for them to have


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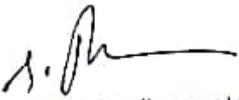
different lawyers, so that true state of affairs can be brought to the notice of the Tribunal and what is the procedure to be adopted for carrying out the activities as per the CRZ Notification can be informed by the concerned department to the Tribunal.

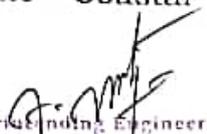
9. So, the Principal Secretary for Environment is directed to look into the issue and take appropriate steps to appoint separate counsel in such cases.

10. The committee is directed to submit the report to this Tribunal, apart from individual respondents filing their reports on or before 10.12.2021 by e-filing.

11. The committee members are not expected to give their independent report without signing the report. Whenever, there is any difference of opinion among the members of the committee, they will have to express their dissenting note in the report itself and then all the members should sign the same and if there is any legal issue, all these aspects can be gone into by this Tribunal and pass appropriate directions. This must be kept in mind when the joint committee file the report before this Tribunal."

4. It is stated that the official from the State Coastal Zone Management Authority had not joined in the inspection held by on 07.10.2021 and the official from the State Coastal Zone


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Management and this answering respondent inspected the site on 05.01.2022. When the officer was urged to send the report on the observation made by the officer, the officer required further time to prepare the report. The individual report of the MoEF and CC was already filed. The individual report from other members of the Joint Committee is filed herewith except the report of the SCZMA. Hence, it is stated that a consolidated report comprising of the all the members of the Joint Committee would be filed immediately on receipt of the report from the SCZMA.

5. It is also stated as directed in paragraph 8 supra, the possibility of engaging different counsels for the State and the State Coastal Zone Management Authority is required to be decided by the Government in the case of the State and the Chairman or the Head of SCZMA who can decide on the policy matters.

6. It is further stated that this respondent has already filed the individual report with regard to the River Cooum mouth where illicit transport of sea sand has been alleged and that there is no delay or laches on the part of the Water Resources Department as a Nodal Officer to co-ordinate the activities in this regard more specifically when the unauthorised removal of sand from the Government land has to be dealt with the Mines and Mineral Department under the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959 and as per rule 38 (O) of the rules *ibid*, the Water Resources

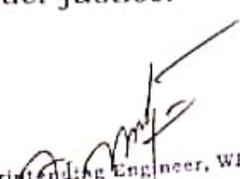

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Authorities have been empowered only for issuing despatch slips based on the permission granted by the Assistant Director of Mines.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the submissions made above and pass appropriate further order as deemed fit in the facts and circumstances of the case and thus render justice.


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VERIFICATION

I, A. Muthiaya, s/o. Asokan, officiating as Superintending Engineer, WRD, Palar Basin Circle, Chennai-5, do verify that the submissions made from paragraphs 1 to 6 are true and correct to the best of my knowledge from records and I signed this on this..07th.....Day of January 2022 at Chennai.


Superintending Engineer, WRD,
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