

JOINT COMMITTEE REPORT

SUBMITTED TO

HON'BLE NATIONAL GREEN TRIBUNAL (SZ)

IN

OA 207-2017

INSPECTION REPORT OF THE JOINT COMMITTEE CONSITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A.NO.207 OF 2017 (SZ)

1.DIRECTION ISSUED BY THE HON'BLE GREEN TRIBUNAL DATED 19.01.2022

2. The applicant has filed a detailed objection to the Joint Committee report in the form of a counter affidavit wherein it was alleged that on account of the construction of the over-bridge there was deviation of the water course which is likely to affect the flow of water and also it will cause hardship to the farmers in the locality. It is also alleged that the diverted water will stagnate in the area and it must allow the surplus water to go to Vellakulam instead of residential area. According to the applicant, the difficulties that is likely to be caused on account of such diversion has not been considered. Further, they have given certain suggestions to the Committee by letter dated 02.03.2020 but the Committee had not given any remarks on the same. So under such circumstances, we feel that it is better to direct the Committee itself to go into the question and submit a further report considering the objections and suggestions made by the applicant to the earlier Joint Committee report and after getting the same the matter can be disposed of after hearing both sides.

3. The Joint Committee appointed by this Tribunal is directed to consider the objections raised by the applicant by way of counter affidavit to the Joint Committee report earlier filed and submit a further report with their specific views on the same, so as to avoid further clarification to be obtained from them. Each issue will have to be considered by them independently and their remarks be given on that aspect as well and if any modification is required, they are at liberty to suggest those modifications if they are practicable and feasible both economically and technically. They are

directed to submit the report to this Tribunal on or before 18.02.2022 by e-filing in the form of Searchable PDF/OCR Supportable

4. The applicant is directed to serve the copy of the objection filed in the form of counter to the members of the Committee within a week or at least to the nodal agency so that they can circulate the same to the members of the Committee to avoid delay.

2. COMPLIANCE ON THE DIRECTION

In due compliance of the orders of the Hon'ble Green Tribunal, The Joint Committee inspected the site along with the applicant on 15.02.2022. The Joint Committee consider the all the objection of the applicant made in his affidavit and suggest the following short term and long-term measures to mitigate the flood in the residential area. The committee also gives reply to the objection raised by the applicant.

Sl. No	Objection raised by the Applicant	Observation of the Joint Committee
1.	The first point to be considered is in regard to the Surplus water from the lake. The Surplus water now flows in to the Vellakulam which has an ayacut area which utilizes the water for cultivation purpose. The report of the committee states (Page 22) that the flow in the Surplus course of the tank is not affected. This is not correct. The surplus water which is now flown in to Vellakulam for Irrigation purpose will be diverted in the new alignment by constructing a ramp and forming a new canal which takes the water in to Indira	As stated by Applicant, <ul style="list-style-type: none">• There is no cultivation activity in the ayacut area of Vellakulam. The entire ayacut area now converted into residential area.• The entire water not flow into the Vellakulam. There were two culverts one in the north side (towards railway gate side) and another in the south side of the Pool created in the downstream side of the Surplus Weir in the Old Road now converted as box culvert.

	<p>Nagar, Karthik Nagar and Kanagadurga Nagar area. This will cause lot of trouble to the residents of the area. The diverted water will stagnate in the area. So, it would be proper to allow the Surplus water to go in to the Vellakulam instead of residential area. The committee has not considered this problem in its entirety. It has simply said that there is no hindrance in the surplus flow from the tank.</p>	<p>The water from right side culvert goes directly to the Vellakulam</p> <p>The water from the left side culvert goes over the patta land and joins in the channel in the Downstream side</p> <ul style="list-style-type: none"> • On verifying the revenue record, the committee agrees the grievance and decided to form a link canal from the surplus weir to the right-side bridge (towards fish market).
2.	<p>Rule 4 of the Wetlands (Conservation and Management) Rules 2017 stipulates that any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the commencement of the Rules is prohibited. So, this construction is not proper.</p>	<p>The Ponneri Lake is not a notified wetland as per the Wetland authority of India notification.</p>
3.	<p>The committee has approached the reference made to it, with the false notion that this water lake is a manmade water body (Page 31). But this is a creation of nature and this lake is there from the period unknown to the public and it is to be surely called as wetland and the Environmental Impact Assessment Study of the proposed construction is mandatory.</p>	<p>For the purpose of Bridge construction, the Environmental Impact Assessment Study is not mandatory. Further, this proposal not affected flora and fauna in the lake Eco-System wherein no diversity of life existed (such as thick vegetation and fauna) and also the formulation of the bridge will not affect the storage capacity of the lake.</p>
4.	<p>In the letter dated 02.03.2020 to the committee, the Appellants made the</p>	

	following suggestions, but the committee failed to examine them: -	
	(a) The area of entry in to and exist from the over bridge which has been raised should be changed in such a way as not to affect the flow of water from Ponneri Lake in to the Vellakulam.	The entry and exit of the over bridge no way hinders the flow of water from the Ponneri lake. The Channels which feeds the Vellakulam lake from Ponneri lake will be demarcated as per revenue records and channelized for ensuring inflow into Vellakulam lake by the Highways Department
	(b)The Fish market located, affecting the flow of water in to Vellakulam should be removed from the area and the natural flow of water must be restored.	The Fish market will be evicted by the Highways Department and natural flow of water will be ensured.
	(c)The area surrounding Vellakulam is occupied by unauthorized construction which should be removed.	The encroached area surrounding the Vellakulam lake will be evicted and restored by the Kancheepuram Municipal Corporation with the help of Revenue and Police Department.
	(d)The Konnerikuppam Village Canal leading to Gurunathaswamy kulam in S.No.148/9 should be restored.	The Canal will be restored by the Hindu Religious Department with the help of Revenue and Police Department.
	(e) The new canal formed so as to carry water in to the Indira Nagar, Karthik Nagar and Kanagadurga Nagar area, should be closed so as to facilitate the entire surplus water flowing in to Vellakulam.	The new canal to be formed, weather as open or closed shall be decided based upon the hydraulic design criteria.
	(f) As per the interim orders of the Hon'ble Tribunal and as per the order of the Department of	For the construction of bridges Environmental Impact Study is not mandatory. Also, this lake is not

	<p>Environment in Rc.No.17/2127/2018, Dated.09.08.2018, the permission of the competent authority should be obtained.</p>	<p>covered under the preview of Wetland Authority of India. Necessary, permission has been accorded by the Government of Tamil Nadu vide G.O.Ms.No.84 Public Works (T2) Department, Dated.13.04.2017. (Which is submitted to Hon'ble NGT in the early report of Joint Committee)</p>
<p>5.</p>	<p>For the purpose of construction of over bridge permission has been obtained from Archaeological Department, only for a small area of the temple. But the road portion enters in to certain area belonging to the Ervatheeswara temple and Pravatheeswara temple. If the four way road proceeds in the way it is now proposed, it will affect the archaeological site. If heavy vehicles rush in the road its impact will affect the temples. This aspect has also to be examined.</p>	<p>The Archaeological survey of India a competent authority granted permission for the construction of the bridge vide Letter No.36 / NMA / CA / (TN) / 2015 / 521 / Dated.08.02.2015 in the regulated area of protected monuments or Archaeological site and remains declare as national importance under the Ancient Monuments and Archaeological sites and remains Act.1958, regulated areas of Pravatheeswara temple in Kancheepuram. (Which is submitted to Hon'ble NGT in the early report of Joint Committee)</p>
<p>6.</p>	<p>The committee has observed in its conclusion that this is the man-made water body for irrigation purpose, calling this as wetland is not sustainable and Environmental Impact Assessment study is not mandatory. This is not acceptable. The Ponneri Lake is a primitive one an a creation of nature. It is in existence for several decades. So, the Environmental Impact Assessment</p>	<p>Construction of bridge does not affect the water body. Moreover, Ministry of Environmental and Forests, Government of India Notification dated 22.08.2013, (which is submitted to Hon'ble NGT in the early report of Joint Committee) "Expansion of a national highway needs prior environmental clearance in two cases:</p>

	<p>Study is indispensable.</p>	<p>(i) expansion is greater than 100 kms, and (b) it involves additional right of way or land acquisition greater than 40 mts. on existing alignments and 60 mts. on re-alignments and bypasses”.</p> <p>2. Therefore, the project in question does not require prior Environmental Clearance since the length of NH is less than 100 km and additional right of way or land acquisition is less than 60 mts.</p>
<p>7.</p>	<p>In Kancheepuram town and Konnerikuppam Village, the height of buildings should not exceed 9 meters because of existence of eight protected monuments like Kailasanathar temple, Iravatheswarar temple etc and other 5 temples like Ekambeswarar temple, Varadaraja Perumal temple, Kamakshiamman temple etc. This construction exceeds this limit and from the site of construction, the view of the Ekambeswarar Temple disappears. This aspect has also to be considered.</p>	<p>The construction of bridge does not affect the stability of the historical monument. The bridge constructed for the larger public interest and no hidden agenda to construct bridge in the location. Moreover, the Ekambeswarar temple and surrounding area can be viewed very clearly over the bridge.</p>
<p>8.</p>	<p>The committee has not considered the Impact on the ecology and biodiversity of the lake.</p>	<p>The bridge is constructed on a portion of the lake where there was not much diversity of life existed (such as thick vegetation and fauna) hence does not affected the Ecology and biodiversity.</p>

9.	<p>There are five alternate roads to connect the Kancheepuram town with the National Highway via Enathur, Vellagate, Keelambi, Vaiyavur and Arrakonam. Of which the Enathur-Thomalvar Street, & Arrakonam-Oil Mohammed Street will be best suited. But, these have not been considered, on the pretext that these would be more expensive. It may not be proper to avoid the alternate routes on this ground because the present proposal destroys the lake are and also affects the monumental buildings.</p>	<p>As per the census conducted by the Railways, the TVU (Traffic Vehicle Unit) was recorded as 5,68,959 on 08.09.2012 which is highest among all other Railway level crossings. Hence, The Railway has recommended to construct the Road Over Bridge to eliminate the level crossing (L.C.29) and to help public at large for free movements. Accordingly, this work included in the Railways Work Programme 2013-2014.</p>
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3.SHORT TERM REMEDIAL MEASURES

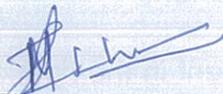
1. The Joint Committee recommends the Revenue Department to survey the entire road and canal near the bridge and demarcate the encroachment.
2. The Highways Department should evict the encroachment in the right of way near the left side Culvert. (Towards the railway gate side)
3. The Highways Department should form a new earthen channel after evicting the Fish Market in the right side of the surplus weir.
4. The Joint Committee recommends the Commissioner, Kancheepuram Corporation to relocate the Fish Market.

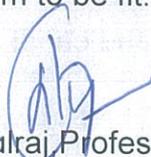
4.LONG TERM REMEDIAL MEASURES

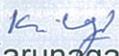
1. The Joint Committee recommends the Commissioner, Kancheepuram Corporation to ensure the Vellakulam free from encroachment and also recommend to restore the Vellakulam.

2. The Highways Department get necessary fund from the Government to make the earthen channel into concreted lined channel and to increase the No. of vent in the right-side bridge to ensure flow from Konnerikuppam tank to Vellakulam.
3. The Hindu Religious Department should form the necessary canal leading to Gurunathaswamy Kulam in S.F.No.148/9 as per the Revenue records.
4. The Revenue Department should survey the surrounding area in the entry point of fly over and restore the canal if any exist as per the Revenue records with concern Department.
5. The Kancheepuram Corporation should ensure that no illegal garbage dumping, letting of sewage is being done by the social miscreant which may be ensured by providing CCTV camera.

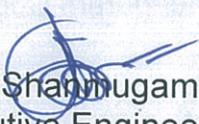
Hence, the Joint Committee submits for the kind perusal of the Hon'ble National Green Tribunal (NGT) to render justice and to pass orders deem to be fit.

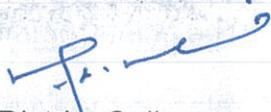

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