

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

Original Application No. 223 of 2021 (SZ)

S. Somasekar Seshachalam
S/o. V. Seshachalam Kaverirajapuram,
Thiruvallur District

...Applicant

Vs

The Ministry of Environment,
Forests & Climate Change,
Rep. by its Secretary,
New Delhi and Ors.

...Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Joint Committee inspection report based on the orders of the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. NO. 223/2021, Dated: 01.11.2021

Date of Inspection of Joint Committee : 20.11.2021.

Officers Present:

1. Dr.C.Kaliyaperumal, Director, MoEF&CC,IRO,Chennai
2. Thiru. P. Senthur Pandey, DEE, TNPCB, Tiruvallur
3. Thiru. A.Hameedullah, Additional Personal Assistant (Land) to Collector, Tiruvallur District.
4. Thiru.R. Jayaprakash Narayanan, AE, SEIAA.
5. Thiru. PS.Sampath Kumar,AEE,O/o DEE,TNPCB,Tiruvallur
6. Tmt.S. Nadhiya, Revenue Inspector, Thiruvalankadu
7. Thiru.S. Nandhagopal, VAO, Kaverirajapuram.

The Hon'ble National Green Tribunal (Southern Zone), Chennai in its order dated: 01.11.2021 in Original Application No. 223 of 2021 filed by Thiru S. Somasekar Seshachalam, S/o. V. Seshachalam, Kaverirajapuram, Tiruvallur District against the proposed Industrial Park at Sy. No. 240, 241, 247/1, 247/2, 331, 369/2, 369(I), 369/1(H) in Kaverirajapuram Village, Tiruthani Taluk, Tiruvallur District has directed inter alia that

" 14 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) District Collector, Tiruvallur or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate as deputed by the District Collector, (ii) District Environmental Engineer, Tamil Nadu Pollution Control Board, (iii) a Senior Officer from the State Environment Impact Assessment Authority, Tamil Nadu and (iv) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF& CC), Integrated Regional Office, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

15. The committee is directed to ascertain as to (i) whether the proposed project requires any Environmental Clearance (EC), (ii) whether any act done by the Respondents No.7 & 8 in the alleged process of making preparation will amount proceed with the work without obtaining Environmental Clearance (EC), (iii) whether there exists any Odai/Water channel as claimed by the applicant either in the property proposed for

project purpose or abutting the property and on account of any act, any damage has been caused to the existing Odai in that property, which is shown as per the A-Registrar Extract produced by the applicant and also the original revenue records and (iv) whether any encroachment has been made in any portion of the water body or water channel as described in the original revenue records in that area and if so, what is the nature of action taken by the authorities in this regard.

16. The committee is also directed to ascertain as to (v) whether any Consent to Establish is required before doing any work in that area for the project, (vi) if they did not obtain the same, what is the nature of action taken in this regard, (vii) whether the project proponent has obtained necessary permissions are required under the EIA Notification and other environmental laws for this project and (viii) if any damage has been caused to the water body, then the committee is directed to assess the nature of damage caused and assess the environmental compensation for damage caused, apart from assessing the amount required for restoration of water channel to its original position."

In due compliance of the Hon'ble NGT Order dated:01.11.2021, the area in question Sy. No. 240, 241, 247/1, 247/2, 331, 369/2, 369(I), 369/1(H) in Kaverirajapuram Village, Tiruthani Taluk, Tiruvallur District was inspected on 20.11.2021 , by the Joint committee comprising the Director, Ministry of Environment, Forest & Climate Change (MoEFCC) Southern Zone, Integrated Regional Office (IRO), Chennai, Additional Personal Assistant (Land) to Collector, Tiruvallur, District Environmental Engineer, Tamil Nadu Pollution Control Board, Tiruvallur, Assistant Engineer, State Level Environment Impact Assessment Authority, Tamilnadu and also along with the Assistant Environmental Engineer, O/o DEE, TNPCB, Tiruvallur and Revenue Inspector, Thiruvalangadu, Village Administrative Officer, Kaverirajapuram. During the Joint committee inspection on 20.11.2021, the following were observed:

It is submitted that the Managing Director, TANSIDCO Limited, vide Letter No. R.C.No. 7918 /N1/2021 dated: 03.09.2021 has requested the District Collector, Tiruvallur to send the alienation proposal for the lands measuring an extent of 59.10 hectares, (145.98 acre) at Survey No. 240, 241, 247/1, 247/2, 331, 369/2 369/1(I) &, 369/1(H) in Kaverirajapuram Village, Tiruttani Taluk, Tiruvallur District

It is submitted that the following details were noted during inspection based on the revenue records (A-Register and FMB Sketch) of Kaverirajapuram Village, Thiruthani Taluk, Tiruvallur District, as furnished by the VAO, Kaverirajapuram & Revenue Inspector, Thiruvalankadu .

i) The proposed new SIDCO Industrial area in Kaverirajapuram at Survey Nos. 240, 241, 247/1, 331, 369/2 falls in Punchai Anadeenam land and SF. Nos. 369/1I, & 369/1H falls in Patta land.

ii) The lands at SF.No. 334/1, 366,367 & 368 are classified as Odai in A-register. It was clarified by the VAO, Kaverirajapuram that SF.No.368, though classified as Odai in A -Register but Physically existing as Panchayat road.

iii) The lands at Survey Nos. 332, 333, 336,337 & 346(part) are classified as "Kottai " and are abutting the proposed new SIDCO Survey Nos. 369/2, 369/1H & 331.

iv) The lands at SF. No 367 which is classified as Odai is abutting the proposed SIDCO Survey No. 369/2.

v) Dguvagunta Lake at SF.No.291 is abutting the proposed SIDCO Survey No.331

During inspection the Committee observed that the southern part of the site at SF No.369/2 was an upland having naturally grown thorny bushes and shrubs with few trees. The sloping terrain is from southern direction to northern direction. This land surface is found to be mostly of stones, pebbles. A Public road runs abutting the northern side boundary of the land having survey No. 369/2.

It is submitted that the remaining part of the proposed SIDCO Industrial park at SF. Nos. 240, 241, 247/1, 331, 369/1I, & 369/1H of Kaverirajapuram Village, Thiruthani Taluk, Tiruvallur District was a inclined terrain towards Southern direction

It is submitted that the periphery of the proposed SIDCO SF.Nos. 369/2 , 369/1H & 331 are abutting the SF. Nos. 332, 333, 336, 337 & 346 (part), which are classified as "Kottai", but during inspection it was found to be a raised/stockpiled gravel & pebbles bund sloping down with earthen channel as earmarked in the FMB sketch. However, the Revenue Department shall seek further details from Archaeological Department for the land at SF. Nos. 332, 333, 336, 337 & 346 (part), which are classified as "Kottai" as per the revenue records

It is submitted that the Odai at SF No. 367, abutting the proposed SIDCO SF.No. 369/2, flows down towards northern direction and joins with Rajalu Chevuru(Eri) at SF. No.423.In this regard the committee observed that there was no demarcated Odai boundary and mostly the said Odai flows through natural sloping terrain and joins with Rajalu Chevuru (Eri) at SF. No.423.

It is submitted that the land at survey nos. 369/1I & 369/1H (Patta Land) at Western direction was found to be grown with mango farm.

It is submitted that the proposed SIDCO land at survey No.331 was found to be abutting Dguvagunta Lake at SF No.291.

The Committee observed that the dense thorny bushes in the Proposed SIDCO land at SF. No. 369/2 (Approximately 23 acres) alone were cleared. Further, it was informed by the Revenue Dept. officials that the thorny bushes in the said location was cleared only for ascertaining the boundaries of the proposed SIDCO industrial park for demarcation with exact measurements as per the revenue records (A-Register & FMB Sketch). However, the cleared thorny bushes from the areas at SF No. 369/2 were found lying in the said area. The Committee observed that there was no Construction activity in the said areas.

During Joint inspection the Committee observed that there was no further activity in the said proposed SIDCO project area.

It is submitted that the Revenue Department Officials are yet to finish the surveying and demarcation of the proposed SIDCO industrial park area. Also, it was reported by the Revenue officials that the land for the proposed SIDCO industrial park area has not been handed over to the TANSIDCO Limited.

The Committee observed that the Odai at SF No. 367, abutting the proposed SIDCO SF.No. 369/2, flows down towards northern direction through SF.Nos.366 and 362 and joins with Rajalu Chevuru (Eri) at SF. No.423. In this regard the committee observed that there was no demarcated Odai boundary and mostly the said Odai flows through natural sloping terrain and joins with Rajalu Chevuru (Eri) at SF. No.423 and no obstruction to the flow in the said Odai was observed by the Committee.

Further,it is submitted that the extent of thorny bushes cleared on the existing Odai at SF No.367 abutting the proposed SIDCO Survey at SF No. 369/2 wherein the clearing of thorny bushes was carried out, could be ascertained after the surveying & demarcation of the boundary of the proposed Industrial Park and abutting areas of the Odai .

Also, it is submitted that the surveying & demarcation of the boundary of Kottai ,Odai, Lake abutting the proposed SIDCO land and the proposed Industrial Park shall be carried out through Revenue Department.

It is submitted that the applicant in OA.No. 223 of 2021 has reported that the SF No.336 as Water way (Odai). In this regard it is submitted that the SF.No.336 of Kaverirajapuram village, is classified as "Kottai" (Govt. Poromboke) in the revenue record, wherein water channel is marked within the Kottai SF .No.336 without any measurement on the width of the channel. During Joint Committee inspection the Committee observed that part of the cleared thorny bushes from the areas at SF.No.369/2 were found in "Kottai" SF.No.336 and the Committee observed that there was no significant obstruction to the flow. Also, during the time of joint inspection, it was observed that there was no flow in the areas at Kottai SF Nos. 336 & 337. Further, it is submitted that the exact boundary of the Kottai SF Nos. 336 & 337, could not be ascertained by the Committee.

Also, it is submitted that the "Kottai " SF.Nos.333 & 332 abutting the SIDCO proposed SF.Nos.331 is not accessible by the Committee since it is covered with thorny bushes .

It is submitted that the State Level Environment Impact Assessment Authority observed that as per EIA Notification,2006 proposed development of industrial park by the project proponent falls under Project /Activity - 7(C) - Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes requires prior Environmental Clearance as follows

Category 'A' Project to be appraised in MoEF&CC-

- i) If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.
- ii) Industrial estates with area greater than >500 ha. and housing at least one Category B industry.

Category 'B' Project to be appraised in SEIAA-

- i) Industrial estates housing at least one Category B industry and area < 500 ha.
- ii) Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.

Note:

1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance.
2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq.mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.

It is submitted that that the project proponent TANSIDCO has not filed application seeking prior Environmental Clearance to SEIAA -TN. Hence at this juncture, the requirement of prior Environmental Clearance could not be ascertained without confirming category of proposed industry to be in housed within the proposed development of industrial park.

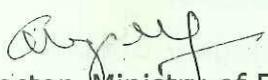
It is submitted that also, para No. 2 of EIA Notification, 2006 states as follows

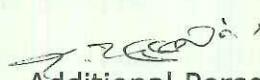
" 2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity."

It is submitted that thorny bushes in the proposed SIDCO site at SF. No. 369/2 (Approximately 23 acres) alone were cleared for ascertaining the boundaries of the proposed SIDCO industrial park and no Construction was observed by the Committee in the proposed project site .

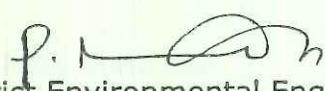
Further it is submitted that since thorny bush clearing work was carried out by the revenue authorities to ascertain the boundaries of the proposed SIDCO site, obtaining Consent to Establish from TNPCB for the proposed project activity by TANSIDCO does not arise at this stage.

Photos showing the present scenario of the proposed SIDCO Project site is enclosed as annexure.


The Director, Ministry of Environment,
Forests & Climate Change (MoEFCC),
Integrated Regional Office (IRO), Chennai,


Additional Personal Assistant (Land)
to Collector, Tiruvallur District.


Assistant Engineer, Representing
State Level Environment Impact Assessment
Authority, Chennai


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruvallur.

View of thorny bushes in the proposed SIDCO land at SF. No. 369/2 (23 acres approx.) alone were cleared for demarcation of SIDCO Boundary



SF. Nos. 337 which is classified as Kottai but it was found to be a raised / stockpiled gravel & pebbles bund along with earthen channel found with cleared bushes removed from S.F.No.369/2.



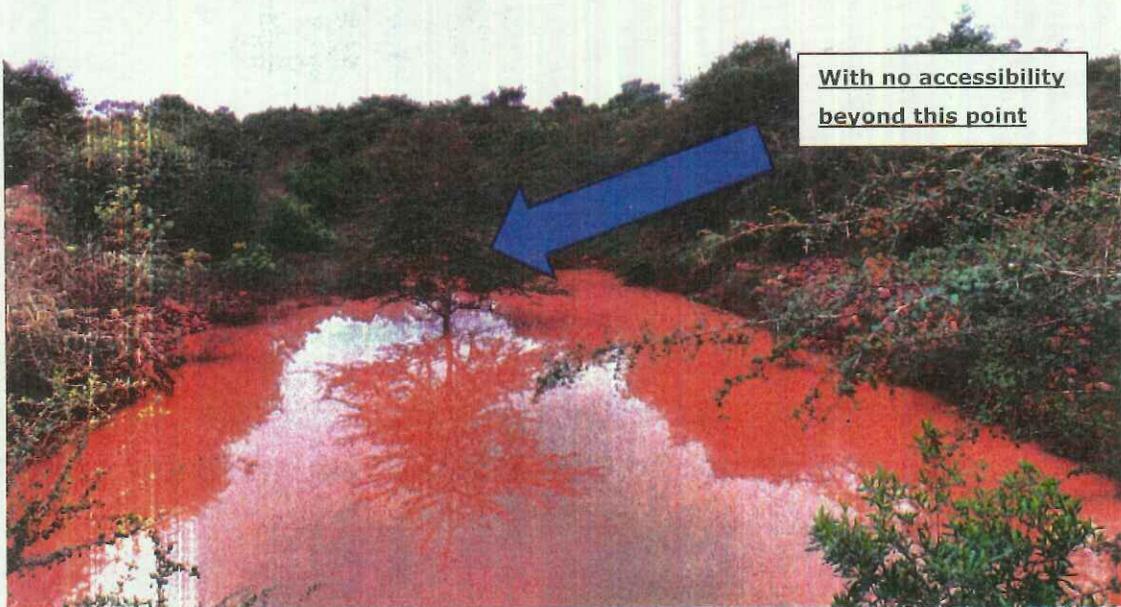
SF. Nos. 336 which is classified as Kottai but it was found to be a raised / stockpiled gravel & pebbles bund along with earthen channel found with cleared bushes removed from S.F.No.369/2.



Survey nos. 333 & 332 which are classified as Kottai but it was found to be a raised / stockpiled gravel & pebbles bund along with earthen channel could not be inspected due to dense thorny bushes with no further accessibility.



View of Odai at S.F.No. 367 abutting the proposed SIDCO S.F.No. 369/2 & flows down through natural sloping terrain without demarcated boundary.



View of Odai at S.F.No. 366 flows down through natural sloping terrain without demarcated boundary.



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

**Original Application No.223 of 2021
(SZ)**

**S. Somasekar Seshachalam
S/o. V. Seshachalam
Kaverirajapuram, Thiruvallur District**

...Applicant

Vs

**The Ministry of Environment, Forests
& Climate Change, Rep. by its
Secretary, New Delhi and Ors.**

... Respondents

**JOINT COMMITTEE INSPECTION
REPORT BASED ON THE ORDERS
OF THE HON'BLE NGT(SZ), IN
O.A.NO.223 OF 2021 DATED
01.11.2021**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 25.11.2021.

Date of hearing on:26.112021