

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

In

O.A. NO. 223/2021

IN THE MATTER OF:

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

...Applicant(s)

Vs

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

...Respondent(s)

Individual Report

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

In

Application No.223 of 2021

**Individual Report on OA No.223 of 2021(SZ) filed before the Hon'ble
National Green Tribunal, Southern Zone, Chennai.**

Introduction

To ascertain the genuineness of the allegations made in the application O.A No. 223 of 2021, the Hon'ble NGT (SZ) vide Order dated 01.11.2021 has constituted a Joint Committee comprising of 1) 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.

Accordingly the Joint committee comprising of the following officials visited the site on 20.11.2021.

S.No.	Name	Department	Designation
1.	Dr.C.Kaliaperumal	MoEF&CC,IRO,Chennai	Director
2.	Er. P. Senthur Pandy	TNPCB, Tiruvallur	District Environmental Engineer
3.	Er. R. Jayaprakash Narayanan	SEIAA, Tamil Nadu	Assistant Engineer
4.	Thiru. A. Hameedullah	Collectorate, Tiruvallur District	Additional Personal Assistant (Land) to Collector
5.	Ms. Nadhiya, ,	Revenue. Thiruvallankadu	Revenue Inspector
6	Thiru. Nandhagopalan,	Revenue, Kaverirajapuram	VAO

Field Observation during the visit:

During the visit it is learnt that the Managing Director, Tamil Nadu Small Industries Development Corporation Ltd. (TANSIDCO), 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 for the proposed Industrial park by SIDCO.

As of now the survey and demarcation of the area are in progress and for that thorny bushes in the Proposed SIDCO land at SF. No. 369/2 (Approximately 23 acres) were cleared to ascertain the boundaries of the proposed SIDCO industrial park.

The land in question/land for the proposed SIDCO industrial park area has not been handed over to the TN-SIDCO and also no Construction was observed by the Committee in the proposed project site. No obstruction to the flow of Odai was noticed by the Committee during the visit.

Observation of the Committee against each direction given by the Hon'ble NGT (SZ) Vide Order dated 01.11.2021 in O.A No. 223 of 2021 is as follows:

1. The committee is directed to ascertain as to whether the proposed project requires any Environmental Clearance (EC).

As per EIA Notification 2006, Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.

Industrial estates of area greater than 500 ha. and not housing any industry belonging to Category A or B require clearance from SEIAA.

Industrial estates housing at least one Category B industry also require clearance from SEIAA even though the area is less than 500 ha.

If at least one industry in the proposed industrial estate falls under the Category A, require clearance from the Ministry, irrespective of the area.

Industrial estates with greater than 500 ha. and housing at least one Category B industry also require clearance from the Ministry.

As per the available record it is learnt that the area of the proposed Industrial Park is less than 500 ha. Therefore if at least one industry in the proposed industrial estate falls under the Category B, requires clearance from SEIAA and if at least one industry falls under the Category A, it require Environmental Clearance from the Ministry irrespective of the area.

The land for the proposed SIDCO industrial park area having an area of less than 500 ha has not been handed over to the TN-SIDCO. But only preliminary surveying and demarcation of the proposed SIDCO industrial park area by the revenue Department Officials are yet to finish. It is also not aware about the Category of industry going to house there.

Therefore at this juncture to ascertain as to whether the proposed project requires any Environmental Clearance is not probable.

2. 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).

Now only preliminary surveying and demarcation of the proposed SIDCO industrial park area by the revenue Department Officials are in progress and the land in question/land for the proposed SIDCO industrial park area has not been handed over to the TN-SIDCO. It is also not decided whether any Category A or B industry is in the project. Therefore Environmental Clearance is not required for conducting surveying and demarcation of land.

3. 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.

It is observed that there was no demarcated Odai boundary and mostly the said Odai flows through natural sloppy terrain and joins with Rajalu Chevuru (Eri) at SF. No.423. During the visit no obstruction to the flow of Odai was noticed by the Committee.

4. 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.

Encroachment of the existing Odai at SF No.367 near to the proposed SIDCO Survey at SF No. 369/2 wherein the clearing of thorny bushes was carried out, if any could be ascertained after the surveying & demarcation of the boundary of the area. The committee has requested the revenue department to report about the status of encroachment after finishing the survey.

5. Whether any Consent to Establish is required before doing any work in that area for the project.

Now only preliminary surveying and demarcation of the proposed SIDCO industrial park area are in progress and the land in question/land for the proposed SIDCO industrial park area has not been handed over to the TN-SIDCO. No construction work were started at the site.

6. If they did not obtain the same, what is the nature of action taken in this regard?

No construction work were started at the site and only preliminary surveying and demarcation of the proposed SIDCO industrial park area are in progress The land in question has not been handed over to the TN-SIDCO

7. Whether the project proponent has obtained necessary permissions are required under the EIA Notification and other environmental laws for this project and.

Not obtained any permissions required under the EIA Notification and other environmental laws for this project since only preliminary surveying and demarcation of the proposed area is in progress and the land has also not been handed over to the TN-SIDCO.

8. 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.

During the visit no obstruction to the flow of Odai was noticed by the Committee.



Dr.C. Kalyaperumal
Director
MoEF&CC, IRO, Chennai