

IN THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

Original Application No. 251 & 252 of 2020 (SZ)

Between

Singaravellar Ocean Side

Residence Welfare Association and others

&

Sri Kapaleeswarar Nagar

Residents Welfare Association,

----- Applicants

And

1. The State of Tamil Nadu,  
Rep. by its Secretary, MAWS,  
Secretariat, Chennai
2. The Commissioner,  
Greater Chennai Corporation,  
Ripon Buildings, Chennai 600 003
3. The Chief Engineer (General)  
Greater Chennai Corporation,  
Ripon Buildings, Chennai 600 003
4. The Superintending Engineer,  
Storm Water Drain Department,  
Greater Chennai Corporation,  
Ripon Buildings, Chennai 600 003 ----- Respondents

**Counter to Reply Affidavit**

I, K. Vijayakumar, S/o. K. Karuppanan Hindu, aged 56 Years, having office at Greater Chennai Corporation, Ripon Buildings, Chennai-600 003, do hereby solemnly affirm and sincerely state as follows.

I am the Superintending Engineer, Storm Water Drain Department, Greater Chennai Corporation, and I am well acquainted with the facts of

  
SUPERINTENDING ENGINEER  
STORM WATER DRAIN DEPARTMENT  
GREATER CHENNAI CORPORATION



3. **Storm Water Drain Network** : Applicability of CRZ Clearance for the Storm Water Drain Networks is yet to be ascertained. Provisions of the Clause (i)(a) of Para 4 of CRZ Notification 2011 states that "clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities". GCC will act as per the Hon'ble NGT direction in this regard.
  
4. **Compliance with Stop Work Order dated 23.12.2020**: ISWD is proposed for a length 52,472.26 m in Kovalam M3 Component. About 32,644.26 meters (62.21%) long SWDs falls in CRZ-II Areas and 19,828.00 m meters (37.78%) in Non-CRZ Areas. It is reaffirmed by GCC that **in the total 52,472.26 m awarded works, only 6.24% (3,274.26 m) work was completed that too about 3.62% of works were only done in CRZ-II Area** during the six months period before the works are stalled. The 'Stop Construction' Notice issued on 23.12.2020 by the Member Secretary, TNCZMA for the works including Non-CRZ Areas is simply complied by GCC. The meeting of the Joint Committee was held on 28.12.2020 at Regional Office of MoEF&CC, Chennai. There were only 2 working days and administrative procedures and protocols were to be followed. There was no non-compliance of the 'Stop Construction' Order as pointed out.
  
5. **Tree Cutting**: GCC confirms that there was not even a single tree cut so far for the construction. Since the Storm Water Drains have been designed as per IRC guidelines, wherever trees are falls at the proposed alignment, it can be rerouted in the carriage way to avoid the tree cut and disturbance of its root system as per the site conditions.
  
6. The Applicant is simply stating the general vague statements regarding the Project frequently in its Rejoinder. There is no materialistic evidence for the false charges raised. Their arguments or submissions have reached a point that they are unable to accept the facts given by GCC regarding the Project and they started pinpointing individual Officer and the Commissioner of GCC by

  
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stating their individual Name in the Rejoinder. As on date, the **balance work to be executed in the Project is for 49,198 m (93.76% of total work awarded) which cannot be completed within a week as they claimed in the Rejoinder.**

7. **I respectfully submit that as per Interim Order dated 03.08.2021, GCC has identified 18 Locations (appended Table 1) in Kovalam M3 Component Area which pose threat to the local people and safety measures are to be taken before the forthcoming Monsoon period.**
8. **Accordingly, the safety works are to be taken up by GCC by displaying a Banner stating that 'the safety work is being carried out as permitted by the Hon'ble NGT' (appended Table 1). There is no ISWD construction work being carried out by GCC at these locations.**

**Table 1 Safety Related Unfinished SWD Pending Works**

S. No	Package No	Outfall No	Zone No	Div. No	Street Name
1	05	09	15	192	Baywatch Farm Main Road
2	05	09	15	192	Baywatch Farm 3 <sup>rd</sup> Street
3	05	09	15	192	Baywatch Farm 4 <sup>th</sup> Street
4	05	09	15	196	Sai Baba Temple
5	07	14	15	196	Jagajeevanram Street
6	07	15	15	196	Rajiv Avenue
7	08	16	15	198	Drift Wood Avenue
8	08	16	15	198	Shyamala Garden
9	08	16	15	198	Sparkling Sanda
10	09	18	15	198	Copper Beach
11	10	19	15	198	Modern Layout 1 <sup>st</sup> Main Road
12	12	21	15	199	VVV Subramaniam Salai
13	12	22	15	199	Kannagi Street

S. No	Package No	Outfall No	Zone No	Div. No	Street Name
14	12	22	15	199	Periyar Street
15	12	22	15	199	PE Avenue
16	13	23	15	199	VGP 1st Main Road
17	13	24	15	199	VGP 3rd Main Road
18	14	27	15	199	Karl Marx Road

**PRAYER:**

Considering the above submissions filed, the Respondents herein pray that this Hon'ble National Green Tribunal, Southern Zone, may please dismiss this Original Application and to pass such further or other Orders as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

It is prayed that the Hon'ble National Green Tribunal may please pass orders to permit the GCC to continue the stalled Works in Kovalam M3 Component and complete the Works at the earliest to provide relief to the residents of the M3 Sub-basin from the ensuing Monsoon season and to safe guard them during any natural disasters.

Dated at Chennai this the 3<sup>rd</sup> Day of September, 2021



Counsel for the 2, 3 and  
4<sup>th</sup> Respondents



SUPERINTENDING ENGINEER  
STORM WATER DRAIN DEPARTMENT  
GREATER CHENNAI CORPORATION  
Respondent

**Verification**

It is verified that what is stated above paragraphs are true and correct to the best of my knowledge and belief

Dated at Chennai this the 3<sup>rd</sup> Day of September, 2021.



SUPERINTENDING ENGINEER  
STORM WATER DRAIN DEPARTMENT  
GREATER CHENNAI CORPORATION  
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----- Petitioner

-Vs-

The Commissioner,  
Greater Chennai Corporation,  
and 2 others -----  
Respondents

COUNTER AFFIDAVIT OF THE  
2, 3 & 4<sup>TH</sup> RESPONDENT

Ms P.T. Ramadevi.

Counsel for Respondents