

**JOINT COMMITTEE REPORT FOR MAGARAL TANK IN MAGARAL VILLAGE OF
THIRUVALLUR TALUK AND DISTRICT**

Date of Inspection: 15.02.2022

The Hon'ble National Green Tribunal (SZ), in its order dated. 25.01.2022, directed the joint committee to file the report on or before 21.02.2022. In this regard the committee constituted early by its order dated. 22.09.2020 vide O.A No. 179 of 2020 is again revisited the Magaral tank on 15.02.2022 to verify the status of tank at field, action taken related to eviction of encroachment and rehabilitation and restoration of the tank with the following officials:

Officers Present During Inspection:

1. Er. R. Thangaprakasam,
Member SEAC-TN on behalf of SEIAA
Saidapet, Chennai
2. Dr. S. Lakshmipriya, M.Sc., Ph.D.,
Deputy Director, Geology & Mining Department, Thiruvallur
3. Er. C. Podupanithilagam, M.E.,
Executive Engineer, PWD.,
Kosasthalaiyar Basin Division, WRD.,
Thiruvallur
4. Mr. M. Ramesh, B.Com.,
Revenue Divisional Officer, Thiruvallur
5. Er. G. Karthigeyan, M.Tech.,
Assistant Executive Engineer, PWD.,
Kosasthalaiyar Basin Sub Division, WRD., Thiruvallur
6. Mr. E. Senthilkumar,
Tahsildar, Thiruvallur
7. Mr. A. Nagarajan, M.Sc.,
Assistant Geologist, Geology & Mining Department, Thiruvallur
8. Er. K. Selvakumari, B.E.,
Assistant Engineer,
Irrigation Section - I, WRD., Thiruvallur

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The entire team made a walkthrough along the Periphery of the water spread and Tank bund including surplus course, sluices & inlet and outlet channels of the Magaral big tank. During such time, the Executive Engineer, Public Works Department stated that the boundary of the tank for an area of 74.06 Ha was surveyed and the agricultural encroachments of an area of 6.40 Ha in the tank bed were identified and completely evicted from 05.02.2022 to 10.02.2022 after issuing the form III notice as per the Tamil Nadu Tank Protection and Eviction of Encroachment Act 2007.



Removal of Agricultural Encroachments in the tank bed, dated. 05.02.2022

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Removal of Agricultural Encroachments in the tank bed, dated. 07.02.2022

The Revenue officials stated that there were no huts / homes identified in the water spread area. It is noticed that the PWD excavated the deep trench for the approximate length of 2000 m along the fore shore boundary of the tank to prevent any further encroachment in the coming seasons. The committee instructed to the Assistant Engineer, Public Works Department to sow traditional indigenous palmyra seed in the trenches formed along the boundary which will prevent the future encroachment and act as a natural landmark. The Executive Engineer, PWD/WRD informed the committee the drive of sowing Palmyra seeds along the boundaries of 75 numbers of tanks in Thiruvallur district on the eve of 75th Independence from August 2021. He also mentioned that this tank also will be included under this drive.

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During the inspection, the committee observed that there are some agriculture encroachment in the grazing land (Meikal Poramboke SF No. 230) adjacent to the tank bed which forms part of catchment of the Magaral Big Tank. The committee instructed the Revenue Officials to remove the above encroachments as done in the tank bed, since it fetches equal importance and value.



Inspection of Excavated trench in the foreshore boundary of the tank by committee, dated. 15.02.2022

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The committee perused the records available with the Deputy Director, Mines for the leases of quarries granted earlier on the Magaral tank bed. It reveals that there were 13 known leases operated in the various periods up to 2014 as follows. (Annexure - 1)

| Sl. No | Name of Lessee (Thiruvallur) | Proceeding of the District Collector, Thiruvallur | No. of Lorry Loads permitted | Period of permission |
|--------|------------------------------|---|------------------------------|--|
| 1 | Prema violet | Proc No. 644/2002/Q-2, Dated. 11.01.2005 | 2000 | 11.01.2005 to 28.02.2005 |
| 2 | N. Dayalan | Proc No. 321/2005/Q, Dated. 08.06.2005 | 1500 | (1 Month) 10.06.2005 to 09.08.2005 |
| 3 | M. Rajasekar | Proc No. 354/2006/Q2, Dated. 15.06.2006 | 3000 | (3 Months) 15.06.2006 to 14.09.2006 |
| 4 | R. Elumalai | Proc No. 978/2006/Q2, Dated. 20.03.2007 | 3000 | (3 Months) 20.03.2007 to 19.06.2007 |
| 5 | M. Vijayakumar | R.C No. 972/2006/G&M-2, Dated. 14.02.2008 | 3000 | (1 Month) 14.02.2008 to 13.03.2008 |
| 6 | S. Dayalan | R.C No. 811/2006/G&M-2, Dated. 29.02.2008 | 3000 | (1 Month) 29.02.2008 to 28.03.2008 |
| 7 | E, Bharathkumar | R.C No. 1139/06/G&M-2, Dated. 21.07.2008 | 3000 | (20 days) 21.07.2008 to 09.08.2008 |
| 8 | M. Vijayakumar | R.C No. 972/2006/G&M-2, Dated. 26.08.2008 | 2230 | (15 days) 26.08.2008 to 14.09.2008 |
| 9 | D. Amirtharaj | R.C No. 466/2011/G&M-2, Dated. 21.12.2011 | 4800 | (50 days) 22.12.2011 to 09.02.2012 |
| 10 | M. Boopathy | R.C No. 154/2012/G&M-2, Dated. 18.05.2012 | 4875 | (45 days) 21.05.2012 to 04.07.2012 |

| Sl. No | Name of Lessee (Thiruvallur) | Proceeding of the District Collector, Thiruvallur | No. of Lorry Loads permitted | Period of permission |
|--------|------------------------------|---|------------------------------|--|
| 11 | J. Balakrishnan | R.C No. 600/2011/ G&M-2, 19.07.2012 Dated. | 4875 | (50 days) 19.07.2012 to 16.09.2012 |
| 12 | J. Balakrishnan | R.C No. 74/2012/ G&M-2, 30.05.2013 Dated. | 4825 | (55 days) 31.05.2013 to 24.07.2013 |
| 13 | R.Kothandaraman | R.C No. 701/2011/ G&M-2, 03.01.2014 Dated. | 4860 | (60 days) 04.01.2014 to 04.03.2014 |

However, no quarry was operated from the year 2014. Due to the operation of the earlier quarries, the terrain of the tank bed has undulated in nature with lot of scrub jungle and bushes. The PWD officials informed that there was no major rehabilitation work taken place pertaining to this tank after the year 2014.



Inspection of Tank bed by committee, dated. 15.02.2022



Inspection of Tank bed by committee, dated. 15.02.2022

The Executive Engineer stated that, a detailed project report has been prepared to rehabilitate the tank including improvements to sluices, weir, bund and supply channel at a cost of 1.05 Crores. The work will be carried out after obtaining the administrative sanction from the authority.

The committee viewed that the District Collector, Thiruvallur may be requested to allot Rs.25.00 Lakhs under the District Mineral Fund towards the renovation of mine affected Magaral tank bed from undulation.

Earlier the petitioner Thiru. G. Ramesh, Magaral Village filed the O.A No. 64 of 2015 against the District Collector, Thiruvallur (1st respondent) including the respondents Mr. V.K. Sathiskumar (5th respondent) and Mr. Prakash (6th respondent) who have got the environmental clearance from SEIAA before the Hon'ble Tribunal for not to operate the quarries in the tank bed. The Hon'ble Tribunal in its order dated. 24.01.2017 (Annexure - II) viewed that,

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"The application stands allowed with the directions to official respondents not to permit the 5th respondent or any other person to quarry in the Periya Eri comprised in survey no. 216, Magaral Village unless and until such persons are granted permission based on compliance of the terms and conditions stipulated in G.O Ms. No. 938, Dated. 07.06.1988 and follow the policy of the Government in this regard".

On further perusal of the records available with the Deputy Director, Mines reveals that there are three environmental clearance order granted in the year 2015 and the same orders were amended in the year 2017 (Annexure - III) by the State Environmental Impact Assessment Authority as detailed below:

The above orders were neither brought to the notice of the committee during first inspection of the committee on 20.01.2021. However the District Collector, Thiruvallur has not executed any lease agreement for the above proponent to carry out the quarrying operations in this tank bed.

The committee viewed that the execution of the leases for the above three environmental clearance orders by the District Collector, Thiruvallur may not be technically suitable in the present scenario until the Public Works Department carried out the rehabilitation and restoration work in the tank.

The Superintending Engineer, Public Works Department who is the custodian of the tank also stated before the Hon'ble Tribunal in his status report dated. 17.12.2021 that even quarry permission if any granted earlier will be recommended to be cancelled and any fresh permission will not be granted in future.

The committee also now recommend to cancel the following above orders, environmental clearance issued by SEIAA.

| Sl. No | Project proponent | Environmental Clearance Letter No. | Amendment Letter No. |
|--------|-----------------------|--|--|
| 1 | Mr. V.K. Sathishkumar | SEIAA-TN/F. No.2791/EC/1 (a)/1665/2014, dated.24.02.2015 | SEIAA-TN/F. No.2791/EC/1 (a)/1665/2014, dated.27.11.2017 |
| 2 | Mr. N. Prakash | SEIAA-TN/F. No.2884/EC/1 (a)/2016/2014, dated.01.04.2014 | SEIAA-TN/F. No.2884/EC/1 (a)/2016/2014, dated.21.11.2017 |
| 3 | Mr. J. Ravi | SEIAA-TN/F. No.4233/EC/1 (a)/2672/2015, dated.05.01.2016 | SEIAA-TN/F. No.4233/EC/1 (a)/2672/2015, dated.20.11.2017 |


Member,
SEAC-TN on behalf of SEIAA


Executive Engineer, PWD.,
Kosasthalaiyar Basin Division, WRD.,
Thiruvallur


Deputy Director,
Geology & Mining Department,
Thiruvallur


Revenue Divisional Officer,
Thiruvallur