

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**

**O.A. 54 of 2023 (SZ)**

Mr. Shanmugam  
S/o of Subburayalu

... Applicants

Vs.

The Govt. of Puducherry  
Rep. by its Chief Secretary & 3 Ors.

... Respondents

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Dated at Puducherry on this the 19<sup>th</sup> Day of September, 2023



COUNSEL FOR THE 3<sup>rd</sup> RESPONDENT

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI****Application No.54 of 2023 (SZ)**

Mr. Shanmugam,  
S/o. Subburayalu,  
1/122, PerumalKoil Street,  
Rampakkam, Villupuram,  
Tamil Nadu 605 105 and 15 others

..... Applicants

Vs.

1. The Government of Puducherry,  
Represented by the Chief Secretary,  
Puducherry- 605 001.
2. The Superintending Engineer,  
Project Director, AFD Project Unit,  
PWD, Puducherry -605 001.
3. The Secretary,  
Puducherry Ground Water Authority,  
No.2, 5<sup>th</sup> Cross, Mariamman Nagar,  
Karamanikuppam, Mudaliarpet,  
Puducherry -605 004.
4. The Secretary,  
Water Resources Department,  
Government of Tamil Nadu,  
Fort St George,  
Chennai -605 009.

..... Respondents

**AFFIDAVIT FILED BY THE THIRD RESPONDENT**

I, S. Manohar, S/o Sakthivel, Hindu, aged about 58 years, and officiating as Member Secretary, Puducherry Ground Water Authority, having my office at No.2, 5<sup>th</sup> Cross, Mariamman Nagar, Karamanikuppam,

  
**S. MANOHAR, M.Sc.,**  
Member Secretary  
Pondicherry Ground Water Authority  
Puducherry-605 004.

Mudaliarpet, Puducherry, do hereby solemnly and sincerely affirm and state as follows:

2. I am well acquainted with the facts of the case in my capacity as Member Secretary, Puducherry Ground Water Authority and I swear this affidavit on behalf of the Third Respondent herein.

3. I submit that the Project of augmentation of water supply source and rehabilitation of system in Urban area of Puducherry District, Puducherry (Phase I) aims at providing good drinking water to the people in the urban areas of Puducherry region by erecting tube-wells in the villages, namely, Kaduvanur, Karayambutur, Panayadikuppam and Manamedu and the said project is being taken up by the second respondent in collaboration with AFD Funding Agency (Agence Francaise De Developpement) for an amount of Rs.534 Crore.

4. I submit that the above action of the second respondent is impugned in this O.A and a comprehensive reply was filed by the Executive Engineer of the second respondent herein on 24.7.2023 duly adopted by all the respondents. I submit that this Hon'ble Tribunal by its order dated 24.7.2023 was pleased to direct the third respondent herein to furnish the details of funds allocated for the re-charge of ground water and in compliance thereof, I am filing this affidavit.

  
**S. MANOHAR, M.Sc.,**  
Member Secretary  
Pudicherry Ground Water Authority  
Pudacherry-605 004.

5. I submit that the second Respondent herein with a view to fulfilling the need of drinking water in the urban areas, duly sought permission of the third respondent for setting up deep borewells in the aforesaid villages. The third Respondent grants such permission duly taking precautionary measures ensuring replenishment of water that is likely to be extracted.

6. I further submit that as a matter of fact, this respondent, even in instances of granting permits for extraction of ground water to industries, insists on their construction of re-charge structures in their campus from out of their own funds. I further submit that, apart from the above initiative, though no separate funds are allotted by this Respondent for construction of re-charge structures, this Respondent has got sanctioned an amount of Rs.2.10 crore from the competent authority towards construction of check dam across the river Guduvaiyar at Melsathamangalam Village in Villianur Commune, Puducherry from the funds of this authority and has paid an amount of Rs.1.10 crore as first instalment to the Irrigation Division of the Public Works Department, Puducherry. I also submit that the balance amount of 1.0 crore would be paid on completion of 50% of the construction works subject to rendering of accounts.

7. I therefore submit that the aforesaid initiative has been taken by the third respondent and if the said re-charge structure is completed, it may account for recouplement of water levels and there shall be no deprivation of water as alleged by the Applicants due to implementation of the project impugned in this O.A.

  
**S. MANOHAR, M.Sc.,**  
Member Secretary  
Pondicherry Ground Water Authority  
Puducherry-605 004.

8. I further submit that I reserve my right to file additional affidavit if it is required in the near future for better appreciation of facts before this Hon'ble Tribunal.

9. In view of the submissions made in the foregoing paragraphs, the O.A. is bereft of merits and is unsustainable both in law and on facts and is liable to be dismissed in limine.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the O.A. with costs and thus render justice in the interest of justice.

Solemnly and sincerely affirmed  
on this the 19<sup>th</sup> day of September,  
2023.

  
**S. MANOHAR, M.Sc.,**  
RESPONDENT Member Secretary  
Pondicherry Ground Water Authority  
Pudacherry-605 004.

BEFORE ME

ADVOCATE-PUDUCHERRY.

Puducherry, the 16.02.2023

ORDER

Sub: PGWA – Construction of check dam across the river Guduvaiyar at Melsathamangalam Village (near burial ground) in Villianur Commune, Puducherry as deposit work by PWD utilizing the funds of Pondicherry Ground Water Authority, Agriculture Department, Puducherry – Release of Fund - Orders – Issued.

Ref: I.D. Note No. 24000/CS(Ag.) A2/2022 dated 10.10.2022 of Chief Secretariat(Agriculture), Puducherry.

-: -

Sanction of the Chairman(Pondicherry Ground Water Authority)-cum-Secretary(Agriculture), is hereby accorded to incur an expenditure not exceeding Rs.2,10,00,000/- (Rupees Two Crores and Ten Lakhs only) towards construction of check dam across the river Guduvaiyar at Melsathamangalam Village (near burial ground) in Villianur Commune, Puducherry as deposit work by the Public Works Department (Implementation Agency) by utilizing the funds of Pondicherry Ground Water Authority, Agriculture Department, Puducherry. The amount shall be released in two instalments with a sum of Rs.1.10 Crore (One Crore and ten lakhs) as first instalment and the remaining amount will be released on completion of 50% of the construction work.

2. Sanction is also accorded for the release of Rs. 1.10 Crore (One Crore and Ten lakhs only) to Executive Engineer, Irrigation Division, Public Works Department, Puducherry as first installment and the remaining amount of Rs.1.00 crore (One crore) on completion of 50% of the construction works subject to rendering of accounts.

3. This issues with the concurrence of the Finance Department vide I.D. No.20719/FC/FD/F5/A3/2022 dated 07.10.2022.

*Received the cheque*  
*[Signature]*  
*16/2/23*

// By Order//

*[Signature]*  
*4/14/23*  
(S. MANOHAR)  
MEMBER SECRETARY



To  
The Executive Engineer,  
Irrigation Division,  
Public Works Department,  
Puducherry.

Copy to:-

1. The Director, Department of Agriculture & Farmers Welfare, Puducherry.
2. The Deputy Accountant General(Audit), Tamil Nadu and Puducherry, DAT Building,

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AFFIDAVIT FILED BY THE 3<sup>rd</sup>  
RESPONDENT

GOVERNMENT ADVOCATE FOR  
THE 3<sup>rd</sup> RESPONDENT