

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI
OA No. 91 of 2021 (SZ)**

IN THE MATTER OF

G. Devarajan, Arumbakkam, Chennai.

....Applicant (s)

**State of Tamil Nadu,
Rep. by its Chief Secretary to Govt. And Ors.**

... Respondent(s)

**Inspection Report of the Joint Committee
as per Hon'ble National Green Tribunal, Southern Zone, Chennai
Order Dated: 08.04.2021 in O.A.No.91 of 2021
Appeal No.10 of 2021**

1. It is submitted that the above Application is filed alleging that certain violations and environmental degradation likely to be caused on account of the proposed construction. Further an Appeal in Appeal no. 10/2021(SZ) was also filed against the grant of Environmental Clearance (EC) to the 3rd Respondent namely, Tamil Nadu Housing Board (TNHB) for their proposed project construction of 'mixed use construction' by the 4th Respondent vide proceedings No. SEIAA TN/F.No.7627/EC/8(a)/739/2020 dated 23.01.2021.

2. Vide order dt. 08.04.2021, the Hon'ble Tribunal passed the following orders;

12. "In order to ascertain the genuineness of the allegations made in the application and also the violations alleged, this Tribunal feel it appropriate to appoint a joint committee comprising of (1) The District Collector, Chennai District or a Senior Officer not below the rank of Sub Divisional Magistrate or Assistant Collector as deputed by the District Collector (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MOEF & CC), Integrated Regional Office, Chennai (3) a Senior Office from State Level Environmental Impact Assessment Authority (SEIAA), (4) a Senior Officer from Chennai Rivers Restoration Trust (CRRT) and (5) The Superintending Engineer from Public Works Department (PWD) and Water Resources Organisation (WRO) who is in charge of Cooum River area to inspect the area in question and submit a factual as well as action taken report if there is any violation found.

13.The Public Works Department (PWD) and Water Resources Organisation (WRO) will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

14.The committee is directed to ascertain as to whether the proposed construction by the 3rd Respondent will encroach into the floodplains of Cooum River, Whether there is any encroachment into the Baby Canal that has been constructed by the 3rd Respondent in proceeding with the project, and to assess the environmental compensation if there is any damage caused to the environment and also to suggest the remedial measures to restore the damage caused to environment and submit a report to this Tribunal on or before 25.05.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rule."

3. Based on the said order the following officials had inspected the site on 09.07.2021,

- a) Er.A.Muthaiya,
Superintending Engineer, Water Resources Department / PWD
- b) Dr. C.Kaliaperumal,
Director, Ministry of Environment, Forest & Climate Change
(MoEF& CC)
- c) Dr.S.Viswanathan,
Environmental Specialist, Chennai River Restoration Trust
(CRRT)
- d) Er.P.Murali,
Assistant Engineer,State Level Environment Impact Assessment
Authority (SEIAA)
A Senior Officer deputed by the District Collector of Chennai

District had not turned up for the inspection.

4.The following observations were made by the committee during the said site visit. The Committee had a walk-through survey with the TNHB officials and of the opinion that the site has a narrow entry from the adjacent Poonamalle Road. The front view was cordoned-off with steel sheets obstructing total visibility. The site was cramped by haphazard parking of concrete mixer trucks, staking of construction materials, batching plant and an overnight rain made slushy and slippery. There was

no indication of a Name Board/Signboards depicting the activities underway at site. On the river side, no barricading was done to stop sliding of earth excavated from basement and construction debris scattered by bits and pieces posing an ugly look indeed. The topsoil needs to be transported to avoid spilling into the Cooum River. Hence the TNHB shall allocate separate parking space away from the construction site for these vehicles to avoid haphazard parking and a clear working space ambience.

5. It is submitted that PWD/WRD accorded 'No Objection Certificate' for the Proposed Construction of Multistoried Residential HIG Flats and Multistoried commercial cum Office complex at Town Survey No.2, Block No.4 of Arumbakkam Village, Aminjikai Taluk (Old Survey Nos. 249,250,251 &252) with specific terms and conditions. One such predominant condition is to demarcate Cooum river boundary as per the FMB sketch due to the fact that the river boundary encompassed in two Revenue villages bearing Survey No.97 of Naduvankarai on the northern boundary and Survey No.253 of Arumbakkam village abutting the TNHB site boundary on the south. However, this condition has not been complied with.

6. It is also submitted that during subsequent inspection by PWD after according NOC, it was well established that TNHB violated and fixed the site boundary inside the river course wherein the baby canal with revetment rip-rap was already formed along the center of the river to facilitate the sewage flow during the dry weather flow.

7. The available width of the river on the upstream near Inner Ring Road Bridge is 130metre whereas the width at Naduvankarai Bridge at the downside is found to be 120metre as per revenue records. While so, the river regime width has been reduced grossly to 40 metre abutting the TNHB site located between these bridges. This could possibly create flood surge and afflux during heavy flood and inundate the adjoining areas.

8.It is also submitted that a minimum offset of 15metre from the Revenue boundary of river shall be provided devoid of construction of permanent buildings/structures in this zone as per the Circular issued by the Office of the Commissioner of Town & Country Planning, Chennai-2 vide Roc.No.4367/ 2019-BA2 dated 13.03.2019. PWD had emphasized this factor while issuing 'No Objection Certificate' failing which technical opinion would be deferred without further communication.

9.It is submitted further that on perusal of the Environmental Clearance (EC) granted to TNHB vide Letter No. SEIAA-TN/F.No.7627/EC/8(a)739/2020 dated 23.01.2021,the SEAC recommended with condition that *the proponent shall comply with all the conditions imposed in the NOC on inundation point of view issued by the PWD/WRD vide Letter No.DB/ T5(3)/ F-NOC-Arumbakkam / 2020 / dated 03. 10. 2020.* Accordingly, the SEIAA accorded Environmental Clearance subject to specific conditions. As per this, *the proponent shall ensure that the solid waste generated should not be dumped in the Cooum River and no material should be stored or dumped near the Cooum River during constructional/operational phase.* However during the inspection by the Joint Committee, huge mass of earth slide into the river at some locations without a clear waterway due to construction activities. Construction materials have been stored in close proximity with the river front which needs immediate attention by the TNHB for stacking away from the river edge to avert pollution due to spilling of construction materials and chocking of river flow as well. Hence the TNHB shall construct a RCC Protection wall 15 metre away from the river boundary and the top of the wall shall be kept at (+) 13.475 m MSL as per the condition laid down by PWD while granting No Objection certificate.

10. It is submitted again that the construction activities by TNHB shall never pose any sort of obstruction for the proposed Elevated Corridor of Chennai Port-Maduravoyal Connectivity by NHAI which is to be taken up

very soon. The proposed alignment finalized by the Technical Committee earlier falls along the bank of Cooum River abutting the TNHB site and the same was submitted to the Hon'ble Supreme Court of India following some disputes between Government of TamilNadu and NHAI. An Interlocutory Application No.10432 of 2019 (Application for Withdrawal) in Petitions to Special Leave to Appeal (Civil) Nos.7020-7022 of 2014 is pending in Hon'ble Supreme Court of India. Under the present circumstances, the TNHB shall refrain from construction activities along the river boundary until the Trestle works of Elevated Corridor by the NHAI gets completed.

11. It is also submitted that the Hon'ble Green Tribunal (SZ) in Appeal No.10 of 2021 has passed orders that *'the constructions, if any, undertaken by the 3rd respondent (TNHB) will be subject to the result of this appeal'*. Pursuance to this, a notice has been already served to halt the constructions until final orders from the Hon'ble Tribunal since Cooum river boundary dispute still persists and needs to be clarified by the Revenue Department of Chennai Collectorate. However, the construction works are in progress till date violating the orders of the Hon'ble Tribunal.

12. It was alleged in the application that the proposed construction was against the 'No Objection Certificate' granted by PWD and encroaching into the floodplain of Cooum river and also encroaching into the Baby Canal constructed already for channelizing the sewage flow during dry season to avoid seepage into the soil strata of Cooum river bed thereby polluting the ground water table. Hence it is absolutely necessary to maintain the riverine ecology without environmental damage. The need of the hour is to assess the environmental damage if any and the remedial measures to be taken to restore the river ecology which could be arrived only after demarcating the river boundary comprising Survey No.97 of Naduvankarai village and Survey No.253 of Arumbakkam village as per 1906 Revenue records by the Revenue Department of Chennai District Collectorate. Construction activities should be barred to a minimum offset

of 15 metre from the river boundary which is absolutely mandatory after establishing the river boundary.

It is, therefore, prayed that this Hon'ble Tribunal may take on record the above report. based on the observations made by the Joint Committee, and pass appropriate and further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

Solemnly affirmed on this the

16th day of August, 2021

And signed his name in my presence.

: BEFORE ME

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Superintending Engineer, W.R.D.,
Palar Basin Circle,
Chepauk, Chennai-600 005.

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Dr. C. KALIYAPERUMAL, M.E., Ph.D.,
Director (S)
Government of India,
Ministry of Environment, Forests & Climate Change
Integrated Regional Office,
1st Floor, Additional Office Block for GPOA,
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006.



STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligal, No.1, Jeenias Road,
Saidapet, Chennai - 15



Environmental Specialist
CRRE

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GOVERNMENT PLEADER