

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI**

**APPLICATION NO. 91 OF 2021 (SZ)**

**BETWEEN**

G DEVARAJAN

... Applicant

**And**

The State of Tamil Nadu and Ors.

... Respondents

**REPLY STATEMENT FILED BY THE 3<sup>rd</sup> RESPONDENT**

Dated at Chennai on this the 16<sup>th</sup> day of September, 2021.

E-Filing No. :

Date : 16.09.2021



**M/s. ABDUL SALEEM**

**S.SARAVANAN**

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI

APPLICATION NO. 91 OF 2021 (SZ).

G.DEVARAJAN,  
S/o Govindappa Naidu,  
15, Gandhi Nagar, 2<sup>nd</sup> Street,  
Reliance Backside,  
Arumbakkam  
Chennai- 600 106  
E-mail: manuraj.office@gmail.com  
Contact-No: 99621 98210

... Applicant

VERSUS

1. THE STATE OF TAMIL NADU,  
Rep. by the Chief Secretary to Government,  
Secretariat, Fort St.George  
Chennai – 600 009.
2. State of Tamil Nadu,  
Rep. by the principal Secretary to Government,  
Public Works Department,  
Secretariat, Fort St.George  
Chennai – 600 009.
3. Tamil Nadu Housing Board  
Rep. by the principal Secretary to Government,  
Housing and Urban Development Department  
493, Anna Salai, Nandanam,  
Chennai – 600 035
4. State level environment impact Assessment Authority  
Rep. by the member Secretary,  
SEIAA, 3<sup>rd</sup> Floor, Panagal Maaligai  
No.1 Jessy Road, Saidapet, Chennai – 600 015

... Respondents

REPLY STATEMENT FILED ON BEHALF OF THE THIRD  
RESPONDENT

I, K.Ravichandran, son of Mr. Krishnaswamy, Hindu, aged about 57 years, having office at Tamil Nadu Housing Board, Anna Nagar Division, Chennai 600 101, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the Executive Engineer-cum-Administrative Officer of the Tamil Nadu Housing Board, representing the 3<sup>rd</sup> Respondent herein and as such I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply Statement on behalf of the third Respondent.

2. I humbly submit that the present application has been filed under Section 18(1) read with Section 14(1) of the National Green Tribunal, Act, 2020, for the following relief:

*"A. Declare the actions of the State of Tamil Nadu in implementing the proposed project, in contravention of the applicable laws and being devoid of merits, as illegal and violative of the Environment (Protection) Act, 1986.*

*B. Direct Respondent Nos 1 & 3 to not undertake any construction activities until this Application is disposed*

*C. Direct the Respondents herein to restore the area where there has been any illegal construction work.*

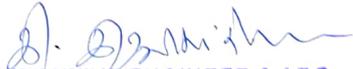
*D. Direct the Respondents to assess the damage caused due to the illegal construction and use the same to restore the area;*

*E. Impose exemplary costs as environmental compensation charge for the damages done to the land in question;*

*F. Direct Respondents No.1 to initiate prosecution under the Environment Protection Act, 1986 against Respondent Nos. 2 & 3 and the respective officials, for permitting and commencing the project activities in violation of the law; and*

*G. Pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case"*

3. I humbly submit that nothing contained in this Reply Statement shall be construed as an admission of any statement or averment made in the present Application save and except what has specifically been admitted by the answering Respondent herein.

  
**EXECUTIVE ENGINEER & ADO**  
 ANNA NAGAR DIVISION  
 Tamil Nadu Housing Board,  
 Chennai - 600101

4. I humbly submit that the answering Respondent denies each and every averment, which is contrary to and/or inconsistent with what is stated in this statement, as if the same were specifically traversed.

5. I humbly submit that the instant Reply Statement is being filed in order to bring out the true and correct factual position and to specifically deal with the averments and allegations made by the Applicant in the instant Application. The answering Respondent reserves liberty to file an additional Statement/Affidavit and additional documents if the situation so necessitates at a later stage.

6. I humbly submit that originally the vast extent of land admeasuring an extent of 9 Acres 41 Cents comprised in old survey Nos. 249/1,2,3,5 , 250/1, to 250/6, 251 and 252/2A s of Arumbakkam Village, was acquired by the Tamil Nadu Housing Board (TNHB) (Previously State Housing Board) for the development of New Madras Neighborhood scheme by way of two separate awards vide Award No. 14/1966 dated 28/03/1966 and Award No.15/1966 dated 28/03/1966. Out of the total extent, an extent of 92 Cents was excluded and the remaining land measuring an extent of 8.49 Acres was handed over to the TNHB. Since then this respondent was in the possession of the above lands.

7. I humbly submit that the Government of Tamil Nadu has announced on 09.07.2018 that the Tamil Nadu Housing Board will construct a Commercial Complex cum Residential Flats in an extent of 7.14 acres out of the aforesaid land with an approximate cost of Rs. 690.00 crores under Self Financing Scheme in Arumbakkam, Chennai. Based on the announcement, the Managing Director, Tamil Nadu Housing Board has stated that the said scheme has been recommended vide its Board Resolution No.4.03, dated 24.07.2018 and requested the Government to accord Administrative approval for Construction of commercial complex cum residential flats in an extent of 7.14 acres for a value of Rs.690.00 crore in Arumbakkam, Chennai.

8. I humbly submit that in the interest of General Public, the Government after careful examination, accepted the proposal of the Managing Director, Tamil Nadu Housing Board and accorded Administrative approval vide G.O.No. 185 vide dated 26.12.2018 for the construction of commercial complex cum residential flats in an extent of 7.14 acres in Arumbakkam at Chennai under Self Financing Scheme.

9. It is humbly submitted that subsequent to the above proposal, at the time of field verification by this respondent, the boundary of the land belonging to this respondent was not clear, hence this respondent had approached the Tahsildar to measure and mark the boundary of the said land. Pursuant to which, the Tahsildar on 13.08.2020 conducted a survey of land based on the Field Measurement Book (FMB) Sketch, in the presence of the officials of this Respondent, however, it was found that there was some reduction/discrepancies in the total area of the land and the 2<sup>nd</sup> respondent had illegally constructed a water retaining bund in the land belonging to this respondent. The same was also informed to the 2<sup>nd</sup> respondent but the 2<sup>nd</sup> respondent denied the same and claimed that the bund was constructed on the land belongs to the 2<sup>nd</sup> respondent, without any documents to substantiate the said claim of the 2<sup>nd</sup> Respondent.

10. I humbly submit that pursuant to the above claim of the 2<sup>nd</sup> Respondent, a letter was sent by this respondent to the Assistant Director, Survey & Land Records on 02.09.2020 requesting him to measure the subject land. Subsequently, a joint inspection was conducted by the Assistant Director of Survey & Land Records, in the presence of the officials of the (1) Tamil Nadu Housing Board and (2) Public works department and the lands were measured besides the boundary of this Respondent was also fixed in the presence of PWD officials on 10.09.2020. The Assistant Director, Survey & Land records confirmed that the 2<sup>nd</sup> respondent has constructed the water retaining bund in the land belonging to this respondent.

11. I humbly submit that original width of the cooum river passing near the land belonging to this respondent was 258.5 Feet as per the original sketch, however during the course of time, the width of the water body was extended by natural course and started flowing on the land of this respondent. Despite the fact that the land belongs to this Respondent, the 2<sup>nd</sup> respondent illegally constructed the water retaining bund on the land without any permission of this Respondent or the competent revenue authorities. It is unfortunate that the 2<sup>nd</sup> respondent being a custodian of the water body, who maintains the river cooum is also not sure about the width of river cooum.

12. I humbly submit that in the meantime there was a proposal by the National Highways Authority of India (NHAI) to construct an elevated corridor which will be passing through the land belong to this respondent. Apart from this as stated above, the 2<sup>nd</sup> Respondent had constructed the water retaining bund in the land belonging to this Respondent and the cooum river flows through the land of this respondent, this Respondent in accordance with the norms to protect environment and not to affect the water body, has revised the layout and earmarked the land as follows:-

- i. about 3,000 Sq.mt., land on the northern side from the boundary of the cooum river;
- ii. about 6008 Sq.mt is reserved for National Highways Authority of India Elevated proposed corridor, i.e., 45 meter away from the cooum river the project boundary starts;

13. I humbly submit that pursuant to the above demarcation of land, the land in T.S.No. 2 was divided into T.S.Nos.2/1, 2/2 and 2/3. The land earmarked from the boundary of the river cooum is T.S.No. 2/1 and the land reserved for NHAS is T.S.No.2/2 and the remaining land comprised in T.S.No. 2/3 where the proposed project is to be constructed. Though the entire land area belongs to this respondent as acquired, this respondent in the interest of protecting environment left the water retaining bund undisturbed though the 2<sup>nd</sup> Respondent

constructed the bund in the land of this Respondent without any permission.

14. I humbly submit that as stated above, with a good intention, the layout of the proposed project has been revised and this respondent reduced the proposed commercial complex building from 22 floors to 19 floors. For the revised layout the Chief Engineer, Water Resource Department, Public Works Department has given NO Objection Certificate vide letter No. DB/T5(3) / F -NOC- Arumbakkam/2020 dated 03.10.2020, as such there is no contradictory to the records available with the Respondent No.2 and revenue records submitted by this respondent. The 2<sup>nd</sup> Respondent issued the NOC to the third respondent only after considering all the factors as such there is no discrepancy in the NOC.

15. I humbly submit that the proposed project does not affect the flow of Cooum River and its potential for flooding/ inundation. It is wrong to state that the proposed project is situated within close proximity of the cooum river at just 0.01 kilometer distance i.e 10 meters. Though the proposed project is situated within the proximity of the cooum river it has been designed in such a way to reduce the consequent environmental damages by providing RCC retaining wall with the sufficient height compared with the northern side of the cooum river in order to avoid the flooding or inundation. This Respondent had done all necessary scientific analysis to study the effect of the Proposed Project on the cooum River.

16. I humbly submit that as the subject project involves construction activities of an extent 1,35,031 Sq.Mts of built up area, which exceeds 20,000 Sq.Mts, hence the subject project falls under 8(a) of the schedule of the Notification and required to obtain necessary Environmental Clearance from the State Level Environment Impact Assessment Authority (SEIAA) by this respondent, pursuant to which the project proponent i.e., this Respondent had applied to the 4<sup>th</sup>

Respondent to grant Environmental Clearance for the subject Project with all relevant forms and documents on 10.07.2020 through online.

17. I humbly submit that the above proposal of the subject project was placed before the State Expert Appraisal Committee (SEAC) – Tamil Nadu for the grant of Environmental Clearance. After detailed deliberations, on 18.12.2020 SEAC recommended the proposal of the subject project to the State Environmental Impact Assessment Authority (SEIAA) for the grant of Environmental Clearance with certain recommendations/ conditions in addition to standard conditions stipulated by the MoEF & CC.

18. I humbly submit that SIEAA in its meetings held on 11.01.2021 & 12.01.2021, after detailed discussion unanimously accepted the recommendation of SEAC and decided to grant Environmental Clearance subject to conditions as recommended by the SEAC and certain additional conditions recommended by the SIEAA.

19. I humbly submit that this respondent duly complied with all the conditions recommended by the SEAC & SIEAA and standard conditions stipulated by the MoEF & CC. After complying with all the conditions, SIEAA granted Environment Clearance for the proposed project on 23.01.2021.

20. I humbly submit that as per P.W.D recommendation the minimum height of the stilt floor level is fixed as 13.475m but as per execution the stilt floor level is fixed as 13.800m. Below the level two basement floors will be provided only for parking facilities in order to avoid human casualties. Moreover it will be provided with the emergency pumping operations in the basement floors in order to avoid the flooding of the basement floors.

21. I humbly submit that as per the PWD Norms, the TNHB is constructing RCC Retaining wall for a height of +14.475m with the pile foundation with reference to the PWD levels, along the river side boundary up to the TNHB land extend providing with sufficient buffer

zone in the northern side. All measures are duly taken care by the TNHB, so that there can be no damage during floods.

22. I humbly submit that the proposed project is raised to the level as prescribed by the respondent no.2. The proposed project is being constructed above the anticipated flood level, as such the proposed project is not vulnerable to flood damage.

23. I humbly submit that the proposed project is constructed in the land acquired by TNHB in the year 1966, there is no encroachment as such, and the boundary of the proposed project was measured and fixed in presence of the PWD officials and the revenue records reflects the same.

24. I humbly submit that all the recommendation made by the 2<sup>nd</sup> respondent while granting NOC are duly followed by TNHB in the proposed project. The 2<sup>nd</sup> respondent granted NOC only after considering all the factors.

25. The proposed project is constructed in such a way that the size of the internal storage storm water drainage network is not less than 1.50 x 1.20m as peripheral and 0.90 x 0.75m as a lateral drain with roadside drain to drain the rainwater towards Northern side Cooum river as recommended by the 2<sup>nd</sup> respondent.

26. There is no violation of Environmental Impact Assessment Rules in the proposed project. The layout and other drawings are as per new Chennai Metropolitan Development Authority norms of 2019.

27. I humbly submit that the Project does not cause any environmental damages and also does not affect the flow of Cooum River and its potential for flooding/inundation as alleged by the petitioner.

28. I humbly submit that after knowing of all the above, the applicant has approached this Hon'ble Tribunal for his vested interest and there is no public or environment interest is involved in the present issue, hence the present application is liable to be dismissed

  
**EXECUTIVE ENGINEER & ADO**  
ANNA NAGAR DIVISION  
Tamil Nadu Housing Board,  
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with huge cost.

29. I humbly submit that the applicant with an ill intention to stop the construction of the proposed project, has filed the present application and the same is an abuse of process of law. Further, he is not entitled to any relief as claimed in the present application.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above application with heavy cost and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 13<sup>th</sup> day of September, 2021.

  
 EXECUTIVE ENGINEER & ADO  
 ANNA NAGAR DIVISION  
 Tamil Nadu Housing Board,  
 Thirumangalam, Chennai - 600101  
 3<sup>rd</sup> RESPONDENT

#### VERIFICATION

I, K.Ravichandran, Son of Mr. Krishnaswamy, aged 57 years, having office at Tamil Nadu Housing Board, Anna Nagar Division, Chennai 600 101, working as Executive Engineer-cum-Administrative Officer, Anna Nagar Division do hereby verify that the contents of Paragraph Nos. 1 to 26 are true to the best of my knowledge and Paragraph Nos. 1 to 26 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 13<sup>th</sup> day of September, 2021

  
 3<sup>rd</sup> RESPONDENT  
 EXECUTIVE ENGINEER & ADO  
 ANNA NAGAR DIVISION  
 Tamil Nadu Housing Board,  
 Thirumangalam, Chennai - 600101