

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 91 of 2023 (SZ)

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU based on the
News item published in 'The News Indian Express',
Chennai E-edition dated 30.06.2023,
Road being laid inside marshland in Perumbakkam"

...Applicant(s)

-Versus-

The Director,
Directorate of Town and Country Planning (DTCP),
Tamil Nadu 2nd, 3rd & 4th Floor, C&E Market Road,
Koyambedu, Chennai, Tamil Nadu and others

...Respondent(s)

INDEX

S. No.	Particulars	Pg. No.
1.	Affidavit filed by the 4 th respondent i.e The Member Secretary, Tamil Nadu State Wetland Authority Dated: 28.07.2023	1-4
2.	The inspecting team which has inspected the Perumbakkam on 03.07.2023. (A copy of the aforesaid report is placed at Annexure / A-1) Along with the photographs Dated : 03.07.2023	5-10
3.	A copy of the aforesaid letter the Member Secretary the Chennai metropolitan development authority Chennai Annexure / A-2 Along with the site layout Dated: 19.07.2023	11-18

(Note: The page numbers are at the top centre of every page)



Through
Dr. D. Shanmuganathan
Standing Counsel
National Green Tribunal
Southern Zone

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****Original Application No. 91 of 2023 (SZ)****IN THE MATTER OF:**

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...Applicant(s)**-Versus-**

- 1) Director,
Directorate of Town and Country Planning (DTCP),
Tamil Nadu
2nd, 3rd & 4th Floor, C&E Market Road,
Koyambedu, Chennai, Tamil Nadu.
- 2) District Collector,
Chengalpattu,
Collectorate, GST Road,
Chengalpattu, Tamil Nadu.
- 3) Additional Chief Secretary,
Department of Environment, Forest & Climate Change
No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet,
Chennai, Tamil Nadu.
- 4) Member Secretary,
Tamil Nadu State Wetland Authority,
Panagal Maligai, Saidapet,
Chennai, Tamil Nadu.

...Respondent(s)


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

**AFFIDAVIT FILED BY THE 4th RESPONDENT i.e MEMBER
SECRETARY, TAMIL NADU STATE WETLAND AUTHORITY**

I, Shri Deepak Srivastava, IFS Son of Shri Gopal Krishnan Srivastava aged about 59 years working as the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maligai, Saidapet Chennai-600 015 do hereby solemnly affirm and sincerely state as follows:-

- 1) It is humbly submits that I am the 4th respondent herein and such I am well acquainted with the facts of the case circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
- 2) The answering respondent humbly submits that, immediately after the matter of laying of road inside marsh land in Perumbakkam was brought to the notice to the office of the Principal Chief Conservator Forests and Member Secretary, Tamil Nadu State Wetland Authority, a team comprising of (i) Assistant Mission Director, (ii) Hydrologist, (iii) Geologist were instructed to inspect the said area on 03.07.2023 and submit their report to the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority.
- 3) The answering respondent humbly submits that the following observations were made by the inspecting team which has inspected the Perumbakkam on 03.07.2023. (A copy of the aforesaid report is placed at **Annexure / A-1,**)
 - (i) The area is a Marshland and the said road lies within zone of influence and adjoining to the boundary of the Ramsar site i.e. Pallikaranai Marshland Reserve Forest (Approximately 150 mts. away from the Ramsar site boundary).
 - (ii) The area is a Patta land belonging to Casagrand builders as per claim made by the site engineer.
 - (iii) The pathway has been developed by the builders through mobilizing the construction materials within the marshland ecosystem.


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

(iv) The waste materials is being dumped into the Pallikaranai marshland ecosystem.

4) The answering respondent humbly submits that in view of the above mentioned circumstances, an immediate and proactive actions have been taken by the this respondents with regard to the laying of road in Perumbakkam Marshland and based upon the inspection report of the inspecting officials of the office of the Member Secretary, Tamil Nadu State Wetland Authority, the Chennai Metropolitan Development Authority, Chennai was informed about the orders of the Hon'ble High Court of Madras in W.P.No.10821 of 2017 filed by I.H.Sekar wherein strong cognizance about the encroachments and fragmentation of the wetlands inside the Pallikaranai Marshland has been taken by the Hon'ble High Court of Madras and the said case is still pending ~~at~~ the Hon'ble High Court of Madras. Further it is submitted that the Member Secretary, Chennai Metropolitan Development Authority Chennai was informed that since the Pallikaranai Marshland has been designated as a Ramsar site on 08.04.2022, the said activity of laying road adjoining the Ramsar site may adversely affects the hydrological, ecological and socio-economic parameters of the wetland, making the marshland more vulnerable to the anthropogenic factors which is considered vital for the disaster risk reduction. Accordingly the Member Secretary was advised to ensure that the builders or individuals do not fragment the Pallikaranai marshland by way of construction of road and buildings adjacent to the Pallikaranai marshland which has become wetlands of international significance after enormous efforts taken by the State Government. The patta obtained by the Casa Grande builders(A copy of the aforesaid letter the Member Secretary the Chennai metropolitan development authority Chennai **Annexure / A-2.**)

5) Therefore under the facts and circumstances as narrated above by this answering respondent – it is humbly submitted that this answering respondent has not shown any negligence or ignorance in the said matter and has taken all the necessary action which was required to be taken in the capacity of the Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority.


Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

It is further submitted that the response submitted by this answering respondent may kindly be accepted by the Hon'ble NGT, Chennai render justice.



DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 4, no part of it is false and nothing material has been concealed there from.

Verified at Chennai on this the ^{28th} day of July, 2023.



DEPONENT

Principal Chief Conservator of Forests and
Member Secretary
Tamil Nadu State Wetland Authority
Chennai-15

Inspection report of the Assistant Mission Director, Tamil Nadu
Wetlands Mission for Perumbakkam Marshland, Chennai on
03.07.2023.

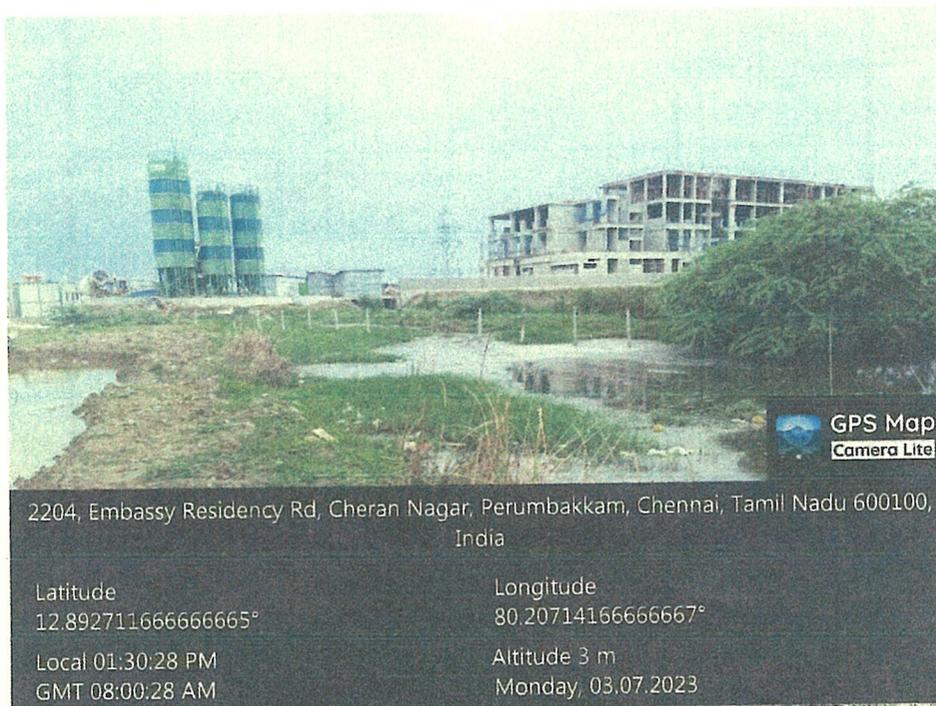
The Perumbakkam Lake bound by Sholinganallur to the east, Semmencherry to the south, Medavakkam to the north and Sithalapakkam to the west. It spreads over 200 acres (0.81 km²) and is a vital source of water to residents and farmers in Perumbakkam, Vengaivaasal and Sithalapakkam village(s). Nearly 100 families raise vegetables and other crops whenever water is available in the lake.

As per the instruction of Principal Chief Conservator of Forest and Member Secretary, Tamil Nadu State Wetland Authority, the team of officials from Tamil Nadu Wetlands Mission (Assistant Mission Director, Hydrologist & Geologist) and Forest Department (Guard) have inspected site. They have keenly observed the following activities during their inspection:

1. The Builders have developed the path way (Ramp) through construction materials within the marshland environment.
2. The wastewater let into the marshland through the PVC pipe line.
3. The waste materials is being dumped into the marshland ecosystem that lead to the blockage of outlet of marshland ecosystem that may led to urban flooding.
4. The JCP is being utilized for clearance of *Prosopis Juliflora*, *Water Hyacinth*, *Grass* etc., for demarking the boundary and filling of waste construction materials.
5. The Painted Stork and Grey Pelicans are the main birds in this area and flora like *Prosopis Juliflora*, *Water Hyacinth*, *Grass* etc.,
6. Electric lines are also passing through the marshland, water was stagnate and the surface water level depth varying from 0.5m to 1.5m. Area of extent of cleaning is up to the compound wall.
7. A total area of the marshland is about 15 ha.

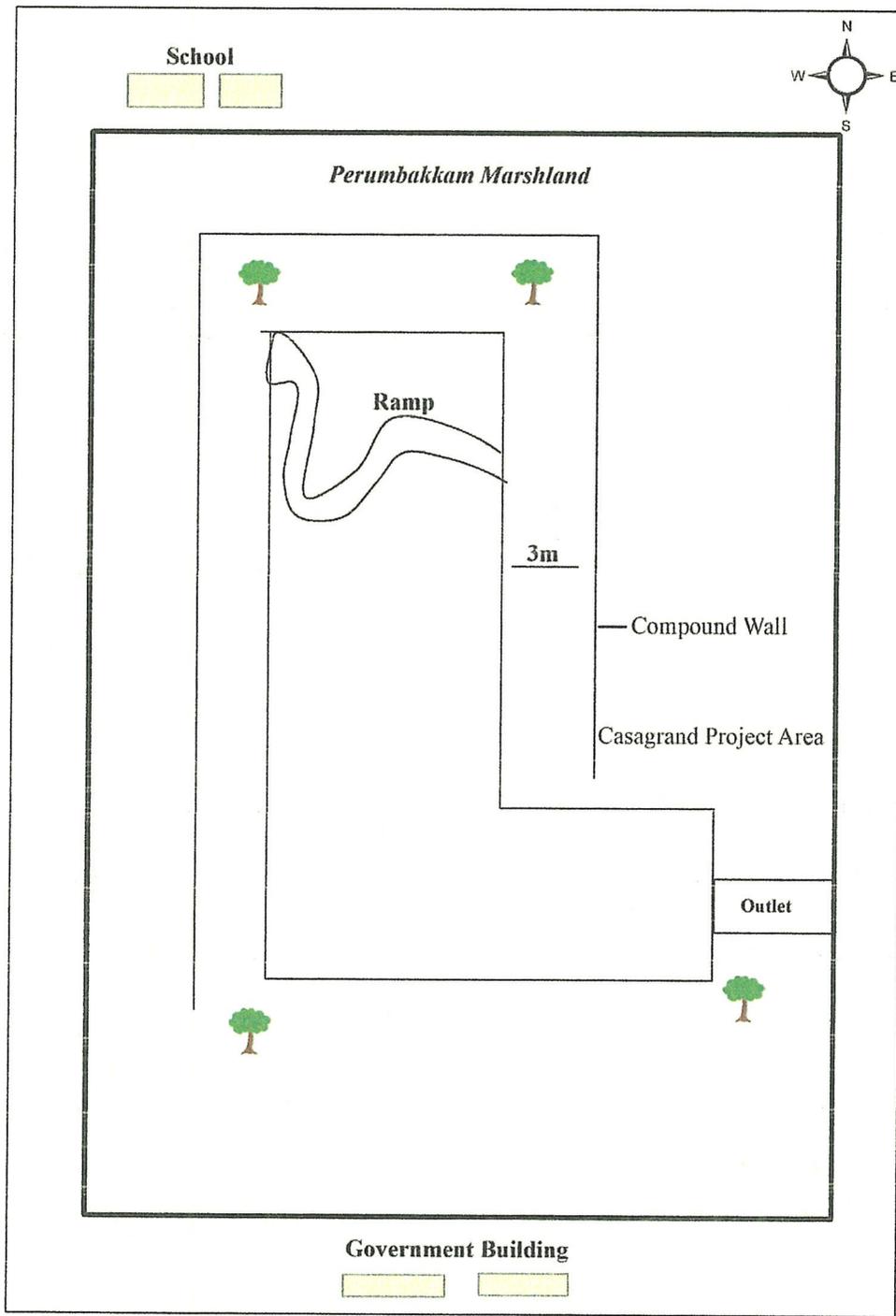






Further, the team has discussed with the concerned site engineer, it is understand that the Perumbakkam marsh land belongs to private patta land an area about 10.35 acres, all the construction activities are being progress within the proposed private patta land and they haven't taken any NOC/ Clearance with permission for activities related to construction from any authority.

Therefore, they have been, TNWM has directed the site manager to produce the all documents and NOC, permission for this private patta land on or before 04-07-2023 to this office. The District Level Wetland Committee Chennai, may be asked to get the detail report for this concern site.



Dr. E. S. S. Kumar
05/07/2023
Geologist (TNWM)

K. S. S. Kumar
05/07/2023
Hydrologist (TNWM)

J. S. S. Kumar
05.7.23
Assistant Mission Director (TNWM)





தமிழ்நாடு மாநில ஈரநில ஆணையம்
TAMIL NADU STATE WETLAND AUTHORITY

**From**

Thiru. Deepak Srivastava, I.F.S.,
Principal Chief Conservator of
Forests and Member Secretary,
Tamil Nadu State Wetland Authority,
Panagal Maaligai, Saidapet,
Chennai - 600 015.

To

The Member Secretary,
The Chennai Metropolitan
Development Authority,
1, Gandhi Irwin Road
Egmore,
Chennai – 600008.

Ref.No.TNSWA2/230/2023, Dated: 19.07.2023

Sir,

Sub: Wetlands – Tamil Nadu State Wetland Authority –
Dumping of construction materials in Perumbakkam
Marshland – By Casa Grand Builders– Inspection
conducted – Remarks Called for – requested.

Ref: 1. The New Indian Express, Dated 30.06.2023.
2. Inspection report of the Assistant Mission Director,
Tamil Nadu Wetlands Mission in Perumbakkam
Marshland, Chennai on 03.07.2023.

It is informed that a team comprising of the Assistant Mission Director, Hydrologist and Geologist of Tamil Nadu Wetlands Mission was deputed for site inspection of the Perumbakkam marshland based on the matter reported vide reference cited (1) above for the laying of road, inside Marshland in Perumbakkam”

The said team of the officials have inspected the area and submitted the report which is attached as enclosure. The list of the observations made by the inspecting team are as follows:

- i. The area is a Marshland and the said road lies within zone of influence and adjoining to the boundary of the Ramsar site i.e., Pallikaranai Marshland Reserve Forest. (Approximately 150 mtrs away from the Ramsar site boundary).
- ii. The area is a Patta land belonging to Casa grand builders as per claim made by the site engineer.
- iii. The pathway has been developed by the builders through mobilizing the construction materials within the marshland ecosystem

iv. The waste materials is being dumped into the Pallikaranai marshland ecosystem.

2) In this regard it is brought to your notice that the Hon'ble High Court of Madras in W.P. No. 10821 of 2017 filed by I.H.Sekar has taken a strong cognizance about the encroachments and fragmentation of the Pallikaranai Marsh land and the said case is still pending in the Hon'ble High Court of Madras. Also, since the Pallikaranai Marshland has been designated as a Ramsar site on 08.04.2022, the said activity of laying road adjoining the Ramsar site may adversely affect the hydrological, ecological and other biodiversity parameters of the wetland, making the marshland more vulnerable to the anthropogenic factors which is considered vital for the disaster risk reduction.

3) Therefore in view of the above, it is requested that it may please be ensured that the builders or individuals do not fragment the Pallikaranai marshland by way of construction of road and buildings adjacent to the Pallikaranai marshland which has become wetland of international significance after enormous efforts taken by the State Government.

Encl: As above


Principal Chief Conservator of Forests
and Member of Secretary
Tamil Nadu State Wetland Authority

Copy submitted to

1. The Additional Chief Secretary to Government, Environment, Climate Change and Forests Department, Secretariat, Chennai.
2. The Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai.


19/07/2023


19/7/23

CASAGRAND
building aspirations

Date : 04/06/2023

To,

Tamil Nadu Forest Department,
No.1, Panagal Building, Jenis Road,
Saidapet,
Chennai – 600 015.

Dear Sir,

Sub : Regarding Clarification of the said survey numbers.
Ref: C.No.29/2023

We Casa Grand Pvt.Ltd., are submitting this reply letter to your authority to notify that we are the power agent of property to the land extent of 970.72 Cents situated at Perumbakkam Village comprised in Survey No.283/1A, 283/1B, 284/2A, 284/1, 284/3, 286/2A, 286/2B, 286/2C Part, 285/1A, 285/1B2, 285/1B3, 285/2B2, 285/2B3, 286/1B2 Part, 285/1B1, 285/2B1, 286/1B4 Part, 286/1B3 Part, 473/1A2 Part, 473/1A1D.

We are presently carrying out the filling works for the purpose to conducting the land survey.

The above said filling works are only for the survey purpose in order to arrest the water lodging problem of above said subject property.

Thanking You.

Casagrander Builder Private Limited

NPL Devi, New No. 111, Old No. 59,
LB Road, Thiruvanniyur, Chennai 600 041.
Phone: +91 44 - 4411 1111

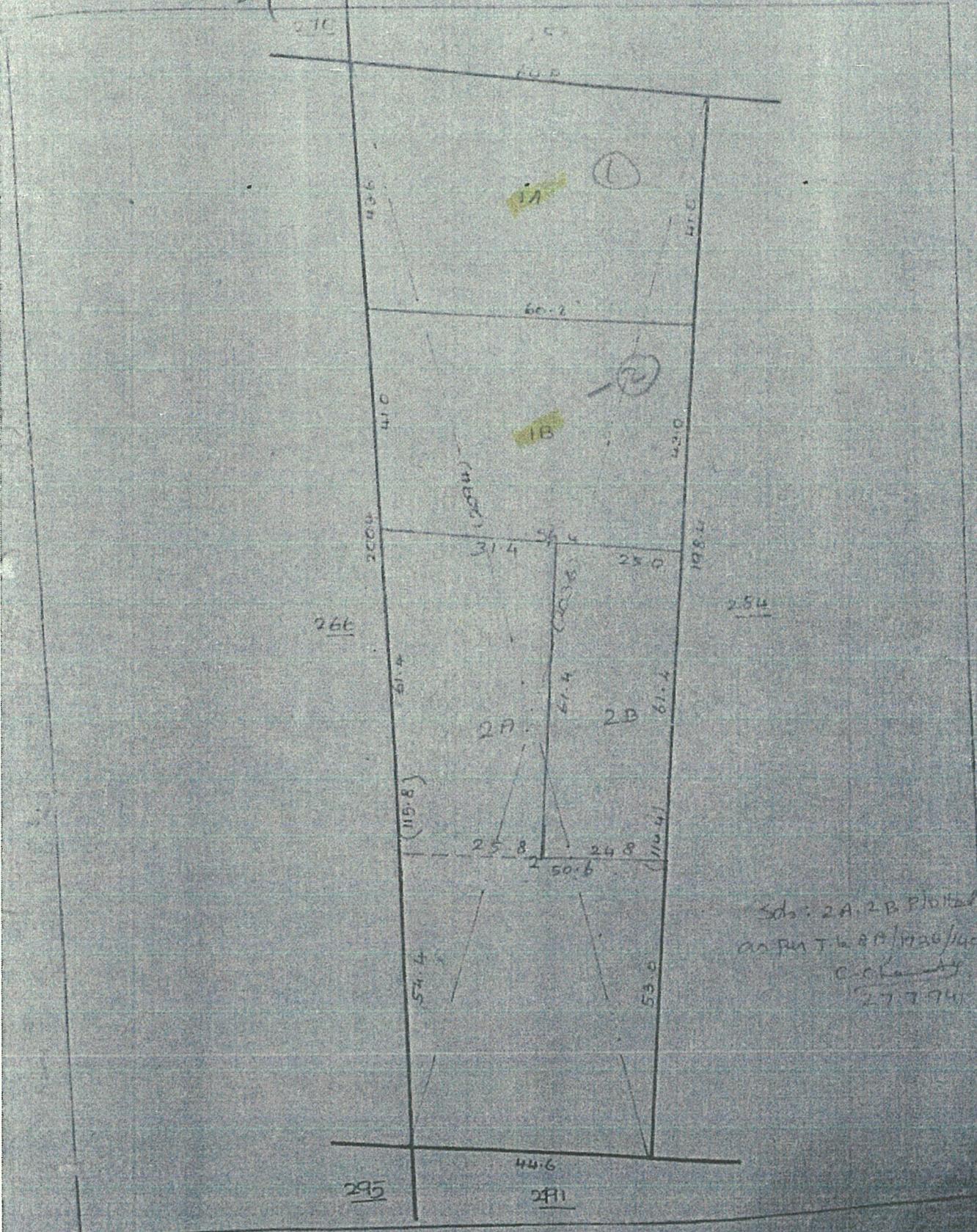
Chennai | Bengaluru | Coimbatore | Hyderabad | Dubai

சுற்றுலா துறைமுகம் 23

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Sch. 2A, 2B, 2A, 2B
as per T-80/1730/100
C.O. 10/17
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K. J. Jay

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மாவட்டம். வசிக்கப்பட்ட

வட்டம். சந்திரவேலு

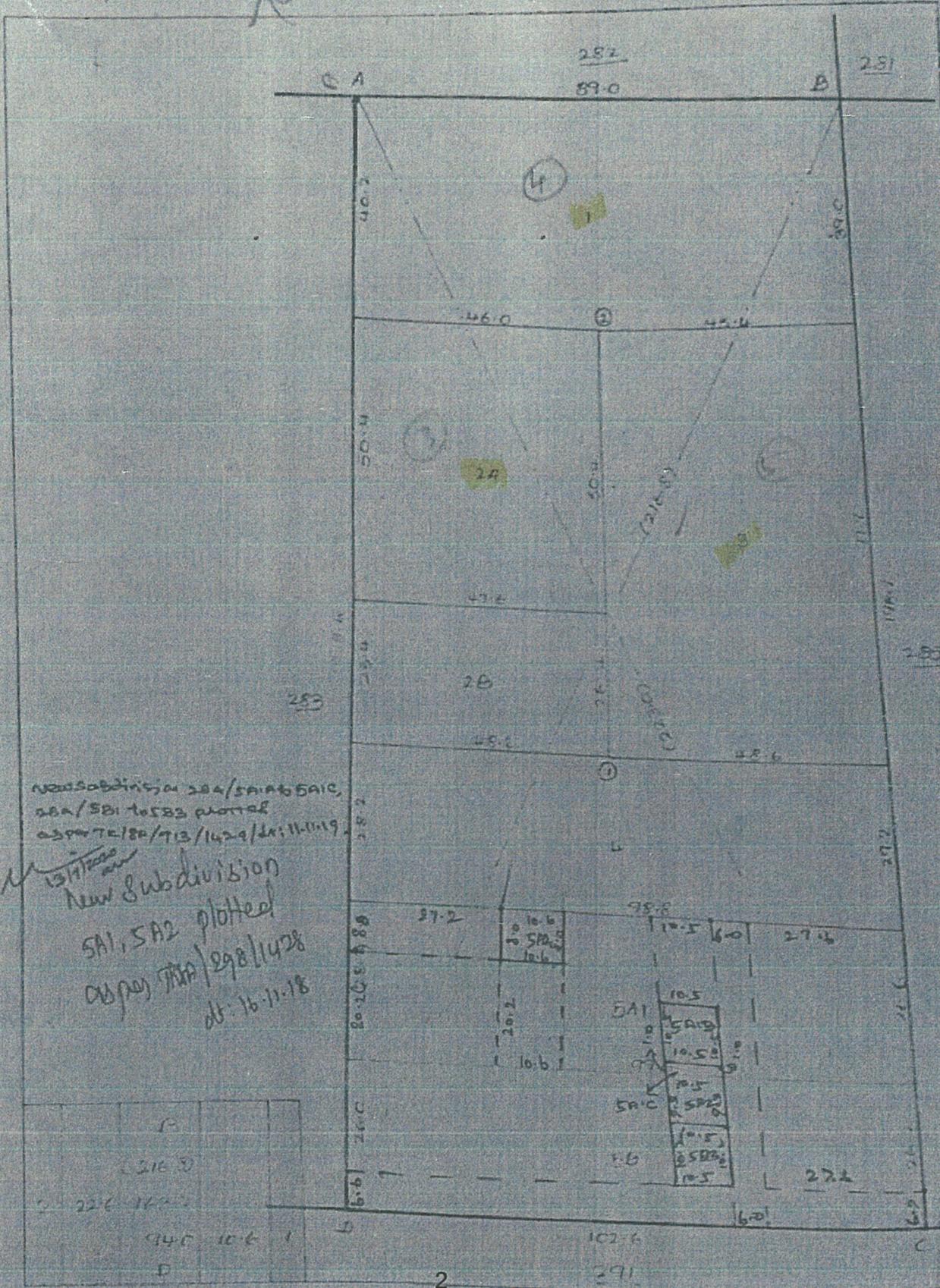
புல எண். 284

கிராமம் { எண். 153

பெயர். வெங்கடேசு

பரப்பு. வெங்கடேசு

எண். 905



New Subdivision 284/SA1 to SA10
 28A/501 to 513 Plotter
 03/07/2018/13/1429/dt:11.11.19
 13/11/2020
 New Subdivision
 SA1, SA2 plotted
 06/09/2020/298/1428
 dt: 16.11.18

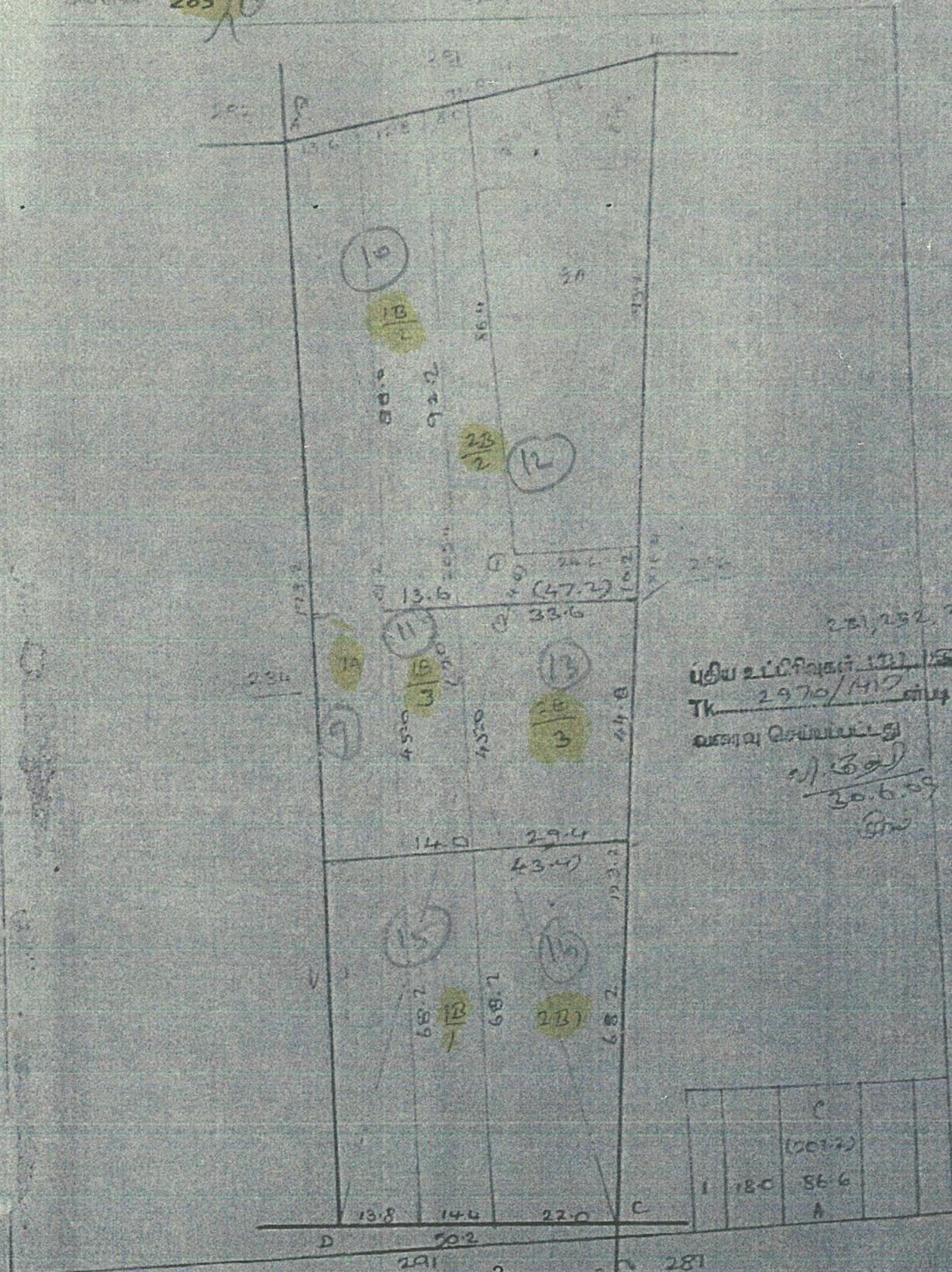
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285

சுமார் 1.6 ஹெக்டேர்



281, 282, 283
 இது சட்டபடி 181, 182, 183
 Tk 2970/1417 மீட்டர்
 வசதியாக செய்யப்பட்டு
 21.6.09
 30.6.09
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சுமார் 1.6 ஹெக்டேர்
 K.S
 16.5.09

291
 சுமார் 1.6 ஹெக்டேர் 1000 சதுர மீட்டர்
 281

சுமார் 1.6 ஹெக்டேர்

