

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ),  
SOUTHERN ZONE AT CHENNAI**  
Application No. 179 of 2020 (SZ)

P.Gengaiyan (72 Years)  
Son of Perumal Naidu,  
No.43, Magaral Village,  
Kooduvalli P.O.  
Thiruvallur Taluk & District.

...Applicant

Versus

1. The District Collector,  
Thiruvallur.
2. The Assistant Director of Mines and Minerals,  
O/o The District Collector, Thiruvallur.
3. The Superintending Engineer, Public  
Works Department, Thiruvallur-01.
4. The Secretary,  
State Level Environmental Impact Assessment Authority,  
Panagal Buildings, Chennai 600 015.
5. The Revenue Divisional Officer,  
Thiruvallur.
6. The Tahsildar,  
Thiruvallur.

.... Respondents

**DRAFT STATUS REPORT FILED BY THE 3<sup>rd</sup> RESPONDENT**

1. I, A.Muthaiya. son of Mr.A.L.Asokan aged about 56 years, officiating as Superintending Engineer, Public Works Department, Water Resources Department, Palar Basin Circle, Chennai -05 do, solemnly affirm and sincerely state as follows:

2. I state that, I am the Superintending Engineer, Public Works Department / Water Resources Department, Palar Circle, Chepauk, Chennai file the interim report 3<sup>rd</sup> respondent herein and I am well acquainted with the facts of the case from records.

  
Deputy Superintending Engineer, PWD.,  
Palar Basin Circle, WRD.,  
Chepauk, Chennai-600 005.

  
Superintending Engineer, WRD,  
Palar Basin Circle,  
Chepauk, Chennai-5.

3. It is submitted that, the Hon'ble National Green Tribunal in its order dated 22.09.2020 directed that,

*"9. In order to ascertain the genuineness of the allegations made in the application and also the real state of affairs that transpires in that area, we feel it appropriate to appoint a Joint Committee comprising of 1) the District Collector, Thiruvallur District or a Senior Officer not below the rank of Assistant Collector/Sub Divisional Magistrate duly deputed by him, 2) a Senior Officer deputed by the Director of Mines and Minerals, 3) the Superintending Engineer, Public Works Department, Thiruvallur and 4) a Senior Officer from State Environmental Impact Assessment Authority (SEIAA), Tamil Nadu to inspect the area in question and submit a factual as well as action taken report, if there is any violation found."*

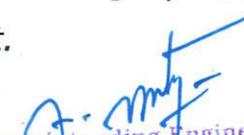
4. It is submitted that the order of the Hon'ble National Green Tribunal the Committee constituted by the Hon'ble National Green Tribunal has inspected the subject area on 20.01.2021. In the inspection report it is mentioned that, the Assistant Director Geology and Mining records reveals, there was no savudu quarry operated / permitted since 2015 in the Magaral tank and further stated that the Public Works Department was never taken up any desilting / dredging work in this tank and only the renovation works such as bund strengthening, maintenance of sluices and weir was taken up in the year 2011 under the World bank scheme.

5. It is submitted that, the Petitioner in his affidavit states that,

*"6. However, for the two months there are strangers found at the site of the lake and around with earthmovers all meant for removing the savudu sand. When the villagers queried them they said in single tone that they are going to perform quarry operations ie., to remove the sand in the Periya Eri / Lake. When the villagers queried about their authority to do so they said that they would get the quarry licence at any time and that on that getting the quarry permit from the second respondent they would start their sand removing operations and would continue the same day and night."*

Page No :

No of Corrn : Deputy Superintending Engineer, PWD.,  
Palar Basin Circle, WRD.,  
Chennai-5.

  
Superintending Engineer, WRD,  
Palar Basin Circle,  
Chennai-5.

7. The applicant states that on coming to know the attempted sand quarrying in the Periya Eri, in behalf of the villagers a representation has been given on 28.08.2020 to all the respondents, all of whom had acknowledged the same."

From the above statement of the petitioner it is clearly understood that there was no sand/savudu quarry operation commenced in the Magaral tank. The petitioner on his own assumptions and presumptions approached this Hon'ble Tribunal to forebear the respondents over 1 to 4 from anyway sanctioning/granting sand quarrying licence/permit the lake bed of Periya Eri comprised in survey number 216 of Magaral village in Thiruvallur Taluk and District in contravention of G.O.938 dated 7.6.1988 issued by the Public Works Department. There is no such licence /permit has been given to anybody by the district administration in the period mentioned by the Petitioner.

6. It is submitted that, the Hon'ble Tribunal in its order in OA 64 of 2015 on 24.01.2017 directed the official respondents not to permit the 5th respondent (one Mr.Sathish Kumar) or any other person to quarry in the Peria Eri comprised in Survey No.216, Makaral 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 7.6.1988 and follow the policy of the Government in this regard. The order is duly complied by the official respondents so far. There is no such allegation has been filed against the officials. It means that there was no savudu quarry sanctioned in the Magaral tank from the filing of the above said appeal (OA 64/2015) in this Hon'ble Tribunal. On mere assumptions and presumptions without any corroborating evidence or proof or any record, the petitioner moved this Hon'ble Tribunal. The petitioner has his own liberty to approach this Hon'ble Tribunal if the officials are sanctioning/granting sand quarrying licence/permit over the lake bed of Periya Eri comprised in survey number 216 of Magaral village in Thiruvallur Taluk and District. It is humbly submitted that, without granting any permission in the subject area by the officials the petitioner's prayer is null and void.

Page No : 

No of Corrn : 

Deputy Superintending Engineer, PWD.,  
Palar Basin Circle, WRD.,  
Chennai-600 005.

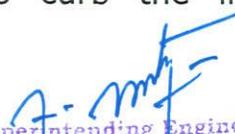
  
Superintending Engineer, WRD,  
Palar Basin Circle,  
Chepauk, Chennai-5.

7. It is submitted that, this Hon'ble Tribunal constitute the joint committee to inspect the Magaral tank to ascertain the illegal mining. There was no illegal mining found in the lake bed. The scrub jungle in the lake bed shows that there was no chance of illegal mining in the recent pasts. The statement of Assistant Director Geology and Mining also stated that there was no savudu quarry from the year 2015. The Petitioner's prayer is to forebear the respondents 1 to 4 from anyway sanctioning/granting sand quarrying licence/permit the lake bed of Periya Eri and stated in his petition that illegal mining to be done in the month of June and July 2020. There was no such illegal mining attempt was found during the inspection. The Petitioner himself stated in his affidavit that on coming to know the attempted sand quarrying in the Periya Eri, on behalf of the villagers a representation has been given on 28.08.2020. The pits mentioned by the Petitioner is found in the lake with bushes and jungles which meant that the pits are very old one., the Petitioner is trying to allege that the illegal mining will be done in the lake by mentioning with the very old pits. The Committee in its report stated that detail levels such as Sluice sill level, Tank bed level, in-let supply channel level and Irrigation ayacut levels will be taken and the restoration of lake will be done. It is submitted that, due to Covid-19 and assembly election 2020' getting of funds from Government is delayed. After getting the due funds from the Government the lake restoration work will be commenced at once.
8. It is submitted that, now survey works are being taken up by the Public Works Department with Revenue Department to remove the encroachments. After surveying work completed the eviction of encroachments will be carried out from the tank bed and the tank restoration works will be taken up and restore the tank to its original standard so as to use effectively for irrigation purpose.
9. It is submitted that the allegations made by the applicant in the application that the officials are about to issue sand quarrying licence/permit over the lake bed of Periya Eri comprised in survey number 216 of Magaral village, is only his own assumption. Since, there was no savudu quarry from the year 2015, the committee could not found any damage to the environment. To curb the illicit

Page No :

No of Corrn :

  
Deputy Superintending Engineer, PWD.,  
Palar Basin Circle, WRD.,  
Chepauk, Chennai-600 005.

  
Superintending Engineer, WRD.,  
Palar Basin Circle,  
Chepauk, Chennai-5.

sand/savudu mining the district administration strictly instructed the enforcement authorities then and there. There is no specific allegation mentioned by the petitioner regarding the illicit mining neither in his affidavit nor his representation. It is submitted that no permissions for mining is being granted either to the Public Works Department or through their contractors as permitted by the PWD.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above 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 26<sup>th</sup> day of July, 2021.

  
Deputy Superintending Engineer, PWD.,  
Palar Basin Circle, WRD.,  
Chepauk, Chennai-600 005.

  
Superintending Engineer, WRD.,  
Palar Basin Circle,  
Chepauk, Chennai-5.

**BEFORE THE  
NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
Application No.179 of 2020(SZ)**

P.Gengaiyan .... Applicant

VERSUS

The District collector,  
Thiruvallur & others.

.. Respondents

**INTERIM REPORT FILED  
BY THE 3<sup>rd</sup> RESPONDENT**

**GOVERNMENT PLEADER**

**Page No :**

**No of Corr :**