

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONAL BENCH, CHENNAI

ORIGINAL APPLICATION No. 17 of 2023

BETWEEN

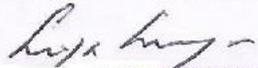
Link Valley Residents Association.....Applicant

VERSUS

Union of India and others.....Respondents

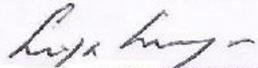
**OBJECTION TO THE REPORT OF DISTRICT COLLECTOR,
ERNAKULAM , DATED 11TH November, 2025**

1. It is respectfully submitted that the solutions suggested by the District Collector are only eye wash and is only to help the 6th respondent has constructed six towers in an elevated land in utter disregard to the conditions imposed in the

For LINK VALLEY RESIDENTS' ASSOCIATION

GENERAL SECRETARY

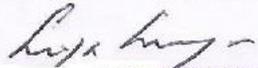
Environmental Clearance granted to them. Several other constructions are allowed in this *Kakkand* area even after fully knowing well the fact and it will increase the flooding in the area which will directly affect the residents of the applicant association.

2. Though several complaints were made to the District Collector by the applicants' no action is effective measures are taken. It is respectfully submitted that the
3. Disaster Management Act, 2005, Sec. 25 empower the District Collector as Chairperson of the District Disaster Management Authority to take measures for flood mitigation. No steps have been taken by him to develop the infrastructure and constructions suggested in the Report. No steps have been taken against the 6th respondent for violating the conditions of Environmental Clearance No. 14/2017, dated 30-01-2017 (Annexure.A.3) and to see that proper storm water drainages are being constructed and managed which will avoid flooding in the of Link Valley residential township. They also sought the environmental damages to be recovered from the 6th respondent who is responsible for it.
4. The 6th respondent has been granted EC for their project Township and development in Sy Nos. 671/1, 674/1, 675/4 at *Kakkanad Village, Kanayannor Taluk, Ernakulam District* on 30-01-2017. Several constructions are even now going on and the situation will be worsened if the further constructions are allowed without making an integrated drainage master plan.
5. The SEAC which recommended the project has noticed in their meeting held on 18-12-2015 that the area proposed to be developed falls on an undulating plot

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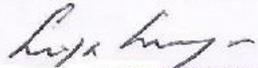
having an east flowing valley in the middle with moderate to steeply sloping laterite covered flanks. The EC specifically state about the Field visit (Annexure-A.3. (7) page 61) on 18-12-2015 They specifically noticed that the storm drainage planned is inadequate to accommodate peak flood. The elevation difference from the main approach road to the centre of the valley exceeds 20 m. They also noticed that large quantity of water during rainy period from upper catchment will result in partial flooding in lower areas. The SEIAA put a condition that the existing elevation along the boundary with adjacent plots should be maintained as it is. (see Annexure.A.3(7) @ P.61).

6. The proposal was again considered by the SEAC in the meeting held on 28-06-2016. They reiterated the fact that the storm water drainage plan is inadequate to accommodate peak flood. The drainage must be widened with connectivity to the existing storm water drain on the eastern side. (see page 62). But it was ignored by the authorities and even now they decide to continue the said violation further. While issuing EC the SEIAA insisted that the 6th respondent should submit an affidavit that all the conditions laid down in the Inspection Report as well as general and specific conditions shall be fulfilled. (see page 63). Instances of violations to be brought to the notice of the District Collector, Ernakulam who kept silent.
7. In the reply affidavit filed by the 2nd respondent it is admitted that EC was recommended on condition laid down in the Field Inspection Report as well as the general and specific conditions. The project proponent, vide, his affidavit

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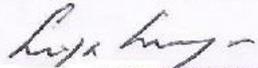
dated 01-02-2017 assured that he will scrupulously follow all the conditions in the EC.

8. The 6th respondent in their additional reply, dated 17th October, 2023 stated that they have not raised the height of the land. The level of the land is much higher than that of the applicant's land. They put blame on the authorities stating that the drainage is not wide enough to contain the storm water which came out of their land.
9. In the Additional Statement filed by SEIAA, dated 6th August, 2024 they have produced the Field Inspection Report (Page 11 to 22). They send the same to the Pollution Control Board. The inference drawn by the SEAC can be found in pages 21 to 23. The SEAC has **categorically found that the 6th respondent (project proponent) has not complied with the condition of existing elevation along with the boundary.** (@ P/22). They found that though the project proponent agreed to comply with the Field Inspection Report dated 18-12-2015 will be complied with, it was not complied with resulting in water logging in the compound of Link Valley. The District Collector knowing well these aspects has not taken any steps to improve the storm water conveyance and the flooding issues till date.
10. One of the main reasons for flooding in that area is that the 6th respondent who executed the project after raising the elevation of the land in violation of the EC conditions. They have also constructed several drains which are not in the Master

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plan which resulted in the increase flow of water in the public drain resulting in flood in the Link Valley area.

11. It is respectfully submitted that 6th respondent has raised the ground level in blatant violation of the EC conditions and the Master Plan. They are proceeding with their project of “*Prestige Hillside Gateway* “on the basis of Anneuxre.A.3. EC in utter disregard to the conditions imposed. The “polluter pays” principle applies to the facts of the case. Due to activities of the project proponent damage to the ecology has been caused. The project proponent must pay environmental compensation This proponent must not only compensate the victims of the flooding but also bear the cost of restoring the damaged environment.
12. The law on the point is very clear as laid down, in the case of *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715=(1996) 5 SCC 647, wherein the Supreme Court has held that the "polluter pays" principle applies to India. The court held that the polluter is liable to pay not only for the cost of the damage but also for the cost of restoring the environment. In view of Sec.20 of the National Green Tribunal Act, 2010, this Hon’ble Court is empowered by the statute to apply the principle.
13. In the Taj Trapezium Case, *M.C.Mehta vs Union of India*, (1997) 1 SCC 353= AIR 1997 SC734, Supreme Court of India applied this principle to direct industries to pay for the cost of remedial measures to protect the Taj Mahal from air pollution.
14. Supreme Court also in several cases held that non-compliance with the conditions of an EC is a serious matter and can lead to severe consequences. In the case of *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* , (2020)7 SCC 157:

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[2020] 10 S.C.R. 677. Supreme Court unequivocally stated that a project cannot be undertaken without a prior environmental clearance and that any attempt to regularize violations retrospectively is illegal. The court also emphasized that the phrase "shall not be undertaken unless EC is granted" in the EIA Notification is mandatory, not optional.

15. It is this it profitable to note that Supreme Court has recently held in the case reported as M.K. Ranjitsinh vs Union of India. 2025 INSC 1472, that Companies cannot assert to be socially responsible while ignoring equal claims of the environment and other beings of the ecosystem. A corporation, as a legal person and a key organ of society, shares this fundamental duty. CSR funds are the tangible expression of this duty. Consequently, allocating funds for the protection of environment is not a voluntary act of charity but a fulfilment of a constitutional obligation. If the District Collector is sincere and serious he ought to have taken steps to widen the canals, using the said funds .

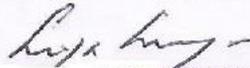
16. There is blatant violation of EC conditions imposed. There is flooding in the area as a result of it. The only viable solution is the construction of proper stormwater drains to handle excess water from the project area to contain the said excess water from the project area. The cost of the said project, including any land acquisition amounts, is to be recovered from the 6th respondent. In addition, a pollution fine is also to be imposed on the 6th respondent for violating the EC conditions based the principles already laid down by this Hon'ble Tribunal in various cases.

Dated this the 12th day of January, 2026



Counsel for the Applicant

Applicant

For LINK VALLEY RESIDENTS' ASSOCIATION

 GENERAL SECRETARY

Objection to the Report of the District Collector O.A.No. 17 of 2023

P B Sahasranaman <sahasram@gmail.com>

Mon, Jan 12, 2026 at 9:43 AM

To: KUMARESHAN ADVOCATE <ekkumaresan@hotmail.com>, Abraham Markos <abukans@gmail.com>, Rema Smrithi V K KSPCB <remasmrithivk@gmail.com>

Sir

Ref: O.A.No. 17 of 2023 - Link Valley Residents Association

The objection to the Report of the District Collector is attached herewith

regards



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Objection to Report of DC.pdf

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