

one side of the lagoon but has now proceeded to block the lagoon from both sides. Tidal exchange has been severely restricted. The status report filed by the 2nd Respondent dated 05.04.2024 is marked as **Annexure -A1**. Recent images of the subject area are marked as **Annexure - A2**.

3. I respectfully submit that the area where the soil has been dumped falls in CRZ IB and CRZ IVB area according to the approved CZMP. Filling in such area is a prohibited activity as per the CRZ, 2011. The area where the quarry rubble is dumped is an important inter-tidal zone having its own unique habitat and biological activity. The area is a known seagrass bed, evident even in photographs. Introduction of foreign soil such as quarry rubble ("Paaramannu") will cause serious detriment to its ecosystem and bio-life. I further submit that the inter-tidal mud flats and seagrass beds are entitled to protection as CRZ-1A (ecologically sensitive areas). It is necessary to note that during these months, the tide from the sea carries essential nutrients and sediments, which nourishes the lagoon.

4. I submit that OA No. 106 of 2024 was listed for admission on 25.03.2024, in the presence of the learned counsel for NHA. Time was sought to file a report and the case was adjourned to 08.04.2024. The 2nd respondent filed a report dated 05.04.2024, wherein at para 9, the respondent stated as follows,

"9. I further submit that the cofferdam is proposed in two stages for Half width of Odaiyur lake instead of entire width at single stage to ensure free flow of natural tidal water. The Earthen Material being used for construction of cofferdam will be removed within one month after completion of Major Bridge construction as specified by CRZ, MoEF & CC under Specific Condition while issuing CRZ clearance on 23.10.2020."

5. It is necessary to note that the area is ecologically sensitive in terms of the CRZ Notification, and the clearance was obtained without even noticing the presence of seagrass beds and biologically active mudflats, and the construction of a bridge by filling in the waterbody itself is not a permitted activity.

6. The 2nd respondent's violation has now resulted in a situation where tidal exchange is severely restricted and only a small gap has been left. The construction of the cofferdam from the northern bank is ongoing at an express pace and only small gap remains as on date. It is thus absolutely essential to stop the 2nd respondent's violation at once, failing which the Odiyur Lagoon stands to suffer serious and irreparable harm. The balance of convenience is in favor of grant of interim orders against the respondent. Interim relief has already been prayed for in the Original Application.

It is therefore prayed that this Hon'ble Tribunal may be pleased to take this affidavit on record and thus render justice.

Solemnly affirmed at Chennai on this]
The 2nd day of July, 2024]

Before me,

And signed his name in my presence]
Chennai

Advocate,

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Application No.106 of 2024 (SZ)

ANNEXURE - A1

K. Saravanan s/o kasinathan

Aged about 37 years

30, ururkuppam, Besant Nagar, Chennai - 90

- Applicant

Vs

1. Tamil Nadu Coastal Zone Management Authority

By its Member Secretary

1, Jennis Road, Panagal Building

Ground Floor, Saidapet, Chennai - 600 015

2. The National Highways Authority of India

Rep by its Project Director

Sri Balaji Towers, 54-28, Butt Road, near kathipara Junction

South Phase, SP Industrial Estate Area, Parangi malai

Guindy, Chennai, Tamil Nadu - 600 016

- Respondents

Status report filed by the 2nd Respondent

I, M.S. Chaithanya son of Mr. M. Thejendranath, Hindu, aged about 40 years, presently working as Project Director, Project Implementation Unit (PIU)-Chengalpattu, having office at No.41/8A, 2/285, Second Floor, Velachery - Tambaram Main Road, Santhoshapuram, Medavakkam, Chengalpattu District, do hereby solemnly affirm and sincerely state as follows:

एम.एस. चैतन्या | M.S. Chaithanya
प्रियोजना निदेशक | Project Director
प.का.ई. चेंगलपट्टु | PIU Chengalpattu



एम.एस. चैतन्या | M.S. Chaithanya
प्रियोजना निदेशक | Project Director
प.का.ई. चेंगलपट्टु | PIU Chengalpattu

1. I am serving as Project Director, Project Implementation Unit - Chengalpattu, National Highways Authority of India and I am conversant with the facts of the case from the records available in the office as such I am Competent to swear this status report on behalf of 2nd Respondent.

2. I submit that the existing East Coast Road (in short "ECR") connecting Chennai & Puducherry was initially designated as State Highway (SH-59). The stretch was developed as 2 Lane with Paved Shoulder / 2 Lane by State Government of Tamil Nadu through its corporation M/s. Tamil Nadu Road Development Corporation (in short "TNRDC").

3. I submit that Government of India decided to develop various roads in the country under Bharatmala Pariyojana and circulated an Standard Operating Procedure (in short "SOP") dated 03.11.2017 regarding investment approval for Phase-I of Bharatmala. The list include project connecting Chennai to Puducherry stretch of 137 Km vide Sl. No.7 of Annexure II(c) under Feeder Routes. The stretch was entrusted to NHAI for implementation.



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4. I submit that the Applicant has prayed for issue of direction to the respondents, to remove all the soil and other materials dumped inside the Odiyur lagoon and restore the area to its original condition and also not to lay any road / highway in the Odiyur lagoon.

5. I submit that the Applicant has alleged that soil has been dumped inside the Odiyur lagoon area. The Applicant has also alleged that the same has been done in violation of undertaking of this Respondent and order of this Hon'ble Tribunal in OA 5 of 2023.

3. I submit that the present project under implementation is of national importance and connects the lengths and breadths of the coastal region of Tamil Nadu and Puducherry. The project is aimed at developing and improving road infrastructure of the State including connectivity of neighboring State of Puducherry. This will open the opportunities for economic prosperity, freight movement, movement of people, industrialization and also decongest other National Highways and lead to prosperity of the crores of people living in the coastal districts of Tamil Nadu and Puducherry.

4. With regard to the allegations of the Applicant and prayer sought for, I submit the following:



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4.1 There is existing 2 lane Major bridge of 240 Mts across Odiyur lake connecting Paramenkeni and Mudaliyarkuppam Villages in Cheyyur Taluk. The Approaches to the Major Bridge are on S curve with radius of 270 Mts. Further, the existing highway is in between Bay of Bengal and Back Waters.

4.2 For improving the geometrics at highway, it is proposed to construct a new bridge of 490 Mts in the re-alignment to improve the geometrics of approaches to meet with design speed requirements of 100 Km/hr.

4.3 The Proposed Bridge location has been identified based on various surveys and field inspections conducted by NHAI through its DPR Consultants M/s. Aarvee Associates, Hyderabad.

4.4 Based on final approved alignment, the project passed through in following stretches which falls under Coastal Regulation Zones (CRZ).

Sl. No.	From	To	Length	Remarks
1	33+815	33.915	0.100	NDZ
2	33+915	33+969	0.054	CRZ-IVB
3	33+969	33.993	0.024	CRZ-IB
4	33+993	34+093	0.100	NDZ
5	34+823	35+585	0.762	NDZ
6	36+806	36+908	0.102	NDZ
7	36+908	36+920	0.012	CRS-IB
8	36+920	37+335	0.415	CRZ-IVB
9	37+335	37+359	0.024	CRZ-IB
10	37+359	37+557	0.198	NDZ
11	37+880	39+690	1.810	NDZ
12	54+804	54+884	0.080	NDZ

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Sl. No.	From	To	Length	Remarks
13	54+884	55+157	0.273	CRZ-IA
14	55+157	55+175	0.018	CRZ-IB
15	55+175	55+509	0.334	CRZ-IVB
16	55+509	55+559	0.050	CRZ-IA
17	55+559	55+806	0.247	CRZ-II
18	55+806	55+824	0.018	CRZ-IA
19	55+824	55+994	0.17	CRZ-II
20	55+994	56+116	0.122	CRZ-IA
21	56+116	56+168	0.052	CRZ-IB
22	56+168	56+761	0.593	CRZ-II
23	57+868	59+612	1.744	CRZ-II
Total			7.302	

The DPR Consultant prepared various reports for obtaining necessary clearances for CRZ clearances.

4.5 The Consultant has taken up mapping of CRZ Boundaries through Institute of Remote Sensing, Anna University, Chennai, which is empanelled agency by MoEF, Government of India. As per the CRZ Mapping certified by Anna University, the Major Bridge portions falls under CRZ - IVB i.e., Intertidal Zone.

4.6 Based on certified maps, the DPR Consultant vide Lr. No. AA/EWS/2145/2018-19/2074, dated 10.06.2019 furnished necessary reports for obtaining CRZ clearances. Accordingly, NHAI vide Lr. No. 1048, dated. 30.11.2018 submitted proposals to Tamil Nadu Coastal Zone Management Authority (TNCZMA), Chennai requesting for issuing necessary clearances.

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म.एस.चैतन्या | M.S. Chaitanya
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4.7 TNCZMA vide Lr. No.9909/EC-3/2019-1, dated 26.06.2019 recommended proposal to Ministry of Environment, Forest and Climate Change. Government of India vide File No.11-37/2019-IA-III, dated 23.10.2020 communicated CRZ clearance for the project with following specific conditions besides general conditions:

i) As committed by the project proponent, five times the number of mangroves destroyed or cut during the construction process shall be replanted as compensatory mangrove afforestation, in an area of 21.283 ha. In consultation with the Forest Department.

- ii) A minimum of ten times the number of trees felled (non-mangroves trees) shall be replanted.
- iii) No groundwater in the CRZ area shall be extracted to meet with the water requirement during the constructions and/or operation phase of the project.
- iv) Temporary structures raised for construction activity shall be removed within one month of completion of construction activity.
- v) Flow of natural tidal water to mangroves should remain unaffected and thus adequate measures to be provided to maintain un-interrupted tidal water mangroves.

Based on CRZ clearance NHAI has taken up the project of 4 Laning of project from Mugaiyur to Marakkanam (PKG - II) under HAM mode.

5. As per Para 5.4 of MoEF & CC Gazette Notification dated 18.01.2019,



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“Activities shall be permitted and regulated in the CRZ areas as under: -

(i). Traditional fishing and allied activities undertaken by local communities.

(ii). Land reclamation, bunding, etc to be permitted only for activities such as:

(a) foreshore facilities like ports, harbours, jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard, etc.,

From the above it may be observed that constructions of funds for bridges is permitted and regulated activity.

6. I submit that while submitting Undertaking in respect of OA 05/2023 filed by the same Applicant, Respondent submitted that:

“NHAI will shift the project stretch towards the Left Hand Side (LHS) i.e. on the opposite side of Odaiyur Lake. The existing 02 lane road of 07 mtrs is proposed to utilise for RHS carriageway i.e., for the traffic from Puducherry to Chennai side. It is also proposed to provide additional width of 1.5 mtrs paved shoulder and 02 mtrs earthen shoulder to maintain uniformity with LHS carriageway. In view of the above arrangement there will not be any infringement of the road within the lake area”. The change in alignment is provided as follows:

a. The realignment of bridge portion in Paramenkeni was proposed for improving poor geometrics due to „ S” Curve to ensure safety of road users.

b. Alignment was proposed to widen towards LHS i.e., on opposite side of Odaiyur Lake.



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c. A continuous retaining wall of 01 km length is proposed to avoid infringement with lake area.

d. Proposed Right of Way (PROW) stone pillars are installed along the approved alignment as per the lands notified under the provisions of NH Act, 1956. As per the approved alignment, the project passed along existing Odaiyur Lake from Km.38+400 for a length of 01 km. 'Accordingly, Hon'ble Tribunal disposed the Application on 24.07.2023.

7. I submit that construction of bridge is under CRZ IVB Zone i.e., intertidal Zone necessary for local arrangements like construction of Cofferdam is very much essential to avoid flowing of water into foundation area during hightide conditions, which is universal methodology being adopted during construction of bridges across water bodies throughout the globe.

8. I submit that this Respondent has not breached the undertaking given to this Hon'ble Court and also affirm that the Respondent is strictly abiding by the orders of this Hon'ble Court.

9. I further submit that the cofferdam is proposed in two stages for Half width of Odaiyur lake instead of entire width at single stage to ensure free flow of natural tidal water. The Earthen Material being used for construction of cofferdam will be removed within one month after completion of Major Bridge construction as specified by CRZ, MoEF & CC under Specific Condition while issuing CRZ clearance on 23.10.2020.

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BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI

Application No.106 of 2024 (SZ)

K. Saravanan - Applicant

Vs

1. Tamilnadu Coastal Zone
Management Authority

2. National Highways Authority of
India, Chennai - Respondents

Counter Affidavit filed by the 2nd
Respondent

Mrs. S.R. Sumathy
Counsel for 2nd Respondent (Enrl no
835/87)
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164, Linghi Chetty Street
Parrys Corner, Chennai - 600 001
9443326242
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ANNEXURE - A2



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Photos taken before filling in¹⁷ from the northern banks





