BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 159 of 2024 (SZ)

In the matter of:

V. Ramesh. **… Applicant(s)**

Versus

The District Collector,
Thiruvallur District and Ors. **…Respondent(s)**

REPORT FILED BY 3rd RESPONDENT- THE WATER RESOURCES DEPARTMENT

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Through

Dr. D. Shanmuganathan

Standing Counsel for Government of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

DATE:09.04.2026

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE AT CHENNAI

Original Application No. 159 of 2024

V.Ramesh,

5, Perittivakkam,

Pondavakkam,

Uthukottai Taluk,

Thiruvallur District-602026 ...Applicant

-Vs-

1. The District Collector,
   Thiruvallur District,
   Tiruvallur.

2. The State Environmental Impact Assessment Authority,
   3rd Floor, Panagal Maligai,
   No. 1, Jennings Road, Saidapet,
   Chennai-600 015.

3. The Executive Engineer,
   Water Resource Department,
   Araniyar Basin Division,
   Chepauk, Chennai-600005.

4. M/s.S.S.Constructions,
   Plot No.87, Road No. 72,
   Jubilee Hills, Hydrabad-500083.

5. Chittoor-Thatchur Highway Private Limited,
   No-11th Floor/1101, Hiranandani Knowledge Park,
   Technology Street, Powai Mumbai, Mumbai-400076.

....Respondents

STATUS REPORT FILED BY THE 3RD RESPONDENT

I, G. Karthigeyan, S/o. Thiru.V.Gangadharan, aged about 56 years, residing at Chennai and presently holding the post of the Executive Engineer, Water Resources Department, Araniyar Basin

Division, Chepauk, Chennai – 600 005 do hereby solemnly affirm and sincerely state as follows: -

2. I am the 3RD Respondent herein, and as such I am well acquainted with the facts and circumstances of the case from the records available with this office.

3. It is submitted that the petitioner has filed herein the present Application with a prayer that;

a. Declare that the mining of sand from Perittivakkam Lake located in Survey No.163(Part), Perittivakkam Village, Tiruvallur District by the 4th respondent without prior environmental clearance under the EIA Notification, 2006 is illegal.

b. Direct the 4th respondent to restore the Perittivakkam Lake to its original earlier state and to pay compensation

c. Direct the respondents to compute and levy environmental compensation on the 4th respondent for the illegal mining carried on in the Perittivakkam Lake located in Survey No.163(Part). Perittivakkam Village, Tiruvallur District and prosecute the respondent for violations committed.

d. Issue such other as it deems fit in the interest of the case and render justice

4. It is submitted that the 4th Respondent M/s. S.S. Constructions have preferred a quarry lease application on 15.09.2022 for quarrying ordinary earth from S.F.No. 163 WRD tank of Perittivakkam Village, Uthukottai Taluk Tiruvallur District under rule 12 (2-A) of Tamil Nadu Minor Mineral Concession Rules, 1959 for the purpose of development of Six lane Chittoor Thatchur National Highway from Km. 96.040 (Pondavakkam) to Km 116.100 (Kannigaiper) on Hybrid Annuity Mode under Bharatmala Pariyojna in the State of Tamil Nadu (Package-IV).

5. It is submitted that based on the recommendations of Water Resources Department, the custodian of the Perittivakkam Tank, land availability report furnished by Revenue Divisional Officer, Tiruvallur, joint inspection report of Deputy Director and Assistant Geologist, Department of Geology and Mining. Tiruvallur, Soil test report received from University of Madras, Dept. of Geology. and Notification issued by the Ministry of Environment, Forest and Climate Change,

New Delhi vide S.O.1224(E) dated 28.03.2020 and F.No.3-70/2020-IA.III (141127) dated 8.8.2022, quarry lease has been granted to Mis. S.S.Constructions for quarrying 20,000 cbm of Ordinary Earth in the area of 247 m in length, 90m in breadth and 0.90m in depth, recommended by Water Resources Department, in S.F.No. 163 (Part) WRD tank of Perrittivakkam Village, Uthukottai Taluk, Tiruvallur District for the purpose of development of Six lane Chittoor Thatchur National Highway from Km. 96.040 (Pondavakkam) to Km 116.100 (Kannigaiper) on Hybrid Annuity Mode under Bharatmala Pariyojna in the State of Tamil Nadu (Package-IV)for a period of 04 months from the date of execution of lease agreement under Rule 12(2-A) of Tamil Nadu Minor Mineral Concession Rules, 1959 vide District Collector, Tiruvallur Proceedings Rc. No. 98/2023/G&M-2 dated 06.02.2024. The lease agreement was executed on 12.03.2024. The lease period of 4 months commenced from 12.03.2024 to 11.07.2024. Hence, bulk permit and despatch slips were issued to Tvl. S.S.Constructions for the quantity of 20,000 cbm of Ordinary earth for a validity upto 11.07.2024.

6. It is submitted that in the meantime, the petitioner has filed a Writ petition at the Hon'ble High Court of Madras with a prayer that Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus, or any other appropriate writ or order or direction in the nature of a Writ, calling for the records pertaining to the impugned pertaining order 06 02 2024 records Na Ka No.98/2023/Mineral-2, on the file of the District Collector, Tiruvallur and quash the same, and consequently, direct the Respondents viz District Collector, Tiruvallur and S.S. Constructions to restore the Peritivakkam Lake located in Survey No. 163 (Part), Perittivakkam Village, Tiruvallur District or pass such further or other orders as it may deem fit and proper in the circumstances of the case and thus render justice. dated

7. It is submitted that subsequently Hon'ble Division Bench of Madras High Court by order dated 29.04.2024 in W.P.No. 11032/2024 have observed that learned senior counsel appearing for the petitioner on instructions, seeks to withdraw the Writ petition with liberty to approach the National Green Inbunal and finally dismissed the Writ petitionas withdrawnwith liberty to approach the National Green Tribunal as may be permissible in law and in that event, the contentions of the respective parties are kept open.

8. With regard to the prayer of the petitioner, it is submitted that as per the Notification issued by the Ministry of Environment, Forest and Climate Change, New Delhi vide S.O.1224(E) dated 28.03.2020 and F.No.3-70/2020-IA.III (141127) dated 8.8.2022, Environmental Clearance is exempted for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc., The subject quarry lease is granted for the purpose of development of Six lane Chittoor Thatchur Highway from Km 96 040 (Pondavakkam) to Km 116.100 (Kannigaiper) on Hybrid Annuity Mode under Bharatmala Pariyojna in the State of Tamil Nadu (Package-IV) II is further submitted that in view of the Writ petition filed by the petitioner, the subject area has been jointly inspected by the Assistant Director and Assistant Geologist. Dept of Geology and Mining. Tiruvallur and Assistant Engineer, WRD, Irrigation Section, Araniyar Basin Sub Division, Uthukottai on 24.04.2024 and reported that dunng the lease period M/s. S.S. Constructions has obtained despatch slips for 6000 cbm of ordinary earth out of 20,000 cbm of permitted quantity and at the time of inspection 6000 cbm of Ordinary Earth has been quarried on the northern side of the leased granted area to an average depth of 0.70m only. However, the Taluk Level Task Force Committee was instructed to inspect the subject area and to furnish the report on the present status of the lease granted area please enclose a copy of TLTFC report.

9. It is submitted that the item No.6 of the Appendix-IX of Ministry of Environment, Forest and Climate Change, notification S.O.1224(E) dated 28.03.2020 is detailed as follows:-

"6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipe lines, etc.."

10. It is submitted that Hon'ble Supreme Court of India by order dated 21.3.2024 in Civil Appeal Nos. 1628-1629 of 2021 has made following observation; -

"Therefore, we have no hesitation in striking down item 6 of the substituted Appendix-IX forming part of the impugned notification dated 28.3.2020 and item 6 of the amended

impugned notification dated 30.8.2023. Accordingly, we quash item 6 in the two notifications above."

11. It is submitted that the Hon'ble Supreme Court of India has quashed the item 6 of the substituted Appendix-IX forming part of the impugned notification dated 28.3.2020 by order dated 21.3.2024 in Civil Appeal Nos. 1628-1629 of 2021.

12. However, Hon'ble Supreme Court of India by order dated 15.05.2024 in Miscellaneous Application Diary No (S) 21827/2024 in C.A.Nos. 1628-1629/2021 have clarified as follows:-

"For the time being, we clarify that the Projects for which work orders were issued by the applicant-NHAI prior to 21 March, 2024 will remain unaffected by Judgement dated 21 March, 2024.

However, we direct the applicant-NHAI to file an affidavit giving the list of the Projects for which the work orders were issued prior to 21 March, 2024 and produce copies of the work orders and other relevant documents showing service of the work order on contractors within a period of one month from today.

We clarify that the work orders which were issued prior to 28th March, 2020 required Environment Clearance and therefore, the clarification which we have issued under this order will not apply to such work orders

We make it again clear that we are not permitting the work of all projects which are listed at Annexure A-3 to continue. Only those works will continue where work orders have been issued prior to 21" March, 2024.

Needless to add that in those cases where work order has not been issued prior to 21 March, 2024, the applicant-NHAI will be bound by the decision of this Court dated 21 March, 2024."

13. It is submitted that the work order for the said Project work which was issued before 21.03.2024 and after the 28.3.2020 to M/s. IRB Infrastructure Developers Limited Further, M/s. IRB Infrastructure Developers Limited has requested the District Collector, Tiruvallur to issue borrow earth permission to the sub-contractor in the name of Mis. S.S. Constructions vide letter No...CT4-HAM/G&A/MISC/28 dated 05.05.2023 i.e., well before 21.03.2024. However, the borrow earth permission issued by the District Collector, Tiruvallur is valid as per the Ministry of Environment, Forest and Climate Change notification dated: 28 03.2020 and order of Hon'ble Supreme Court of India dated: 15.05.2024.

14. 14. It is further submitted that the Ministry of Environment, Forest and Climate Change have notified that regarding borrowing of Ordinary Earth vide S.O.No. 1223(E) dated 17.03.2025 based on the order dated 28.10.2020 in OA.No.160 of 2020 and order dated 15.05.2024 in Civil Appeal No.1628-1629/2024 in Hon'ble Supreme Court of India and stated that

"linear Project means in the Projects of slurry pipe lines, Oil and Gas transportation pipe line, Highways (or) laying of Railway lines, which require extraction or sourcing or borrowing of Ordinary Earth above the threshold of 20,000 cubic meter and does not require prior Environment Clearance under this notification."

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the above-mentioned facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

3RD RESPONDENT
THE EXECUTIVE ENGINEER,
WATER RESOURCES DEPARTMENT,
ARANIYAR BASIN DIVISION,
CHEPAUK, CHENNAI-600 005.

VERIFICATION

1. G.Karthigeyan, S/o. Thiru.V.Gangadharan, aged about 56 years, working as Executive Engineer, Water Resources Department, Araniyar Basin Division, Chepauk, Chennai – 600 005., do verify that the submissions in Paragraphs 1 to 14 are true and correct to the best of my knowledge as per records and I verify the same at Chennai on this 6 day of October, 2025.

Executive Engineer, W.R.D.,
Araniyar Basin Division,
Chepauk, Chennai-5.

ANNEXURE 1

Rainfall details from 2020 to 2025						
						All the measurement are in mm
	2020	**2021**	**2022**	**2023**	**2024**	**2025**
Jan	-					13
Feb	-					
Mar	-			143		
April	114			49		
May	-		49	35		109
Jun	52	10	104	146	105	134
Jul	201	252	299	62	168	91
Aug	76	83	80	234	248	312
Sep	219	62	96	304	185	262
Oct	100	157	116	36	305	39
Nov	207	92	339	207	92	
Dec	348	83	163	465	378	
Average Annual Rainfall in mm	**1317**	**739**	**1246**	**1538**	**1481**	**947**

06/10/2025

Details of Perittivakkam Tank attained its Full Tank Level from 2020 to 2025						
						No. of times of Tanks filling
	2020	2021	2022	2023	2024	2025
No. of fillings of Perittivakkam Tank in a Year	3	1	3	3	2	1

06/10/2025