

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 170 of 2024

Suo Motu based on the News item published in "Dinamalar Chennai edition dt.09.05.2024 titled "**Encroachment by dumping construction waste along the banks of Aminthakarai Koovam**"

And

**The Chief Secretary
to Government of Tamil Nadu & ors.**

...Respondents

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Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No. 170 of 2024

Tribunal on its own motion **SUO MOTO** based on the News Item in Dinamalar, Chennai edition, Newspaper dt: 09.05.2024, under the caption, **"Encroachment by dumping construction waste along the banks of Aminthakarai Koovam"**.

And

The Chief Secretary to Govt of Tamil Nadu,
Chennai and Ors.

...Respondents

REPLY AFFIDAVIT FILED ON BEHALF OF THE SIXTH
RESPONDENTS - TAMIL NADU POLLUTION CONTROL
BOARD

I, J. Josephine Sahaya Rani, Daughter of Thiru. M. Jesu Rajan, aged about 59 years having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this reply affidavit on behalf of the Sixth respondent and as such I am well acquainted with the facts of the case from the records available in our office.
2. It is submitted that the on 15.5.2024 based on the article **"Encroachment by dumping construction waste along the banks of AminthakaraiKoovam"** published in Tamil Newspaper Dinamalar, Chennai Edition dated 09.05.2024, the Hon'ble National Green Tribunal (SZ), Chennai has registered a case as a SUO MOTU its own motion.
3. It is submitted that the article alleged regarding taking over regarding the dumping of Construction debris in the stretch of 'River Coovum'. It is respectfully submitted that the Chennai Port Authority has proposed to

J. Josephine Sahaya Rani
18/9/2024

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

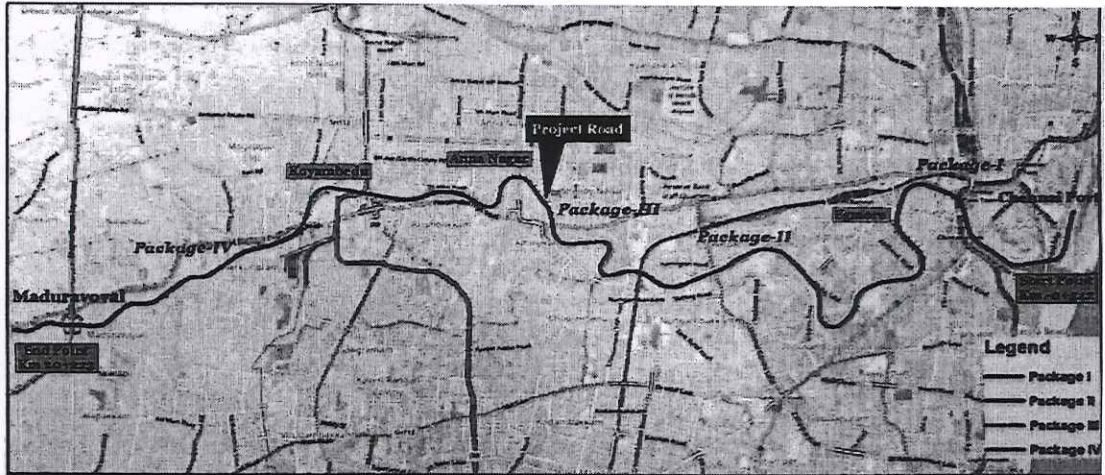
construct "New Four Lane Elevated Road from Chennai Port to Maduravoyal (NH-4) in Chennai District. The project will be a Double Deck elevated corridor of Four Lane configuration. Length of the elevated corridor is ~20.565 km having width of 26 m at 1st level (domestic traffic) and 23 m at 2nd level (Port bound traffic).

4. It is respectfully submitted that the above mentioned Project also includes development of 13 entry/exit ramps (9 ramps in CRZ area). Ramp width shall be 8.5 m. Chainage Km-0+342 to Km 9+350 (total 9.70 kms). Project corridor starts from Chainage Km -0+342 inside Chennai Port and ends at Chainage Km 20+223.055 after Maduravoyal interchange.
5. It is respectfully submitted that the CRZ Clearance was first obtained by M/s. Chennai Port Authority (formerly known as Chennai Port Trust) in 2011 vide Ref: F.No.11- 23/2009-IA-III, dated 25th February, 2011. Subsequently, M/s. Chennai Port Authority has obtained CRZ clearance for "*Construction of Elevated Road from Chennai Port to Maduravoyal NH-4 in Tamilnadu*" vide letter No:F.No.11-33/2020-IA-III dated: 23.09.2020, from Ministry of Environment, Forest and Climate Change, (IA.III Section) Bhawan, JorBagh Road, New Delhi-
6. It is respectfully submitted that the project was subsequently revived in the year 2017. As per recommendations of the Technical Committee, modifications in the alignment was made mainly to adjust for geometric enhancements. Due to these modifications leading to profile changes, Tamil Nadu State Coastal Zone Management Authority (TNSCZMA) had instructed to obtain fresh CRZ Clearance. Hence Chennai Port Authority obtained CRZ clearance for the revised alignment vide letter no: F.No.11-6/2023-IA-III dated: 17.04.2023 valid up to 16.04.2030, from Ministry of Environment, Forest and Climate Change, (IA.III Section) Bhawan, JorBagh Road, New Delhi subject to following conditions among others

"Temporary structures raised for construction activity on land, intertidal tidal area and creek shall be removed within one month of completion of construction activity."

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Images showing the packages of the above said project

7. It is respectfully submitted that the project development is a four lane elevated road with a length of 20.565 kms planned along the bank of Coovum River, which falls under CRZ areas such as CRZ-IB, CRZ-II, CRZ IV-B. For implementation of the project, the corridor has been separated in to four packages (Package 1, Package 2, Package 3 and Package 4).
8. It is respectfully submitted that the project proponent for the entire project is the Chennai Port Authority. However, the project is executed by National Highway Authority of India. The project was earlier awarded to M/s. Soma Enterprises, Hyderabad in 2009 and now the contract has been awarded to M/s. J. Kumar Infra projects Ltd., Mumbai in 2023.
9. It is respectfully submitted that based on the Suo Motu taken by the Hon'ble NGT, (SZ), Chennai the article **“Encroachment by dumping construction waste along the banks of AminthakaraiKoovam”** published in Tamil Newspaper Dinamalar, Chennai Edition dated 09.05.2024, three teams of TNPCB officials headed by JCEE (M), TNPCB, Chennai inspected and investigated the said locations along River Coovum on 29.5.2024 and the inspection report was submitted by JCEE (M), Chennai to the Board vide letter dated 29.5.20234. The observations during the inspection are as follows:

“Temporary approach roads were constructed using C&D debris to demolish the old existing structures such as piers, pier caps etc. in the middle of River Coovum and the works were under progress.”
10. It is respectfully submitted that on 24.06.2024, the TNPCB officials inspected River Coovum for regular monitoring and it was found that construction works

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for "New Four Lane Elevated Road from Chennai Port to Maduravoyal" is still under progress.

11. It is respectfully submitted that the Joint Chief Environmental Engineer (M), TNPCB, Chennai Vide Lr.No.F.No.177/ JCEE (M)/ TNPCB/Compliant/River Cooum /2024 Dt: 24.07.2024 recommended that the Water Resources Department, Tamil Nadu may be addressed to ensure and monitor NHAI for the removal of all temporary structures such as approach road, ramps, etc. immediately after the completion of construction works for the Four Lane Elevated Road from Chennai Port to Maduravoyal (NH-4) in River Cooum in order to prevent the nearby areas from inundation during monsoon season.
12. It is respectfully submitted that, the TNPC Board vide Lr.No.T6/TNPCB/F.012480/CHN/2024, dated: 16.09.2024 has addressed the Water Resources Department and requested to ensure and monitor that, all the temporary structures such as approach road, ramps etc., are removed by immediately after the completion of construction works for the four lane elevated road from Chennai port to Maduravoyal (NH-4) River Cooum in order to prevent the nearby areas from inundation during monsoon season.
13. It is respectfully submitted that, further the TNPC Board vide Lr.No.T6/TNPCB/F.012480/CHN/2024-1, dated: 16.09.2024 has addressed M/s. Chennai Port Authority, to remove all the temporary structures such as approach road, ramps etc., immediately after the completion of four lane elevated road from Chennai port to Maduravoyal (NH-4) to comply with the conditions stipulated in the CRZ clearance dated 17.04.2023.

Therefore, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass orders or other orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

J. Josephine Sahaya Rani
18/9/2024

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

VERIFICATION

I, J. Josephine Sahaya Rani, Daughter of Thiru. M. Jesu Rajan, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai 600 032, do hereby verify that the contents of above are true to the best of my knowledge through records.

J. Josephine Sahaya Rani
18/9/2024

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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**REPLY AFFIDAVIT FILED ON
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RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:18.09.2024

Date of hearing on:19.10.2024.

