

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 25 of 2022 (SZ)**

**IN THE MATTER OF:**

M. Sundaramurthy,

Chennai and Others

...Applicants

Versus

The Principal Secretary,

Department of Environment, Climate Change and Forests,

Government of Tamil Nadu and Others

...Respondents

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Through  
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Standing Counsel  
National Green Tribunal  
Southern Zone  
Date: 18.09.2024

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Versus

- 1.The Principal Secretary,  
Department of Environment, Climate Change and Forests,  
Government of Tamil Nadu .
- 2.The District Collector, Chengalpattu,  
Chengalpattu Tamil Nadu.
- 3.Commissioner Marai Malai Nagar Municipality Chengalpattu,  
Chengalpattu Tamil Nadu.
- 4.Tamil Nadu Pollution Control Board,  
Chennai Tamil Nadu.
5. District Environment Engineer TNPCB,  
Chennai Tamil Nadu.
- 6.Principal Chief Conservator of forest,  
Kanchipuram Tamil Nadu.
- 7.Arihant Foundations and Housing LTD,  
Teynampat Tamil Nadu CHENNAI.
- 8.District Forest Officer Chengalpattu,  
Kanchipuram Tamil Nadu.
- 9.State Level Environment Impact Assessment Authority - Tamil Nadu,  
Panagal Maaligai Tamil Nadu CHENNAI.
10. Ashiana Housing Limited,  
CIT Road Tamil Nadu CHENNAI.

Status Report on the recommendation made by the W.R.D in the Original Application No. 25 of 2022 (SZ) & I.A No.87 of 2022 (SZ) based on the Field Inspection made at Sengundram Village in Chengalpattu Taluk of Chengalpattu District for the recommendation requested by the National Green Tribunal (SZ) Chennai

Preamble

The National Green Tribunal in the Case Original Application No. 25 of 2022 (SZ) & I.A No.87 of 2022 (SZ) regarding stagnation of flood water in residential area of S.F. No. 438, 387, 388, 385, 381, 383, 389, 390, 439, 437, 338 of Sengundram Village in Chengalpattu Taluk of Chengalpattu District, which is a developed residential site of M/s. Ashiana Villa Viviana. The said case came up for hearing on 10.11.2022 at the National Green Tribunal (SZ) and the Coram it is described as below,

**3. The allegation of the applicant is that the natural flow of water is from West to East, whereas because of the construction of the 9<sup>th</sup> respondent, the water flow has been diverted and it is now made to flow from North to South. The difficulty arises when the natural water flow is disturbed and it enters into the plots of the applicants herein.**

**7. Regarding the natural flow of water of which originally the applicant had complained, the joint committee is observed as follows,**

**15. It is informed by the representatives of the said residential complex that there was a natural drain from western side to eastern side through the residential complex to carry the overflow of the lake water to the nearby forest area and the same was blocked due to the development activity. Now the same was rectified by providing a catch pit and a underground conveyance pipeline arrangements by the proponent of the residential complex for the smooth disposal of surplus rainwater through their property.”**

Based on the above Order of the NGT (SZ), the field study was carried out by this Department on 02.12.2022 and the Detailed Study Report was submitted and the brief note regarding the Detailed Study Report was given as below,

Sengundram Govindan Thangal in Kovalam Sub Basin is a Panchayat Union Tank which is under the control & maintenance of Maraimalai Nagar Municipality (prior

Kattankolathur Panchayat Union) and not maintained by Water Resources Department. The hydraulic particular of the tank was furnished in the Study Report.

- The Surplus water of Sengundram Govindan Thangal with its own catchment from the forest area (upstream of this Tank) drains into Karunilam Tank.
- In the past decades (i.e., before the residential development) the Surplus Water of this Tank originally drains into a part of forest area by passing through the land S.F. No. 381/2 for a length of 218m (Vandipatti) of Sengundram Village within the layout boundary of the M/s. Ashiana Villa Viviana.
- The Surplus water along with the accumulated catchment water of the residential layout again fall into forest land at S.F. No. 382 and subsequently flows over the layout boundary of M/s. Ashiana Villa Viviana at S.F. No. 383/2 which is classified as Vandipattai
- All these accumulated surplus water again flows over the Karunilam Reserved Forest and finally confluences at the Karunilam Tank.
- The natural terrain of the said land is sloping down from West to East and part of North to South.
- Meanwhile, the M/s. Ashiana Villa Viviana developers have provided two rows of 1m dia pipe line below the ground level at entire length of the Vandipattai at S.F. No. 381/2.
- The said pipe line is sufficient during the dry weather seasons, it is insufficient for the excess surplus water from the Sengundram Govindan Thangal Tank during monsoon period.
- The pipe line has been laid more than 1.50m below the ground level, this pipe line is defunct during the peak flood and hence the flood water over flows in the layout area. Therefore, there are more possibilities for stagnation of Flood water during peak flooding because of the level difference and insufficient carrying capacity.

By stating the above caused, the study report on the remedial measures and the recommendation for averting stagnation and to ensure the free flow of surplus water was

submitted to the Hon'ble National Green Tribunal (SZ) vide the W.R.D. Status Report Dated: 05.07.2023.

In accordance to the above, the Hon'ble National Green Tribunal (SZ) dated 08.09.2023 has ordered to schedule a meeting along with Project Proponent and discuss regarding the execution of the recommendations given in the Detailed Study Report of Water Resources Department (W.R.D.,) as below,

***“ 3. These recommendations are to be carried out by the Project Proponent. In this regard, let the Water Resources Department (W.R.D.) and the Project Proponent have a meeting and decide the mode of execution of the recommendations without waiting for each other”***

In continuation to the above order dated 21.11.2023, the NGT directed the WRD to coordinate with the project proponent for execution of the mitigation work recommended by the Water Resources Department. The order of the NGT 21.11.2023 is given below,

***“2. The Water Resources Department (WRD) is directed to coordinate with the project proponent and decide the mode of execution as per the recommendations within a period of 10 days. After which, the project proponent should commence the work and report to this Tribunal.”***

In accordance to the above order, again a joint inspection was carried out on 29.11.2023 by the Assistant Executive Engineer, Assistant Engineer of WRD along with the Vice President of M/s.Arihant Villa Viviana Housing Private Limited and their staff. As of the outcome of the joint inspection the recommendations was submitted by W.R.D. vide the W.R.D. Status Report Dated: 06.01.2024 for directing the same to the project proponent for executing the mitigation project,

- The M/s. Ashiana Villa Viviana has to provide a Saucer Drain of 8m width along the Vandipattai bearing S.F. No. 381/2 with a maximum depth of 0.75m at the mid of the drain.
- Accordingly, a Box Culvert has to be provided across the road to connect the Saucer Drain with the existing Cut & Cover (catch pit) constructed by the M/s. Ashiana Villa Viviana promoters.
- To interlink the above said Vandipattai S.F. No. 381/2 & 383/2, the M/s. Ashiana

Villa Viviana promoters has to provide a Cut & Cover of size 1.80m x 1.20m in the existing layout road, where the existing drain is insufficient.

- The M/s. Ashiana Villa Viviana promoter has to provide a pond in the Vandipattai S.F.No.382/2 and the balance vacant land, which is adjacent (right side) to the Vandipattai S.F.No.382/2. This pond is provided to collect the excess rain water from their premises and subsequently outlet with grill arrangements has to be provided in the pond.
- The Forest Department is recommended to form an earthen drain along the forest area to carry the surplus water and ensure the drain to confluences into Karunilam Tank, so as to avert inundation.
- The Local Body / Highways Department is recommended to provide an adequate culverts on the existing road which is located at eastern side of the forest area to connect the earthen drain in the forest area.

At this scenario, the Hon'ble National Green Tribunal (SZ) in its order dated 04.04.2024 has instructed to furnish the explanation / clarification for the subject as mentioned below,

***“3. Let the WRD also explain or clarify why they have gone back on their earlier suggestion, made in its report dated 05.07.2023, that M/s. Ashiana Villa Viviana has to provide open trough with bed lining to the entire length and width of the Channel at their own cost. The entry and exit sill level has to be maintained as (+)50.750m and (+)50.250m respectively, so as to drain out the excess water from dorest, the surplus water from Sengundral Govindan Thangal and their layout areas.”***

It is also submitted that, the Hon'ble National Green Tribunal (SZ) in the order dated 06.07.2023 has instructed as below,

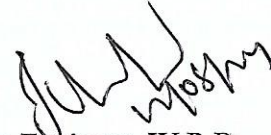
***“2. The entire issues ..... Let the parties work together and take the best of both reports and come up with a workable solution with the norms as acceptable to the W.R.D.”***

Hence, based on the above said the Hon'ble National Green Tribunal (SZ) Orders dated: 06.07.2023 & 04.04.2024, it is herewith submitted that the recommendations made by

the W.R.D vide the Status Report Dated: 05.07.2023, was yielded based on the Detailed Study Report by carrying out the Filed Inspection in the above said location. Future, based on the Hon'ble National Green Tribunal (SZ) in the order dated 08.09.2023 & 29.11.2023 again the field inspection & discussion was made among the W.R.D along with the Vice President of M/s.Arihant Villa Viviana Housing Private Limited & their staff. During the discussion regarding the execution of the Flood Mitigation Project recommended by W.R.D, the project proponent has put forth their request for an alternate proposal instead of the **"open trough with bed lining to the entire length and width of the Channel"**.

Therefore, an alternate proposal to **"provide a earthen Drain of 8m width along the Vandipattai bearing S.F. No. 381/2 with a maximum depth of 0.75m at the mid of the drain"** was suggested vide the W.R.D recommendation dated 06.01.2024. This proposal will ensure the rain water percolation and thereby increase in Ground Water Table. Meanwhile, to avoid erosion in Earthen Channel, the bed and side slopes should be maintained with rough stone dry packing.

Therefore, based on the above explanation / clarification it is herewith prayed that the recommendation and the instructions by this Department may please be directed to the project proponent and thus render justice.

  
Executive Engineer, W.R.D.,  
Lower Palar Basin Division  
Kancheepuram

