

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Application No 272 of 2024 (SZ)

K. Saravanan s/o Kasinathan
Aged about 37 years
30, Ururkuppam, Besant Nagar, Chennai – 600 015 - 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
Sough Phase, SP Industrial Estate Are, Parangi malai
Guindy, Chennai, Tamil Nadu – 600 016 - Respondents

Index to Typed set of papers

Sl no	Date	Description	Page nos
1	06.11.2024	Status affidavit filed by NHAI	1-6


Counsel for 2nd Respondent

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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 39 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 IM.S. Chaithanya
परियोजना 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 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. TNRDC

3. I humbly submit that during execution of works by M/s SPL ECR Highway Pvt., Ltd., this petition is filed before NGT Southern Zone, Chennai Bench seeking to

a). direct the 2nd Respondent to remove all the soil and other materials dumped inside the Yedayanthittu estuary and restore the area to its original condition

b). direct the 2nd Respondent to construct a bridge on stilts across the entire width of the estuary ,and not fill in/create embankments in CRZ IB and IVB areas as per the approved CZMP



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c) direct the 2nd Respondent to avoid the area marked as CRZ in aligning the bridge, and restore the area destroyed by clearing mangroves and land filling

d). direct the 1st Respondent to take action against the 2nd Respondent for violation of CRZ notification 2011,

4.I further submit that already a status report was filed by NHAI in the this OA. During the hearing petitioner objected stating that soil and other materials rocks, stones are dumped inside the Yedayanthittu estuary. Hon'ble Bench directed NHAI to do the needful. This was informed to the Independent Engineer and the concessionaire.

5.I further submit that Independent Engineer for the project already issued instructions for removal of excess length of cofferdam constructed by Concessionaire beyond 50% of the length before filing the petition by the applicant. The Hon'ble Tribunal issued instructions in respect of Application No.106 of 2024 vide orders dated 22.08.2024. Whereas, as submitted earlier while filing the reply to application, IE has already issued instructions to the Concessionaire for removal of excess length of cofferdam at the Major Bridge construction area in Yedayanthittu estuary through various letters dated 04.07.2024, 15.07.2024, 07.08.2024, 12.08.2024 & 14.08.2024.


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6. I further submit that the small portion of cofferdam has been left out due to high tide condition during which machinery cannot move in the area. Balance material will be removed immediately after reduction in tidal water level.

7. I further submit that the Concessionaire was instructed to operate a fishing boat across the bridge area and the same has been carried out on 22.10.2024. The boat has crossed bridge area at multiple locations without any constraint.

8. I further submit that at NHAI as a Government Body is duty bound to ensure compliance of directions issued by Tribunal and activities on the project have been monitored continuously and as submitted earlier an amount of Rs.3,36,60,000/- have been withheld by penalizing the Concessionaire while releasing Milestone payment on 12.8.2024

9 I humbly submit that , both NHAI & Independent Engineer taking care of the progress of the project has started acting against the deviations observed at project site by the Concessionaire and initiated action by withholding Rs.3.36 Cr. even before filing the petition. As reported by the Independent Engineer, the Concessionaire has removed excess of cofferdam on 30.09.2024 and reported the same to Independent Engineer. Hon'ble Minister for Road Transport & Highways, Government of India has conducted State Level Review Meeting at New


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Delhi on 30.09.2024 & 01.10.2024. Due to this the entire project team was at New Delhi. The compliance report after clearing the excess length was prepared only after returning the meeting on 03.10.2024. Even though the activity was taken on 30.09.2024.

10. I humbly submit that, some of the material could not be removed due to high tide condition and these will be removed immediately after reduction in the tidal water level. Further, even now there is no interference to the movement of boats and tidal exchange as mentioned by the applicant.

11. I humbly submit that the construction of highways in intertidal zone is not a prohibited activity however it is a regulated activity. As submitted earlier, construction of slip road for a length of about 285m is very much essential to ensure safety of Road Users and to save valuable lives of human beings. There are 2 cross roads at this location for which a Light Vehicular Underpass is proposed to ensure safety of Road Users. From the locations plan submitted herewith, it may be observed that the slip road construction is required along the edge of Odiyur lake along the existing road. There may not be any impact on the tidal variations or flora & fauna in the area due to construction of the slip road. However, in the absence of this slip road there is every chance that 2-wheelers and Light Motor Vehicles travelling in the



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opposite direction towards Chennai side which has potential threat for fatal accidents.

12.Hence I pray that this status report may kindly be recorded and pray that this Hon'ble Bench may kindly be pleased to pass suitable orders taking into consideration the facts narrated above and thus render

Justice



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

Solemnly affirmed at Chennai on this the 6th Day of November 2024 and Signed his name in my presence

Before me

Advocate : Chennai

Handwritten notes:
56/05
487, Addy
High court
Chennai

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Index to Typed set of papers

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