

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

Original Application No. 74 of 2024

Tribunal on its own motion SUO MOTU
based on the news item published in
The Hindu dt: 04.01.2024 titled, **“Road expansion
along Nilgiris highways ruining local ecology,
Increasing risk of landslips : activists”**.

...Applicant

Vs

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy,
Chennai – 600 032 & another.

...Respondents

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

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Vs

1. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai – 600 032.

2. The District Collector,
The Nilgiris District.

...Respondents

**REPORT FILED ON BEHALF OF THE 1ST RESPONDENT, MEMBER
SECRETARY, TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Sarasavani, D/o. J. Raghavan, aged about 59 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am working as the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, and I am authorized to file this report on behalf of the 1st Respondent, TNPCB and as such I am well acquainted with the facts of the case from the records available at our office.

2. It is respectfully submitted that the Hon'ble NGT Principal Bench has taken up Suo Motu based on the news item published in 'The Hindu' dated: 04.01.2024 titled, "Road expansion along Nilgiris highways ruining local ecology, increasing risk of landslips: activists". The Tribunal passed an order dated.08.02.2024, inter alia as follows:

1. *"As per the said news item, the road widening work on many stretches in the Nilgiris is going on without any Environment Impact Assessment (EIA). It is alleged that the road widening*

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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work is ill-planned and ill-thought-out along Ooty to Coonoor and Kotagiri to Mettupalayam Roads and this has led to landslips along these stretches during spells of heavy rains in the district. It is also alleged that the road widening work is going on without following the environmental norms and damaging hills and impacting the ecology of the Nilgiris.

2. It is also the allegation that Highways Department is widening roads as per standards applied to roads on flatter areas, making them extremely dangerous for hill roads and for traffic which will use these roads.
3. The news item raises substantial issue relating to compliance of the environmental norms.
4. Power of the Tribunal to take up the matter in suo-motu exercise of power has been recognized by the Hon'ble Supreme Court in the matter of "Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors." reported in 2021 SCC Online SC 897.
5. Hence, we implead the following as respondents in the matter:
 - i. Tamil Nadu Pollution Control Board through its Member Secretary.
 - ii. District Collector/Deputy Magistrate, Nilgiris.
7. Let Notice be issued to Respondent No. 2 for filing the response atleast one week before the next date of hearing before the appropriate bench of the Tribunal.
8. Since the matter relates to the Southern Zonal Bench, Chennai, therefore, OA is transferred to the Southern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Southern Zonal Bench, Chennai.
9. List before Southern Zonal Bench at Chennai on 22.03.2024."

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JOINT CHIEF ENVIRONMENTAL ENGINEER
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No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

3. It is respectfully submitted that the said case was transferred to the NGT, (SZ) and renumbered as OA No.74 of 2024.

4. It is respectfully submitted that in the news item, it has been mentioned that the Highway Department is carrying out the road expansion work in the Nilgiris District and the work was being undertaken without Environmental Impact Assessment. As per the EIA Notification, 2006 as amended, prior Environmental Clearance (EC) is required for process Expansion or Modernization or Change of product mix in existing projects as follows,

Sl. No.	Project Activity			Conditions if any
7	Physical Infrastructure including Environmental services			
		Category-A	Category-B	
7(f)	High ways	i) New National Highways and ii) Expansion of National Highways greater than 100km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re alignments or by passes.	(i) All New State Highway Projects (ii) State Highways expansion projects in hilly terrain (above 1000 m AMSL) and / or in ecologically sensitive areas	General condition shall apply. Note: Highways include expressways.

5. It is respectfully submitted that however, it was ascertained that the Highway Department is carrying out road widening work in the NH-Stretch of Mettupalayam - Coonoor - Ooty - Gudalur (NH) and the SH-Stretch of Mettupalayam - Kothagiri - Ooty.

6. It is respectfully submitted that, the Divisional Engineer, Highways Department, Udhamandalam, The Nilgiris District has been requested vide O/o. the DEE, TNPCB, Udhamandalam letter dated 07.05.2024 and reminder letter dated 19.07.2024 to furnish the details of road expansion


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works under taken / proposed in the Nilgiris District and not to carry out any expansion work of NH/SH without obtaining Environmental Clearance, if it is applicable. However, it is submitted that, till date no reply has been received from the Divisional Engineer, Highways Department.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (SZ) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

Jan
09/9/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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CHENNAI-600 032.

VERIFICATION

I, R. Sarasavani, D/o. J. Raghavan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.

Jan
09/9/24
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THE 1st RESPONDENT, MEMBER
SECRETARY, TAMIL NADU
POLLUTION CONTROL BOARD.**

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

Date:09.09.2024

Date of hearing on:27.09.2024.

