

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 91 of 2021 (SZ)

Appeal No.10 of 2021(SZ)

IN THE MATTER OF

G.Devarajan, Arumbakkam,
Chennai

... Appellant(s)

Versus

State of Tamil Nadu,
Rep.by the Chief Secretary to Government,
And Others

... Respondent(s)

STATUS REPORT FILED BY ON BEHALF OF SECOND RESPONDENT

I, A. Muthaiya, son of Thiru.Asokan, aged about 57 years, residing at 'C' Block, 207, Casagrand Aristo Apartments, Nobel Street, Nanganallur, Chennai-600 061, do hereby solemnly affirm and sincerely state as follows:

2. I am the Superintending Engineer, Water Resources Department (WRD), Palar Basin Circle, having office at PWD Campus, Chepauk, Chennai-5 and I am well acquainted with the facts of the case from records. I am filing this status report on behalf of the Joint Committee.

3. I respectfully submit that the Appellant filed an Original Application No.91 of 2021(SZ) & I.A.No.73 & 74 of 2021(SZ) earlier alleging certain irregularities in carrying out the '*mixed-use development*' in Arumbakkam, Chennai by Tamil Nadu Housing Board. It was alleged that the appellant was challenging the Environmental Clearance granted by the State Environmental Impact Assessment Authority (SEIAA) for the proposed project. It was further alleged in the application that the proposed construction was against the 'No Objection Certificate' granted by the Public Works Department (2nd Respondent) by way of encroaching the flood plain

of Cooum river and the Baby Canal constructed within the Cooum river thereby affect the riverine ecology of Cooum river.

4. It is further stated that in order to ascertain the genuineness of the allegations made in the application and the violations pointed out, the Hon'ble National Green Tribunal (SZ) in its order dated 08.04.2021 directed to constitute a Joint Committee comprising of (1) The District Collector, Chennai District or a Senior Officer not below the rank of Sub-Divisional Magistrate or Assistant Collector as deputed by the District Collector (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Chennai (3) a Senior officer from the State Level Environment Impact Assessment Authority (SEIAA), (4) a Senior officer from Chennai River Restoration Trust (CRRT) and (5) The Superintending Engineer from Public Works Department (PWD) and Water Resources Organisation (WRO) in charge of Cooum river and submit a factual as well as action taken report if there is any violation found. The PWD/WRO will be the nodal agency for co-ordination.

5. The Committee was directed to ascertain whether any encroachment into the flood plains of Cooum river and the Baby canal has been made due to the construction project by the TNHB, assess the environmental damage caused any, environmental compensation if so and remedial measures to restore the damaged environment and submit a report to the Hon'ble Tribunal on or before 25.05.2021. With these observations and directions, the application was disposed -off.

6. It is further submitted that an appeal has been filed by the appellant against the grant of Environmental Clearance to the 3rd respondent Tamil Nadu Housing Board (TNHB) for the proposed project where in encroaching the flood plain of Cooum river and the baby canal constructed within the Cooum river have not been considered by the State Level Environment Impact Assessment Authority (SEIAA) while granting

Environmental Clearance (EC) and hence the appellant has relied on the directions by the Hon'ble Tribunal in O.A. No. 558 of 2018 and the connected matters in this regard. The appeal was considered reasonable and hence admitted.

7. The Committee was directed to ascertain whether any encroachment into the flood plains of Cooum river and the baby canal has been made due to the construction project by the TNHB, assess the environmental damage caused any, environmental compensation if so and remedial measures to restore the damaged environment and submit a report to the Hon'ble Tribunal and the application was disposed off.

8. Notwithstanding this, an Appeal has been filed by the appellant against the grant of Environmental Clearance to the Tamil Nadu Housing Board (TNHB) for the proposed project where in encroaching the flood plain of Cooum river and the baby canal constructed within the Cooum river have not been considered by the State Level Environment Impact Assessment Authority (SEIAA) while granting Environmental Clearance. The appeal was considered reasonable and hence admitted.

9. I submit pursuance to the directions of the Hon'ble Tribunal in O.A.No.91 of 2021 (SZ), the following Joint Committee members inspected the site on 09.07.2021 to submit the factual observed on the ground as below:

- a) Er.A.Muthaiya,
Superintending Engineer, Water Resources Department / PWD
- b) Dr. C.Kaliaperumal,
Director, Ministry of Environment, Forest & Climate Change
(MoEF& CC)
- c) Dr.S.Viswanathan,
Environmental Specialist, Chennai River Restoration Trust
(CRRT)


Superintending Engineer, W.R.D.,
Palar Basin Circle,
Chepauk, Chennai-600 005.

d) Er.P.Murali,

Assistant Engineer, State Level Environment Impact Assessment Authority (SEIAA)

A Senior Officer deputed by the District Collector of Chennai District had not turned up for the inspection.

10. The Committee had a walk-through survey with the TNHB officials and of the opinion that the site has a narrow entry from the adjacent Poonamalle Road. The front view was cordoned-off with steel sheets obstructing total visibility. The site was cramped by haphazard parking of concrete mixer trucks, staking of construction materials, batching plant and an overnight rain made slushy and slippery. There was no indication of a Name Board/Signboards depicting the activities underway at site. On the river side, no barricading was done to stop sliding of earth excavated from basement and construction debris scattered by bits and pieces posing an ugly look indeed. The topsoil needs to be transported to avoid spilling into the Cooum River. Hence the TNHB shall allocate separate parking space away from the construction site for these vehicles to avoid haphazard parking and a clear working space ambience.

11. It is submitted that PWD/WRD accorded 'No Objection Certificate' for the Proposed Construction of Multistoried Residential HIG Flats and Multistoried commercial cum Office complex at Town Survey No.2, Block No.4 of Arumbakkam Village, Aminjikarai Taluk (Old Survey Nos. 249,250,251 &252) with specific terms and conditions. One such predominant condition is to demarcate Cooum river boundary as per the FMB sketch due to the fact that the river boundary encompassed in two Revenue villages bearing Survey No.97 of Naduvankarai on the northern boundary and Survey No.253 of Arumbakkam village abutting the TNHB site boundary on the south. However, this condition has not been complied with.

12. It is also submitted that during subsequent inspection by PWD after according NOC, it was well established that TNHB violated and fixed the

site boundary inside the river course wherein the baby canal with revetment rip-rap was already formed along the center of the river to facilitate the sewage flow during the dry weather flow.

13. The available width of the river on the upstream near Inner Ring Road Bridge is 130metre whereas the width at Naduvankarai Bridge at the downside is found to be 120metre as per revenue records. While so, the river regime width has been reduced grossly to 40 metre abutting the TNHB site located between these bridges. This could possibly create flood surge and afflux during heavy flood and inundate the adjoining areas.

14. It is also submitted that a minimum offset of 15metre from the Revenue boundary of river shall be provided devoid of construction of permanent buildings/structures in this zone as per the Circular issued by the Office of the Commissioner of Town & Country Planning, Chennai-2 vide Roc.No.4367/ 2019-BA2 dated 13.03.2019. PWD had emphasized this factor while issuing 'No Objection Certificate' failing which technical opinion would be deferred without further communication.

15. It is submitted further that on perusal of the Environmental Clearance (EC) granted to TNHB vide Letter No. SEIAA-TN/F.No.7627/EC/8(a)739/2020 dated 23.01.2021, the SEAC recommended with condition that *the proponent shall comply with all the conditions imposed in the NOC on inundation point of view issued by the PWD/WRD vide Letter No.DB/ T5(3)/ F-NOC-Arumbakkam / 2020 / dated 03. 10. 2020.* Accordingly, the SEIAA accorded Environmental Clearance subject to specific conditions. As per this, *the proponent shall ensure that the solid waste generated should not be dumped in the Cooum River and no material should be stored or dumped near the Cooum River during constructional/operational phase.* However during the inspection by the Joint Committee, huge mass of earth slide into the river at some locations without a clear waterway due to construction activities. Construction materials have been stored in close

proximity with the river front which needs immediate attention by the TNHB for stacking away from the river edge to avert pollution due to spilling of construction materials and chocking of river flow as well. Hence the TNHB shall construct a RCC Protection wall 15 metre away from the river boundary and the top of the wall shall be kept at (+) 13.475 m MSL as per the condition laid down by PWD while granting No Objection certificate.

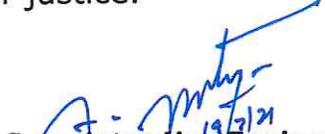
16. It is submitted again that the construction activities by TNHB shall never pose any sort of obstruction for the proposed Elevated Corridor of Chennai Port-Maduravoyal Connectivity by NHAI which is to be taken up very soon. The proposed alignment finalized by the Technical Committee earlier falls along the bank of Cooum River abutting the TNHB site and the same was submitted to the Hon'ble Supreme Court of India following some disputes between Government of TamilNadu and NHAI. An Interlocutory Application No.10432 of 2019 (Application for Withdrawal) in Petitions to Special Leave to Appeal (Civil) Nos.7020-7022 of 2014 is pending in Hon'ble Supreme Court of India. Under the present circumstances, the TNHB shall refrain from construction activities along the river boundary until the Trestle works of Elevated Corridor by the NHAI gets completed.

17. It is also submitted that the Hon'ble Green Tribunal (SZ) in Appeal No.10 of 2021 has passed orders that '*the constructions, if any, undertaken by the 3rd respondent (TNHB) will be subject to the result of this appeal*'. Pursuance to this, a notice has been already served to halt the constructions until final orders from the Hon'ble Tribunal since Cooum river boundary dispute still persists and needs to be clarified by the Revenue Department of Chennai Collectorate. However, the construction works are in progress till date violating the orders of the Hon'ble Tribunal.

18. It was alleged in the application that the proposed construction was against the 'No Objection Certificate' granted by PWD and encroaching into the floodplain of Cooum river and also encroaching into the Baby Canal constructed already for channelizing the sewage flow during dry season to

avoid seepage into the soil strata of Cooum river bed thereby polluting the ground water table. Hence it is absolutely necessary to maintain the riverine ecology without environmental damage. The need of the hour is to assess the environmental damage if any and the remedial measures to be taken to restore the river ecology which could be arrived only after demarcating the river boundary comprising Survey No.97 of Naduvankarai village and Survey No.253 of Arumbakkam village as per 1906 Revenue records by the Revenue Department of Chennai District Collectorate. Construction activities should be barred to a minimum offset of 15 metre from the river boundary which is absolutely mandatory after establishing the river boundary.

It is, therefore, prayed that this Hon'ble Tribunal may take on record the above status report based on the observations made by the Joint Committee and pass appropriate and further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.


19/7/21
**Superintending Engineer, WRD,
Palar Basin Circle,
Chepauk, Chennai-5.**

**VIEW OF COOUM RIVER ABUTTING THE TNHB SITE AT ARUMBAKKAM
-EASTERN SIDE**



**VIEW OF COOUM RIVER ABUTTING THE TNHB SITE AT ARUMBAKKAM
-WESTERN SIDE**



SITE INSPECTION BY THE JOINT COMMITTEE ON 09.07.2021







**DISCUSSION BY THE JOINT COMMITTEE WITH TNHB OFFICIALS
AFTER SITE INSPECTION ON 09.07.2021**



