

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 5 of 2023

K. Saravanan

..... Petitioner

Vs.

The Tamil Nadu Coastal Zone Management Authority,

Rep by its Member Secretary, Chennai

And others.

... Respondents

STATUS REPORT FILED BY THE 2nd RESPONDENT

I, Chaithanya son of Thejendranath, Hindu, aged about 39 years, presently working as 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.

I am working as Project Director, Project Implementation Unit - Chengalpattu, National Highways Authority of India (in short "NHAI"), a statutory Authority of India established under the Act, 68 of 1988 of the GOI 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.


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1. The existing ECR connecting Chennai & Puducherry332A - ECR under Bharatmala Pariyojana 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. Tamil Nadu Road Development Corporation of India (TNRDC).

2. Government of India decided to develop various roads in the country under Bharatmala Pariyojana and circulated an SOP dated. 03.11.2017 regarding investment approval for Phase - I of Bharatmala. The list included project connecting Chennai to Puducherry stretch of 137 Km vide Sl. No. 7 of Annexure II (c) under Feeder Routes. The stretch was entrusted to NHAI for implementation.

3. NHAI engaged M/s. Aarvee Associates Architects Engineers & Consultants Pvt., Ltd., as DPR Consultant for developing various stretches entrusted to NHAI which included the stretch from Mamallapuram to Puducherry of 99 Km. The DPR Consultant reported that the riding quality of the existing road is poor to fair with cracking, rutting and potholes. It was designed and laid in the past with old code of practice prevailing at that time. The existing alignment has geometric deficiencies, speed restriction, substandard curves and narrow bridges. Due to Urbanization, Industrialization, development of Tourism and inter connectivity between Chennai and Pondicherry, the traffic on the road has increased. Many fold warranting the widening of the same for hassle free and smooth and safe travelling of the road users.

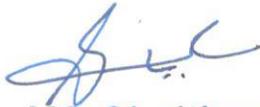

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4. The Consultant furnished various reports under available options for finalizing alignment for the project. Based on the recommendations of DPR Consultant, the Competent Authority has finalized the most appropriate alignment and taken up 4 Laning of the project for a total length of 108 Km under 03 Packages. The brief details are as hereunder:

Sl. No.	Description	From	To	Existing length	Design Length	Length of bypass	Length of Realignment	Length of widening
1	PKG - I	0+000	31+000	33.23	31	12.7	3.88	14.42
2	PKG - II	31+000	62+000	32.305	31	1.3	10.370	19.33
3	PKG - III	62+000	108+047	17.065	46.047	34.647	-	11.4
Total				77.100	108.47	48.647	14.25	45.15

5. The DPR Consultant while proposing alignment for the 4 Laning project considered various technical aspects like design speed, level of service, projected traffic etc., and submitted detailed project reports by adopting applicable standards and specifications prescribed and published by Indian Roads Congress & Ministry of Road Transport & Highways and various guidelines / circulars issued by MoRT&H / NHAI from time to time regarding provisions / facilities proposed on 4 Laning projects.

6. Proposed improvements near Odiyur Lake as part of 4 Laning are as follows:


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- i. There is an existing Major Bridge of 240 mtrs length across back water near Paramenkeni. The DPR Consultant observed that geometric deficiencies and reduction in speed are the major deficiencies/constraints restricting 4 lane highway design standards and also creating traffic safety hazard. The vehicles moving at design speed on National Highway-332A will have to reduce the speed before this major bridge and travel on the 'S' curve which is a serious Accident hazard.
- ii. The location of proposed Paramankeni Bridge in Odiyur Lake is shown on the Google maps:

Existing alignment

Proposed alignment

- iii. The project stretch is designed in accordance with the guidelines of Indian Road Congress. The Design Speed of the project highway is 100 km/hr. Improvement of geometric deficiencies, 'S' Curves etc., are taken care by the proposed Re-Alignment.

Proposed Widening Scheme:

- The Alignment is Re-aligned to remove the Geometric deficiencies and traffic safety hazards.
- New major bridge is proposed on Right Hand Side of existing bridge.
- Eccentric widening (widening on Left Hand Side) is proposed in bridge approaches till the end of Odiyur lake.


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- Land mass/debris Retaining wall is proposed on RHS on lake side) to restrict the earth spill in Lake portion and thus to safe guard the Environment.

The Typical Cross section proposed at this location is furnished here under.

7. Based on final approved alignment, the project passed through in following stretches which falls under Coastal Regulation Zones (CRZ).

Sl. No.	From	To	Length	Remarks
1	33+815	33.915	0.100	NDZ
2	33+915	33+969	0.054	CRZ-IVB
3	33+969	33.993	0.024	CRZ-IB
4	33+993	34+093	0.100	NDZ
5	34+823	35+585	0.762	NDZ
6	36+806	36+908	0.102	NDZ
7	36+908	36+920	0.012	CRS-IB
8	36+920	37+335	0.415	CRZ-IVB
9	37+335	37+359	0.024	CRZ-IB
10	37+359	37+557	0.198	NDZ
11	37+880	39+690	1.810	NDZ
12	54+804	54+884	0.080	NDZ
13	54+884	55+157	0.273	CRZ-IA
14	55+157	55+175	0.018	CRZ-IB
15	55+175	55+509	0.334	CRZ-IVB
16	55+509	55+559	0.050	CRZ-IA


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17	55+559	55+806	0.247	CRZ-II
18	55+806	55+824	0.018	CRZ-IA
19	55+824	55+994	0.17	CRZ-II
20	55+994	56+116	0.122	CRZ-IA
21	56+116	56+168	0.052	CRZ-IB
22	56+168	56+761	0.593	CRZ-II
23	57+868	59+612	1.744	CRZ-II
Total			7.302	

8. It is submitted that the DPR Consultant prepared necessary reports for obtaining necessary clearances for CRZ clearances. The Consultant taken up mapping of high tide / low tide levels through Institute of Remote Sensing, Anna University, Chennai which is empanelled agency by MoEF, Government of India. The DPR Consultant vide Lr. No. AA/EWS/2145/2018-19/2074, dated. 10.06.2019 furnished necessary reports for obtaining necessary clearances for CRZ clearances. Accordingly, NHAI vide Lr. No. 1048, dated. 30.11.2018 submitted proposals to Tamil Nadu Coastal Zone Management Authority (TNCZMA), Chennai requesting for issuing necessary clearances.

9. TNCZMA vide Lr. No. 9909/EC-3/2019-1, dated. 26.06.2019 recommended proposal to Ministry of Environment, Forest and Climate Change. Government of India vide File No. 11-37/2019-IA-III, dated. 23.10.2020 communicated CRZ clearance for the project with following specific conditions besides general conditions:


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- i. As committed by the project proponent, five times the number of mangroves destroyed or cut during the construction process shall be replanted as compensatory mangrove afforestation, in an area of 21.283 ha. In consultation with the Forest Department.
- ii A minimum of ten times the number of trees felled (non-mangroves trees) shall be replanted.
- iii. No groundwater in the CRZ area shall be extracted to meet with the water requirement during the constructions and/or operation phase of the project.
- iv. Temporary structures raised for construction activity shall be removed within one month of completion of construction activity.
- v. Flow of natural tidal water to mangroves should remain un-affected and thus adequate measures to be provided to maintain un-interrupted tidal water mangroves.

Based on CRZ clearance, NHAI has taken up the project of 4 Laning of project from Mugaiyur to Marakkanam (PKG - II) under HAM mode.

- a. It is submitted that NHAI published notification under section 3(A) & 3(D) of (in short "NH Act 1956") the National high ways Act, 1956 vide Gazette of India S.O. No. 2333 dated. 06.06.2018 & S.O. No. 761(E) dated. 05.02.2019 respectively. Based on approved alignment and lands notified under NH Act, the following are GPS coordinates for the lands acquired along Odaiyur Lake:


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Sl. No.	Chainage	LHS		RHS	
		Lat.	Lon.	Lat.	Lon.
1	38300.0	397022.641	1364929.870	396976.448	1364982.465
2	38310.0	397015.538	1364923.563	396968.598	1364975.493
3	38320.0	397008.547	1364917.130	396960.870	1364968.384
4	38330.0	397001.637	1364910.611	396953.234	1364961.178
5	38340.0	396994.822	1364903.993	396945.701	1364953.864
6	38350.0	396988.102	1364897.278	396938.273	1364946.443
7	38360.0	396981.478	1364890.469	396930.952	1364938.916
8	38370.0	396974.953	1364883.565	396923.740	1364931.286
9	38380.0	396968.526	1364876.569	396916.637	1364923.553
10	38390.0	396962.201	1364869.482	396909.645	1364915.720
11	38400.0	396955.977	1364862.305	396902.766	1364907.788
12	38410.0	396949.856	1364855.040	396896.001	1364899.758
13	38420.0	396943.840	1364847.688	396889.352	1364891.632
14	38430.0	396937.926	1364840.254	396882.815	1364883.415
15	38440.0	396932.112	1364832.718	396876.413	1364875.116
16	38450.0	396926.351	1364825.057	396870.153	1364866.793
17	38460.0	396920.631	1364817.276	396864.027	1364858.460
18	38470.0	396914.937	1364809.388	396858.016	1364850.131
19	38480.0	396909.255	1364801.403	396852.103	1364841.821
20	38490.0	396903.570	1364793.333	396846.269	1364833.541
21	38500.0	396897.864	1364785.190	396840.498	1364825.304
22	38510.0	396892.135	1364776.998	396834.766	1364817.107



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23	38520.0	396886.406	1364768.802	396829.036	1364808.911
24	38530.0	396880.676	1364760.606	396823.306	1364800.715
25	38540.0	396874.946	1364752.411	396817.576	1364792.520
26	38550.0	396869.216	1364744.215	396811.846	1364784.324
27	38560.0	396859.388	1364738.884	396810.214	1364773.264
28	38570.0	396853.658	1364730.689	396804.485	1364765.068
29	38580.0	396847.929	1364722.493	396798.755	1364756.872
30	38590.0	396842.199	1364714.297	396793.025	1364748.677
31	38600.0	396836.469	1364706.102	396787.295	1364740.481
32	38610.0	396830.739	1364697.906	396781.565	1364732.285
33	38620.0	396825.009	1364689.710	396775.835	1364724.090
34	38630.0	396819.279	1364681.515	396770.105	1364715.894
35	38640.0	396813.549	1364673.319	396764.375	1364707.698
36	38650.0	396807.819	1364665.124	396758.646	1364699.503
37	38660.0	396802.090	1364656.928	396752.916	1364691.307
38	38670.0	396796.360	1364648.732	396747.186	1364683.111
39	38680.0	396790.630	1364640.537	396741.456	1364674.916
40	38690.0	396784.900	1364632.341	396735.726	1364666.720
41	38700.0	396779.170	1364624.145	396729.996	1364658.525
42	38710.0	396773.440	1364615.950	396724.266	1364650.329
43	38720.0	396767.710	1364607.754	396718.537	1364642.133
44	38730.0	396761.981	1364599.558	396712.807	1364633.938
45	38740.0	396756.251	1364591.363	396707.077	1364625.742
46	38750.0	396750.521	1364583.167	396701.347	1364617.546


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47	38760.0	396744.791	1364574.971	396695.617	1364609.351
48	38770.0	396739.061	1364566.776	396689.887	1364601.155
49	38780.0	396733.331	1364558.580	396684.157	1364592.959
50	38790.0	396727.601	1364550.385	396678.427	1364584.764
51	38800.0	396721.871	1364542.189	396672.698	1364576.568
52	38810.0	396716.142	1364533.993	396666.968	1364568.372
53	38820.0	396710.412	1364525.798	396661.238	1364560.177
54	38830.0	396704.682	1364517.602	396655.508	1364551.981
55	38840.0	396698.952	1364509.406	396649.778	1364543.785
56	38850.0	396693.222	1364501.211	396644.048	1364535.590
57	38860.0	396687.492	1364493.015	396638.318	1364527.394
58	38870.0	396681.762	1364484.819	396632.588	1364519.199
59	38880.0	396676.032	1364476.624	396626.859	1364511.003
60	38890.0	396670.303	1364468.428	396621.129	1364502.807
61	38900.0	396664.573	1364460.232	396615.399	1364494.612
62	38910.0	396658.843	1364452.037	396609.669	1364486.416
63	38920.0	396653.113	1364443.841	396603.939	1364478.220
64	38930.0	396647.383	1364435.645	396598.209	1364470.025
65	38940.0	396641.653	1364427.450	396592.479	1364461.829
66	38950.0	396635.923	1364419.254	396586.750	1364453.633
67	38960.0	396630.194	1364411.059	396581.020	1364445.438
68	38970.0	396624.464	1364402.863	396575.290	1364437.242
69	38980.0	396618.734	1364394.667	396569.560	1364429.046
70	38990.0	396613.004	1364386.472	396563.830	1364420.851



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71	39000.0	396607.274	1364378.276	396558.100	1364412.655
72	39010.0	396601.544	1364370.080	396552.370	1364404.460
73	39020.0	396595.814	1364361.885	396546.640	1364396.264
74	39030.0	396590.084	1364353.689	396540.911	1364388.068
75	39040.0	396584.355	1364345.493	396535.181	1364379.873
76	39050.0	396578.625	1364337.298	396529.451	1364371.677
77	39060.0	396572.895	1364329.102	396523.721	1364363.481
78	39070.0	396567.165	1364320.906	396517.991	1364355.286
79	39080.0	396561.435	1364312.711	396512.261	1364347.090
80	39090.0	396555.705	1364304.515	396506.531	1364338.894
81	39100.0	396549.975	1364296.320	396500.802	1364330.699
82	39110.0	396544.246	1364288.124	396495.072	1364322.503
83	39120.0	396538.516	1364279.928	396489.342	1364314.307
84	39130.0	396532.786	1364271.733	396483.612	1364306.112
85	39140.0	396527.056	1364263.537	396477.882	1364297.916
86	39150.0	396521.326	1364255.341	396472.152	1364289.721
87	39160.0	396515.596	1364247.146	396466.422	1364281.525
88	39170.0	396509.866	1364238.950	396460.692	1364273.329
89	39180.0	396504.136	1364230.754	396454.963	1364265.134
90	39190.0	396498.407	1364222.559	396449.233	1364256.938
91	39200.0	396492.677	1364214.363	396443.503	1364248.742
92	39210.0	396486.947	1364206.167	396437.773	1364240.547
93	39220.0	396481.217	1364197.972	396432.043	1364232.351
94	39230.0	396475.487	1364189.776	396426.313	1364224.155


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95	39240.0	396469.757	1364181.580	396420.583	1364215.960
96	39250.0	396464.027	1364173.385	396414.853	1364207.764
97	39260.0	396458.297	1364165.189	396409.124	1364199.568
98	39270.0	396452.568	1364156.994	396403.394	1364191.373
99	39280.0	396446.838	1364148.798	396397.664	1364183.177
100	39290.0	396441.108	1364140.602	396391.934	1364174.981
101	39300.0	396435.378	1364132.407	396386.204	1364166.786
102	39310.0	396429.648	1364124.211	396380.474	1364158.590
103	39320.0	396423.918	1364116.015	396374.744	1364150.395
104	39330.0	396418.188	1364107.820	396369.015	1364142.199
105	39340.0	396412.388	1364099.553	396363.328	1364134.094
106	39350.0	396406.524	1364091.268	396357.637	1364126.054
107	39360.0	396400.619	1364083.013	396351.906	1364118.043
108	39370.0	396394.673	1364074.787	396346.136	1364110.060
109	39380.0	396388.685	1364066.591	396340.325	1364102.106
110	39390.0	396382.657	1364058.426	396334.475	1364094.182
111	39400.0	396376.588	1364050.290	396328.585	1364086.287
112	39410.0	396370.478	1364042.185	396322.656	1364078.421
113	39420.0	396364.328	1364034.110	396316.688	1364070.585
114	39430.0	396358.137	1364026.067	396310.680	1364062.780
115	39440.0	396351.969	1364018.112	396304.593	1364054.929
116	39450.0	396345.833	1364010.216	396298.457	1364047.033
117	39460.0	396339.697	1364002.320	396292.321	1364039.137
118	39470.0	396333.585	1363994.449	396286.166	1364031.211


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119	39480.0	396327.582	1363986.655	396279.965	1364023.161
120	39490.0	396321.617	1363978.832	396273.804	1364015.079
121	39500.0	396315.695	1363970.976	396267.687	1364006.965

10. It is further stated that after following the prescribed procedure NHAI entered into Concession Agreement on 11.05.2022 with Concessionaire M/s. SPL ECR Highway Pvt., Ltd., for development of Mugaiyur to Marakkanam section of NH-332A under Hybrid Annuity Model (HAM) mode and the project is yet to achieve Appointed Date. As submitted above, NHAI has proposed for widening of the project stretch towards LHS i.e., on the opposite side of Odaiyur Lake the existing 2 Lane Road of 07 mtrs is proposed to utilise for RHS Carriageway i.e., for the traffic from Puducherry to Chennai side. It is proposed to provide additional width of 1.5 mtrs Paved Shoulder and 02 mtrs Earthen Shoulder to maintain uniformity with LHS Carriageway. Further, a continuous retaining wall is proposed along the edge of highway for a length of 01 Km to avoid infringement of road with Lake area.

11. In view of the above facts, it is submitted that,

- a. The realignment of bridge portion in Paramenkeni was proposed for improving poor geometrics due to 'S' Curve to ensure safety of road users
- b. Alignment was proposed to widen towards LHS i.e., on opposite side of Odaiyur Lake.
- c. A Continuous retaining wall of 01 Km length is proposed to avoid infringement with lake area.


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d. Proposed Right of Way (PROW) Stone Pillars are installed along the approved alignment as per the lands notified under the provisions of NH Act 1956. As per the approved alignment, the project passed along existing Odaiyur Lake from Km. 38+400 to Km. 39+400 for a length of 01 Km.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dispose of the instant application with appropriate order or direction as may be deemed fit and proper in the facts and the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai this the
14th day of July 2023 and signed
his name in my presence.

Presented by
S. R. Dhanraj
Advocate
16-7-2023


MS Chaithanya
Project Director
NHAI PIU Chengalpattu

BEFORE ME
MPW
181.4dd
11/05/05
Law Chambers
High Court
Chennai 104

ADVOCATE: CHENNAI

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STATUS REPORT FILED BY THE

2nd RESPONDENT

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Counsel for 2nd Respondent