

Item No.9:-

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

(Through Video Conference)

**Original Application No. 17 of 2023 (SZ) &
I.A. No.24 of 2023 (SZ)**

IN THE MATTER OF:

Link Valley Residents Association,
Represented by its General Secretary,
Kochi.

...Applicant(s)

Versus

Union of India,
MoEF&CC
Rep. by its Deputy General of Forests (C),
Bangalore and Ors.

...Respondent(s)

Date of hearing: 18.07.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Mr. P.B. Sahasranaman.

For Respondent(s):

Mr. L. Suryaprabhu represented
Mr. G.M. Syed Nurullah Sheriff for R1.
Mrs. Vidyalakshmi Vipin for R2.
Mrs. Niveditha S Menon represented
Mrs. V.K. Rema Smrithi for R3.

Mr. G. Vignesh represented
Mr. E.K. Kumaresan for R4.
Mr. Jamal Sulaiman for R5.
Mr. Abraham Joseph Markos for R6.

ORDER

1. This case pertains to the storm water drain being constructed which is not able to take full capacity of the water after the projects of the 6th Respondent as well as Info Park which was permitted to be developed.
2. The 6th Respondent (M/s. Prestige Estates Projects Limited) has also filed its reply wherein, it is stated that the narrower drain within or on either side of the applicant's property and on the Info Park side is a matter to be addressed by the applicant or local authorities.
3. Regarding the compliance of the conditions in the Environmental Clearance (EC), it is for the State Environment Impact Assessment Authority (SEIAA) – Kerala to take action. In fact, the SEIAA – Kerala has filed its report stating that the project proponent had not submitted the half-yearly compliance report which the project proponent was directed to submit within one month along with the explanation for the allegations made in the complaint.
4. Though the 6th Respondent would have complied with all the conditions imposed in the Environmental Clearance (EC), now the issue to be addressed is about the storm water drain.

5. Admittedly, the existing storm water drain does not have the carrying capacity after these developments have happened. The Thrikkakara Municipality (Respondent No.5) which granted the approval or permission to such kind of development should have the vision to address these issues and accordingly instructed the developers to construct the storm water drain and connect the same.
6. The learned counsel appearing for the District Collector would submit that the existing storm water drain is also narrower than the newly constructed drain which impedes the free flow of water.
7. The Thrikkakara Municipality has yet to file a reply. Unless the Thrikkakara Municipality inspects and files a report in this regard, it will not be known whether the project proponent had violated any of the building rules, whether they have complied with the Environmental Clearance conditions, etc. The Thrikkakara Municipality which is the local authority has to address the issue of storm water drain.
8. Given a last chance to the Thrikkakara Municipality to advert to all the replies filed by the other respondents and file a detailed reply to the allegations made in the application. If there is any difficulty, the Thrikkakara Municipality also has to furnish a workable solution in this regard. Let the Municipality take the issue escalated to the District Collector and an amicable solution be arrived at to address the issue raised by the applicant.

9. Let the matter be listed again on 25.08.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.17/2023 (SZ),
I.A. No.24/2023 (SZ)
18th July, 2023. Mn.

