

**Item No.1:-**

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

***Tuesday, the 01<sup>st</sup> day of April 2025.***

[Through Physical Hearing (Hybrid Option)]

**Original Application No.126 of 2023 (SZ)**

IN THE MATTER OF

**1) K. Saravanan**

S/o. Kasinathan  
Aged about 37 years,  
No.30, Urur Kuppam,  
Beasant Nagar,  
Chennai – 90.

**2) M. Yuvadeeban**

S/o. Maragret Lawrence,  
Aged about 26 years,  
B2, Ramaniyam Marvel,  
Seshadripuram,  
1<sup>st</sup> Main Road,  
Velacherry, Chennai – 42.

...Applicant (s)

***Versus***

**1. The Tamil Nadu Coastal Zone Management Authority**

Rep. by its Member Secretary,  
No.1, Jeenis Road,  
Panagal Building,  
Ground Floor, Saidapet,  
Chennai – 600 015.

**2. The Tamil Nadu State Highways Department**

CKICP Complex, HRS Campus,  
No.76, Sardar Patel Road,  
Guindy, Chennai.

**3. KNR Constructions Limited**

SF No.162/3A1,  
Kalyanapuram Village,  
Chetpet Taluk,  
Thiruvannamalai District.

**4. The Additional Chief Secretary**

Department of Highways and Minor Ports,  
Secretariat, Chennai – 600 009.

*(R4 was Suo Motu impleaded as per Order dt.16.10.2023)*

...Respondent(s)

For Applicant (s): M/s. A. Yogeshwaran and B. Poongkhulali.

For Respondent(s): Dr. D. Shanmuganathan for R1, R2 & R4.

**Judgment Reserved on: 26<sup>th</sup> March, 2025.**

**CORAM:**

**HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER**

**HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

### **J U D G E M E N T**

*Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member*

**1.** The issue in the Original Application relates to the upgradation of the existing road to two-lane with paved shoulders across the Odiyur Lagoon. It is contended that this road branches off the ECR at Panayur and connects Cheyyur, running across the lagoon at about 1 Km length. The said road has been laid by filling the lagoon, creating an embankment with the road laid on top of this with only two bridges of span around 30 – 40 meters have been provided for the flow of water. Due to this, the tidal exchange has been severely interfered with and water does not flow easily to the other side.

**2.** It is also contended that the existing road itself is illegal and ought to have been built on stilts which would not have comprised with tidal exchanges and flow of water. The said project is supposed to be under the Chennai – Kanniyakumari Industrial Corridor Project (**CKICP**). The existing road is being widened to a two-lane with paved shoulders and works were begun where the road branches off from the ECR.

**3.** Except for a length of about 80 meters covered by the two bridges, the entire length of 820 metres (assuming the length of the road across the lagoon is 900 metres) is embanked, where no tidal exchange can take place. It is to be noted that the Odiyur lagoon is a shallow coastal lagoon which is extremely ecologically

significant. It is not like a fast-flowing river. Tidal waters from the sea enters the lagoon through the Thazhuthali Kuppam estuary through a narrow neck and spreads through the lagoon. Thus, the embanked / filled in stretches prevent water from reaching the part of the lagoon to the south west of the road.

**4.** It is further contended by the applicants that there are several streams flowing into the south west portion of the lagoon and during monsoons, flood waters drain into the lagoon, filling the area with water. This is not to be mistaken to mean that the existing bridges permit uninterrupted tidal exchange, which they evidently do not. Obstruction of sediment flow will suffocate benthic life which is essential for the lagoon being a bird hotspot and seagrass habitat.

**5.** The subject road was constructed in 2014, much after the CRZ Notification, 2011 came into force on 06.01.2011. Thus, the embankments created through the lagoon, except for the two small 40 metre long bridges, are completely illegal. No equity can be claimed by the Respondents. If the embankment were not present, water will find its way depending on the gradient of the lagoon. As on date, except when the run off from surrounding areas is received in the south west area of the lagoon, this side of the lagoon is not filled with water. As the dry season sets in, the drying up of this portion of the lagoon is sooner than the area on the other side, thus destroying critical ecosystems required for the sustenance of birds, which populate the lagoon till April in some cases.

**6.** The applicants have also pointed out that the lagoon is an important bird area – it is an important wintering ground for migratory species like Northern Pintail, Garganey, Wigeon, Sand Plover etc which come here in tens of thousands. It is also a recorded foraging and roosting area for protected species such as the spot billed pelican, black headed ibis etc. Any activity like converting and construction of a road inside the wetland is prohibited by law and will disturb birdlife and the ecosystem of the lagoon. A report by BNHS and MNS on the Odiyur lagoon states that the Odiyur wetland is known to support around 77 waterbird species (excluding wagtails and pratincole species that use the

margins of the wetland). These include resident and seasonal migrants (which breed elsewhere in the region), and winter migrants (species that breed in the Palearctic/Himalayas region and spend the winter in the Indian region). Among these, there are eight species which are on the threatened list of 42 bird species of India as per Birdlife International/IUCN's (2011). It is submitted that this wetland has to be protected for its biodiversity. The area on both sides of the road is a site where thousands of birds congregate.

**7.** The applicants have also pointed out that the said road is in violation of the CRZ Notification, 2011, particularly as per Clause 8 (i) (IV), which makes it clear that filling in the tidally influenced waterbody is not a permitted activity and the only legal permissible way to construct the subject road is to construct it on stilts. It is further pointed out that the lagoon area is also a mapped wetland under the 2011 National Wetland Inventory Assessment (NWIA) and is entitled to protection from any conversion as per the order of the Hon'ble Supreme Court dated 04.10.2017 in W.P. (C) No.230 of 2001.

**8.** The applicants' further contention is that this Tribunal has taken note of the order of the Hon'ble Supreme Court and issued directions for the protection and preservation of wetlands vide Order dated 05.07.2021 in O.A. No.360 of 2018 and Order dated 25.11.2021 in O.A. No.351 of 2019.

**9.** It is further contended by the applicants that the present road project is an opportunity to build a bridge for the entire distance the road intersects the lagoon to ensure the lagoon is protected better and tidal exchange is maintained.

**10.** A search of the website did not yield any results for any clearance under the CRZ Notification, 2011 and no recommendation by the 1<sup>st</sup> Respondent was also found for the subject project.

**11.** From the above, it is clear that even the existing structures are in violation of the CRZ Notification, 2011, as contended by the learned counsel for the applicants. It is also

contended by the learned counsel that the existing road is likely to be widened to make it a two-lane road, though the Highways Department has not made any submissions regarding the proposed widening of the bridge.

**12.** Hence, the above Original Application is filed seeking the following reliefs:-

"a. Direct Respondents 2 and 3 to construct the ECR link (ODR) Cheyyur - Panayur road passing through the Odiyur, lagoon on stilts i.e. a bridge to ensure tidal exchange and free flow of water, in strict compliance with the CRZ Notification, 2011.

b. Direct respondents 2 and 3 to demolish and remove the existing embankment, the existing road on the embankment and restore the area to its original condition.

c. Direct the respondents to remove all construction, demolition debris from the lagoon and ensure that the hydrology, gradient, nature of sediment etc of the lagoon are not impacted / altered."

**13. Respondent No.2 viz., Tamil Nadu State Highways Department,** in its report dated 21.12.2023, states that the project is an upgrading and widening of an existing road and is not a new project. It is stated that a detailed technical report has been received from the Divisional Engineer (H), C & M, Chengalpattu for the construction of a High Level Bridge (HLB) in the entire lagoon area. It is stated that a detailed investigation and survey were conducted as per the traffic census across the lagoon area during the year 2010 and mentioned that there are two ways for the construction of HLB in the lagoon area. One is constructing a HLB for the entire length of the lagoon i.e. 900m and the cost comes to Rs. 45 Crores in 2010 itself. Therefore, it was intended to construct the HLB where the velocity of water is high. In this case, water will stagnate and rise/low according to the tides of the sea and does not have velocity. Secondly, constructing the balancing culvert to the approach road so as to maintain the water level on both sides and the cost comes to around Rs. 3.30 Crores which is suitable for the existing condition.

**14.** The report also cites the Michaung cyclone where there is heavy rainfall recorded at Cheyyur which is about 84.50 mm. The report says even during that time, there was no breach

occurred in the CRZ area and the tidal exchanges are done frequently through this balancing bridge at this location.

**15.** Considering the above aspects, the report finally stated that the construction of HLB for the entire Lagoon i.e. 900m by dismantling the existing newly constructed bridges which are found in good condition is not warranted at present and will lead to loss to the Government exchequer.

**16.** Not being satisfied with the report filed by the Divisional Engineer (Highways), CKICP, Vandavasi, the Tribunal has impleaded the Additional Chief Secretary to Government, Department of Highways and Minor Ports as additional Respondent No.4, who has filed a report dated 31.01.2024, reiterating the technical report filed by the Divisional Engineer (H), C&M, Chengalpattu and stated that the construction of the HLB for the entire lagoon area i.e. 900 meters by dismantling the existing newly constructed bridges which are found in good condition is not warranted at present and will lead to loss to the Government exchequer.

**17.** Subsequently, one more report dated 10.05.2024 was filed, wherein it was submitted that necessary steps would be taken for the construction of additional vents in the CRZ IB area. However, in their report dated 07.11.2024, the Highways Department has stated that the consultant, engaged by them to study the issue, recommended that the existing two minor bridges at Km 2/8 and Km 3/2 are sufficient, as they are acting as balancing bridges in the backwater area and the provision of additional vents will not have any impact or change in the water flow. The same stand was reiterated again in the report dated 24.03.2025 filed by the State Highways Department (Respondent No.2).

**18. Respondent No.1/Tamil Nadu State Coastal Zone Management Authority (TNSCZMA),** in its report dated 17.04.2024, based on the site inspection conducted on 12.03.2024, has noted that the road falling largely within CRZ I B and CRZ IV B areas, should have been built on stilts rather than embankments. The road traverses on the Odiyur Lagoon and



embankment and stretch of 900 Meters, there are two existing minor bridges each measuring 4 x 8.5 Meters, as reported by the Highways Department. These bridges facilitate the flow of water from one side of the lagoon to the other and were reportedly constructed in 2014. It was also pointed out that the Bridge 1 is located in the CRZ – 1B (intertidal zone) area within Sy.Nos.312, 121 and 527 and Bridge 2 is situated in both CRZ – IB and CRZ – IV B (water area of the lagoon) areas within Sy. No.526. During the inspection, no construction activity was observed and it was confirmed by the Highways Department that no road expansion work had been carried out, but only relaying of existing road was carried out. The inspection team also found a new bridge of size 2 x 7 meters at a distance of 700 meters from Bridge 2 in Sy. No.502. According to the Highways Department, the vent underneath this bridge also facilitates water flow in the lagoon.

**19.** However, the Tamil Nadu SCZMA's report is silent on whether the said bridge was constructed with necessary clearances from the SCZMA, as they fall within the CRZ – I area. The Highways Department has also not furnished details of any clearance obtained from the SCZMA.

**20.** Heard the learned counsel appearing for the applicants as well as the respondents.

**21.** Even going by the above report, the Highways Department itself had suggested the first option to construct the HLB for the entire length of the lagoon i.e. 900m. It appears that the only constraint is the cost factor. For the first option, they have stated Rs.45 Crores and for the second option, it is only Rs.3.30 Crores. But exercising the first option by building a HLB for 900m is ideal even as per the report.

**22.** The contention of the Highways Department that the two bridges are serving the purpose of free flow of water and that due to heavy rainfall of 84.50 mm during the Michaung Cyclone, structures have not been impacted, are unacceptable, as by no stretch of imagination 84 mm can be considered as heavy rainfall. As per the IMD's rainfall classification, 64.5 to 124.4 mm/day is classified as 'heavy rain'; 124.5 mm to 244 mm/day is classified

as 'very heavy rain' and if it exceeds 12 Cm/day, it is classified as 'exceptionally heavy rain'.

**23.** It may not be out of place to mention that due to the impact of climate change, cloud bursts have become very common. During this, very heavy rainfall and extremely heavy rainfall are common, which may have an impact on the structures, as a large portion of the road is laid on the embankment on either side of the two minor bridges, which impound the water preventing its free flow to ensure the tidal exchange with the brackish water lagoon. The construction of embankments will prevent free sheet flow of water and over a period of time, the water spread area on the downstream side of the embankment may not receive adequate water, altering the character of the wetland.

**24.** Therefore, the contention of the Highways Department is rejected. Even if, for a moment for the sake of argument, the contention of the Highways Department is accepted, their case is weakened as they have not obtained clearances from the competent authorities and the said road has not been laid on stilts as required by the CRZ Notification, 2011.

**25.** The existing bridge does not have necessary clearances, though it falls within the CRZ area, part of it being in CRZ – IB and part of it in CRZ – IVB.

**26.** Clause 8 (i) (I) of the CRZ Notification, 2011 is usefully extracted below:-

**"8.** Norms for regulation of activities permissible under this notification,-

**(i)** The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

**I. CRZ-I,-**

... ..

**(ii)** Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

**(a)** exploration and extraction of natural gas;



**(b) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, [erosion control measures] water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.**

... ..

**(g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water."**

**27.** Clause 8 (i) (I) (ii) of the 2011 Notification makes it clear that in CRZ IB areas, under (b) roads can be constructed only for the use of traditional inhabitants living within the biosphere reserves. This area is not a biosphere reserve and the road is not for traditional inhabitants. Further, Clause (g) stipulates that roads can be built on stilts without affecting tidal flow of water.

**28.** It is held that the existing bridge itself is an illegal construction. Since it is an illegal construction, this Tribunal can order its removal. However, taking into consideration that this road has been serving the general public that too from the year 2014, demolition of the road is not ordered. It is made clear that the existing arrangement is only an interim measure to ensure that the work can be carried out quickly as well as at a reasonable cost. Till such time the elevated bridge on stilts is constructed, usage of the existing road can be permitted only if additional vents are provided in the existing road to cover the entire length of the road through the lagoon area, as an interim measure.

**29. In view of the reasons stated supra,**

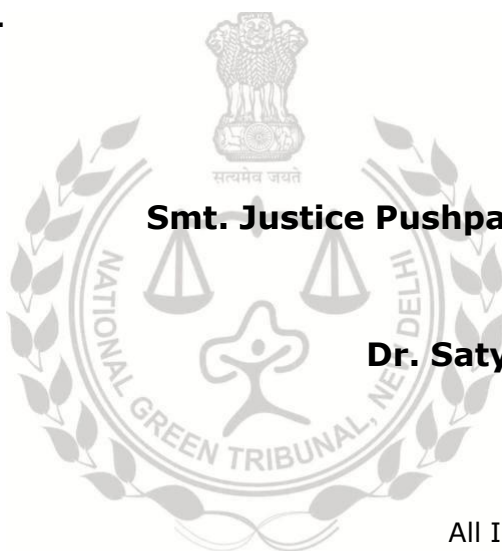
**(I)** The Tamil Nadu State Highways Department is directed not to widen the existing road to make it a two-lane road.

**(II)** The Tamil Nadu State Highways Department is directed to provide additional vents in the existing road after getting necessary clearances from the Tamil Nadu SCZMA within a period of 6 (Six) months.

**(III)** The Tamil Nadu State Highways Department is directed to explore the possibility of building a new elevated bridge, which can be two-way by following norms stipulated in the CRZ Notification in force.

**30. With the above directions, the Original Application [O.A. No.126 of 2023 (SZ)] is disposed of.**

**31.** The Tamil Nadu State Highways Department (Respondent No.2) is directed to file the compliance report within a period of 3 (Three) months, indicating the number of vents proposed to be provided, funds sanctioned and the timeline for completion.



**Sd/-**  
**Smt. Justice Pushpa Sathyanarayana, JM**

**Sd/-**  
**Dr. Satyagopal Korlapati, EM**

Internet – Yes/No

All India NGT Reporter – Yes/No

**O.A. No.126/2023 (SZ)**  
**01<sup>st</sup> April, 2025. Mn.**

**NGT**