



Water Resources Department,
Secretariat,
Chennai-9.

Letter No. 2539/R2/2024-3, dated. 27.06.2024

From
Dr.Sandeep Saxena, I.A.S.,
Additional Chief Secretary to Government

To
The Additional Chief Secretary to Government,
Environment, Climate Change & Forests Department, Secretariat, Chennai-9 (w.e)
The Additional Chief Secretary to Government,
Highways and Minor Ports Department, Secretariat, Chennai-9 (w.e)
The Principal Secretary to Government,
Municipal Administration and Water Supply Department, Secretariat, Chennai-9 (w.e)
The Principal Secretary to Government,
Rural Development and Panchayat Raj Department, Secretariat, Chennai-9 (w.e)
The Secretary to Government,
Revenue and Disaster Management Department, Secretariat, Chennai-9 (w.e)
The Engineer-in-Chief and Chief Engineer (General),
Water Resources Department, Chennai -5(w.e)
All District Collectors (w.e)
The Director/ Chief Executive Officer,
TNeGA, Chennai-2.(w.e)

Sir/Madam,

Sub: Water Resources Department- Formulation of guidelines for granting No Objection Certificate / Permission to use the Water Resources Department lands to the agencies in compliance with the order of Hon'ble Madurai Bench of Madras High Court - Meeting by Chief Secretary to Government on 07.06.2024 at 3.30 P.M., at Chief Secretary Conference Hall – Minutes – Communicated - Regarding.

Ref : 1. Order of the Hon'ble Madurai Bench of Madras High Court in WP(MD) Nos. 31214 & 31221 of 2023 and WMP(MD) Nos. 26742, 26743, 26745 and 26752 of 2023, dated 07.03.2024.
2. Minutes of the meeting convened by the Chief Secretary to Government on 16.04.2024 at 3.30 PM to discuss the order of the Hon'ble Madurai Bench of Madras High Court in WP(MD) Nos.31214 and 31221 of 2023 and WMP(MD) Nos.26743 and 26752 of 2023, dated 07.03.2024

3. Government Letter No. 2539/R2/2024- 2, Water Resources Department, Dated: 04.06.2024
 4. From the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai Letter No.S7(2)/ 50275/ MR-CC/31214 & 31221 of 2023/Committee- Guidelines for issuing NOC/ OT4/ 2023, dated 13.06.2024
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I am directed to enclose a copy of the Minutes of the Meeting conducted by the Chief Secretary to Government, on 07.06.2024 at 3.30 P.M. at Chief Secretary Conference Hall, Secretariat, Chennai-9 for Formulation of Guidelines for granting No Objection Certificate/ Permission to use the water course poramboke lands for the Development Projects in compliance with the order of the Hon'ble High Court vide reference 1st cited, for information and necessary action.

Yours faithfully,

J. m.s
27.06.2024

for Additional Chief Secretary to Government

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27/06/2024*

Copy to-

All Regional Chief Engineers, Water Resources Department. (w.e)
Water Resources (Q, K,N) Department, Secretariat, Chennai-9 (w.e)

Minutes of the Meeting convened by the Chief Secretary to Government, for Formulation of Guidelines for granting No Objection Certificate/ Permission to use the water course poramboke land for the Development Projects on 07.06.2024 at 3.30 P.M. at Chief Secretary Conference Hall, Secretariat, Chennai -9.

The Chief Secretary to Government convened a meeting to finalise the draft guidelines for granting No Objection Certificate/Permission to use the water course poramboke land for the Development Projects on 07.06.2024 at the Chief Secretary's Conference Hall, 2nd Floor, Secretariat to comply with the Judgement of the Hon'ble Madurai Bench of Madras High Court in its order dated 07.03.2024 in WP(MD) Nos. 31214 & 31221 of 2023 and WMP(MD) Nos. 26742, 26743, 26745 and 26752 of 2023. List of participants is enclosed as annexure.

2. The Hon'ble Madurai Bench of Madras High Court in its above order directed the Government among others that the Development Projects to be conceived and implemented in a manner not to affect the integrity of the water bodies in any manner and the water bodies including tank bunds shall be maintained intact and also proper distance shall be reserved.

3. In order to take further course of action to implement the above directions of the Hon'ble Court, first meeting was convened by the Chief Secretary to Government on 16.04.2024. During that Meeting, it was decided to formulate proper framework to monitor the health and hydrology and integrity of water body and to maintain integrity of water body and to develop suitable guidelines when any project is implemented through any water body.

4. Accordingly, draft guidelines have been formulated by a committee which is constituted by the Engineer-in-Chief and Chief Engineer (General), Water Resources Department.

5. In order to finalise the guidelines, the Chief Secretary to Government has conducted this second meeting on 07.06.2024.

6. The Additional Chief Secretary to Government, Water Resources Department welcomed all the participants and stated that the guidelines

once finalised in accordance with the directions issued by the Hon'ble Court, need to be applied uniformly for all the departments.

7. The Additional Chief Secretary to Government, Water Resources Department briefed that as various departments have made request in the meantime for granting No Objection Certificate from Water Resources Department for their projects which are kept under examination and decisions will be taken early by Water Resources Department based on the outcome of this meeting.

8. To suggest draft guidelines in this regards, a committee was constituted under the Chairmanship of Engineer-in-Chief and Chief Engineer (General), Water Resources Department which has submitted it's recommendation on the subject.

9. The Additional Chief Secretary to Government, Water Resources Department requested the Engineer-in-Chief and Chief Engineer (General), Water Resources Department to make power point presentation on the draft guidelines for granting No Objection Certificate / Permission to use the Water Resources Department land.

10. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department made a presentation on the draft guidelines suggested by the committee for granting No Objection Certificate/ Permission to use the water course poramboke land for the Development Projects.

11. Detailed deliberation were then made on the following points as was directed in the judgement:

- a. Developing a dedicated Website containing all the exhaustive details of water bodies.
- b. Removal of existing encroachments in all the water bodies in a time bound manner.
- c. Cancellation of Patta issued in respect of water bodies issued after 01.01.2000.
- d. Guidelines for issuing No Objection Certificate to Development projects across water bodies.

A. Dedicated Website containing all the exhaustive list of water bodies

The Engineer-in-Chief and Chief Engineer (General), Water Resources Department submitted that the development of dedicated Website containing all the exhaustive list of water bodies under the control of Water Resources Department, is under process.

The Additional Chief Secretary to Government informed that, in its order, a time span of six months has been given by the Court (i.e) from 07.03.2024 and for the website being developed, the Commissioner of Land Administration was requested in last meeting by the Chief Secretary to Government, to formulate the format of the website. It was further decided that the water body data is to be uploaded in two steps, first as per the revenue records and second as per Ground truthing done by the department along with the Revenue and Disaster Management Department under the supervision of the District Collector.

The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai informed that as decided in earlier meeting, the Front-end of the Website for public viewing alone is being developed by Water Resources Department, whereas all the necessary data of water bodies has to be uploaded by the Revenue Department on the portal which will be developed by TNNeGA.

The Chief Secretary to Government directed that whenever the linear development projects like roads cross water bodies, it should be constructed as elevated crossings without affecting the integrity of the water body.

B. Removal of Existing encroachments in all the water bodies

Regarding the eviction of existing encroachments in all the water bodies, the Chief Secretary to Government, directed to remove all the encroachments in water bodies including the residential after providing proper rehabilitation to them in a time bound manner.

The Chief Secretary to Government, further stated that the encroachments exist in various forms such as by Cultivation, Residential, Commercial, Roads, Government Buildings, etc. so the District Collectors

may be directed to collect the details of encroachments in various forms and to start eviction, which are by way of cultivation and the commercial structure, whereas encroachments in the form of residents may be done in a phased manner considering the humanitarian issues.

It was decided that the Secretary to Government, Revenue and Disaster Management Department to inform the Additional Advocate General (AAG) to apprise the Hon'ble Court about the district wise and category wise encroachment details and sensitize the Court about the challenges faced by the administration in removal of encroachments in the given time limit fixed and file petition for extension of time limit with the Hon'ble Court.

The Chief Secretary to Government further stated that the District Collectors may be sensitized to collect and provide the details of encroachments in their respective districts and to lead the process of eviction of encroachment in their respective districts.

C. Cancellation of Patta issued in respect of water bodies issued after 01.01.2000.

The Chief Secretary to Government instructed the Secretary to Government, Revenue and Disaster Management Department to seek Advocate General (AG) opinion on the Hon'ble High Court's direction to cancel Pattas issued in respect of water bodies after 01.01.2000 and take necessary action to file appeal as in its present form it will be difficult to implement the Court order.

D. NOC to Development projects across water bodies

The Additional Chief Secretary to Government, Highways and Minor Ports Department informed that balancing culverts/bridges are being made by Highways for crossing the water bodies by considering the cost impact of elevated Highways project.

Though, it is inevitable to have a road project crossing the water bodies, the Additional Chief Secretary to Government, Water Resources Department opined that the Highways Department may consider elevated structure over the water bodies. Though the cost may be relatively more

but considering the cost for Land Acquisition, if the route is taken through patta land, the project cost will be less. Elevated structures will help in preserving the integrity of the water bodies.

Concurrence of the District Collector may be obtained regarding inevitability of the use of water course poramboke land for the development projects. District Collector should issue the inevitability certificate based on the inputs of the project implementing department, site conditions and based on his/her own assessment of the situation.

The Additional Chief Secretary to Government, Highways and Minor Ports Department raised concern about the proposal of getting No Objection Certificate from Water Resources Department well in advance, before the preparation of Development projects, as the alignment of the project will be decided only during the Detailed Project Report (DPR) preparation. On deliberations, it was decided that if the developmental projects crossing the water bodies are involved, mandatory consultation with the Water Resources Department should be made during the Detailed Project Report (DPR) preparation.

The Additional Chief Secretary to Government, Water Resources Department informed that as per Hon'ble Court direction the integrity of the water body has to be maintained therefore, the department seeking No Objection Certificate should get a study conducted on the impact of project on the integrity of water body from Technical, Social and Ecological dimension and undertake mitigatory measures to ensure that the integrity of the water body is maintained. The study and cost of mitigation measures to maintain integrity of water body should be part of the Detailed Project Report (DPR). The Water Resources Department's Engineer will make compulsory inspection along with the officials of requesting Department before they finalise the Detailed Project Report (DPR).

The Additional Chief Secretary to Government, Highways and Minor Ports Department observed that in case of major projects, the mitigation measure will form a part of the development project and will be

implemented by the Agency executing the project. The Additional Chief Secretary to Government, Water Resources Department expressed the concern that some of the projects are completed without taking mitigation measures as per the conditions of the No Objection Certificate given by the Water Resources Department and hence suggested that the Project Proposing Department / Water Resources Department to mutually decide whether Project Proposing Department/Agency or Water Resources Department will execute the Mitigation measures, on case to case basis. However, the cost has to be fully met by the Project Proposing Department/Agency.

The Chief Secretary to Government instructed Water Resources Department to create an Online Portal for Project Proposing Departments/Agencies to apply for grant of the No Objection Certificate. The Additional Chief Secretary to Government, Water Resources Department directed the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai to send a proposal to develop the same in consultation with TNNeGA.

The Additional Chief Secretary to Government, Environment, Climate Change and Forests Department observed that in spirit with the Court direction, the Government may identify and prepare a list of wetlands / repository of water bodies essential for the survival of the local community, which was experienced during the recent flood, as a step towards sustainability and the water security of the State, where any development projects of any Agency / Department will not be permitted at any time.

12. After elaborate discussion, the following decisions were taken in the meeting:-

1. TNNeGA will develop a portal with dedicated Website containing an exhaustive list of all water bodies in the State of Tamil Nadu in consultation with the Commissioner of Land Administration and the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai. The Revenue and Disaster Management Department will migrate the data of the water bodies in Revenue records on the above portal along with the water bodies

data provided by the Water Resources Department. The data so migrated will be verified on the ground by the District Collectors after verification of the details to be made available on the website to public as directed by the Hon'ble Court. (**Action: Revenue and Disaster Management Department, Water Resources Department, Rural Development and Panchayat Raj Department, TNNeGA**)

2. Regarding the eviction of existing encroachments in all the water bodies, the TNNeGA will make provision in the portal to migrate/enter the existing water bodies encroachment details by Water Resources Department / Revenue and Disaster Management Department and make provision to monitor the eviction of encroachments by the District administration along with Water Resources Department officials. District Collectors will lead the exercise for eviction of the water body encroachments including habitants after providing proper rehabilitation in coordination with Water Resources Department. Further, Water Resources Department and Revenue and Disaster Management Department shall not permit any new encroachment. (**Action: Revenue and Disaster Management Department, Water Resources Department, TNNeGA**)
3. The Secretary to Government, Revenue and Disaster Management Department to file appeal against the direction of cancelling Pattas issued in respect of water bodies after 01.01.2000 in consultation with the Advocate General. (**Action: Revenue and Disaster Management Department, AAG**)
4. Regarding NOC for the Development Projects, the Project Proposing Department /Agency should:-
 - a. Prepare the DPR in consultation with the Water Resources Department. Compulsorily have a joint inspection with the Water Resources Department in the planning stage itself.
 - b. The DPR should contain a study report on impact of the project on Hydrology, Geomorphology, Functionality, Water Quality, Environmental, Sociology and Ecology of the water body, owing to the execution of Development Project and various mitigation measures to be undertaken to ensure the integrity of the Water Body. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai shall draw up a panel of competent expert Agency/ Organisation who shall conduct such Techno-Socio-Ecological impact study. The Project Proposing Department /Agency shall make provision of necessary fund to carry out the remedial measures.
 - c. The inevitability to use the water course poramboke land for the Development Project, should be issued by the District

Collector based on the inputs received from the concerned project implementing department, considering the site condition and based on his/her own assessment of the situation. The Water resources Department will examine and accept/reject according to the merits of the case. **(Action: Project Proposing Department /Agency)**

5. The buffer zone and then set back area of various Water bodies to be classified and defined by the Water Resources Department. **(Action: Water Resources Department)**
6. Mitigation measures, if any, to be carried out by the Project Proposing Department/Agency or Water Resources Department on case to case basis. **(Action: Project Proposing Department /Agency)**
7. To create an Online Portal for regularizing the activities for processing NOC application. **(Action: Water Resources Department, TNNeGA)**
8. The approval for the NOC proposal may be issued by the Water Resources Department within 30 days, only when the NOC Proposal received is in complete shape with all necessary particulars as per the stipulated guidelines. **(Action: Water Resources Department)**

The meeting ended with vote of thanks by the Additional Chief Secretary to Government, Water Resources Department.

**Shiv Das Meena,
Chief Secretary to Government**

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S. Meena
27-06-2024
Section Officer

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27/06/2024*

Annexure

List of Participants

1. Mr.N.Muruganandam, IAS, Additional Chief Secretary / Secretary (I) to Honourable Chief Minister.
2. Dr.Sandeep Saxena, IAS, Additional Chief Secretary to Government, Water Resources Department.
3. Mrs.Supriya Sahu, IAS, Additional Chief Secretary to Government, Environment, Climate Change and Forests Department.
4. Mr.Pradeep Yadav, IAS, Additional Chief Secretary to Government, Highways and Minor Ports Department.
5. Mr.P.Senthilkumar, IAS, Principal Secretary to Government, Rural Development and Panchayat Raj Department.
6. Mr.D.Karthikeyan, IAS, Principal Secretary to Government, Municipal Administration and Water Supply Department.
7. Mr.V.Rajaraman, IAS, Secretary to Government, Revenue and Disaster Management Department.
8. Er.K.Murugan, Special Secretary to Government, Water Resources Department.
9. Mr.G.Sathyanarayana, Additional Secretary to Government, Water Resources Department.
10. Er.K.Asokan, Engineer-in-Chief & Chief Engineer (General), Water Resources Department.
11. Er. A.Kannan, Special Chief Engineer, Water Resources Department, Palar Basin Circle.
12. Er.G.Podupani Thilagam, Joint Chief Engineer (General), Water Resources Department.
13. Er.S. Ramesh, Joint Chief Engineer (Irrigation), Water Resources Department.
14. Mr.P.Sundarapandian, Superintending Engineer, Revenue and Disaster Management Department.

**Shiv Das Meena,
Chief Secretary to Government**

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S. Meena
27.06.2024
Section Officer

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