



ABSTRACT

Water Resources Department – Issuance of ‘Permission to Use’ the Water Resources Department’s land to Highways Department for Construction of Vaigai River North Bank Road, Km 0/0 – 8/0 from Kamarajar Bridge to Varanasi – Kanniakumari Road (NH 44) near Samayanallur in Madurai District - Orders - Issued.

Water Resources (R2) Department

G.O. (4D) No.45

Dated: 11.09.2024

குரோதி, ஆவணி 26,
திருவள்ளுவர் ஆண்டு, 2055

Read:

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. Government Letter No.2539/R2/2024-3, Water Resources Department, dated 27.06.2024
 3. Inevitability Certificate from the District Collector, Madurai, dated 18.07.2024
 4. From the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai letters No.S7(2) / 29147 / MR-NOC-Highways Department / Vaigai River North Bank Road near Samayanallur / OT4/ 2024, Dated: 23.08.2024 and 06.09.2024
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ORDER:

In the letters fourth read above, the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai has sent the following proposal for issuance of ‘Permission to Use’ the Water Resources Department’s land to Highways Department for Construction of Vaigai River North Bank Road, Km 0/0 – 8/0 from Kamarajar Bridge to Varanasi – Kanniakumari Road (NH 44) near Samayanallur in Madurai District: -

- (i) The Chief Engineer, Water Resources Department, Madurai Region has recommended the proposal for obtaining necessary approval from the Government for granting No Objection Certificate to the Highways Department for the work of “Construction of Vaigai River North Bank Road Km 0/0 – 8/0 from Kamarajar Bridge to Varanasi – Kanniakumari Road (NH 44) near Samayanallur” based on the requisition of Highways Department by stating the following importance of this project.
- (ii) Madurai, the ancient temple city is the second largest city in the State of Tamil Nadu.

- (iii) The river Vaigai splits the city as Northern and Southern Madurai.
- (iv) Most of the traffic in Northern part and Southern part of Madurai city easily access to the Chennai - Tuticorin and Varanasi - Kanniyakumari National Highway (NH 44).
- (v) All the Government offices, Hospitals, Colleges are situated in northern Madurai and all the ancient temples, market centers, residential areas are situated in Southern Madurai. Hence this bank road makes easy access.
- (vi) During the famous Chithirai festival of Lord Kallalagar, pilgrims throughout the Vaigai River Bank road plays a vital role in Madurai traffic management system.
- (vii) The traffic congestion is heavy in Madurai city in recent years. In order to avoid accidents occurring due to heavy traffic congestion especially during the peak hours., it is necessary to construct the Vaigai river North Bank road to Varanasi- Kanniyakumari National Highway (NH 44).
- (viii) Based on the requisition of Highways department, a joint inspection was conducted by the Superintending Engineer, Executive Engineer, Assistant Executive Engineer and Assistant Engineer of Water Resources Department on 21.02.2023 along with the Superintending Engineer (Highways), Divisional Engineer (H), Assistant Divisional Engineer (H), Assistant Engineer (H) & the Consultant.
- (ix) In connection with this project , the Honourable Ministers for Finance Department and Highways Department inspected the site on 05.03.2023 along with the officials of Highways and Water Resources Departments.
- (x) A review meeting headed by the Honourable Chief Minister of Tamil Nadu was conducted at District Collector's office Madurai on 06.03.2024 and instructed to take necessary action to execute the said work quickly.
- (xi) The Superintending Engineer, Water Resources Department, Periyar Vaigai Basin Circle, Madurai made the following observation based on the site inspection:
 - I. The road in the left side Bank of Vaigai River for the length of 8.00 km is to be laid over the Earthen bund formed to the required level above M.F.L with 1:1½ slope.
 - II. Newly formed Earthen bund may not withstand heavy floods that occur in the Vaigai River with the maximum discharge of 1,08,000 cusecs.
- (xii) The Superintending Engineer, Water Resources Department has given suggestions to the Highways Department to modify and design the proposal by considering the Maximum Flood Discharge of 1,08,000 cusecs in Vaigai River with necessary RCC retaining wall.
- (xiii) Based on the suggestion, the Highways department revised the proposal and has obtained the Revised Administrative Sanction for the above

- work for an amount of Rs.176.00 crore under Comprehensive Road Infrastructure Development Programme (CRIDP) .
- (xiv) Meanwhile, the Hon'ble High Court vide its judgement dated 07.03.2024 in WP(MD) Nos.31214 & 31221 of 2023 and WMP(MD) Nos.26742, 26743, 26745 & 26752 of 2023, has given direction that "the Development Projects will be conceived and implemented in a manner not to affect the integrity of the water bodies in any manner. The water bodies including tank bunds shall be maintained intact and proper distance shall be reserved".
- (xv) Accordingly, decisions were taken during the meeting chaired by the Chief Secretary to Government on 07.06.2024 for issuing NOC for Development Projects.
- (xvi) Construction of North Bank road in Vaigai river, will not affect the Maximum Flood discharging capacity, since the proposed road level is above the Maximum Flood Level and also the road is to be formed along the river bank without encroaching the existing waterway.
- (xvii) Formation of this road on the river bank will prevent the waterbodies being encroached and also the bank will get strengthened.
- (xviii) The Detailed Project Report has been prepared and Administrative Sanction, Revised Administrative Sanction have been accorded for the above said work well before the direction issued by the Hon'ble Madurai Bench of Madras High Court on 07.03.2024.
- (xix) The District Collector has issued the inevitability certificate for the above work and the Divisional Engineer (H), Construction and Maintenance, Madurai has submitted the same and requested NOC for the Project at the earliest.
- (xx) The Divisional Engineer (H), Construction and Maintenance, Madurai has given assurance that there will not be any obstructions to the flow of water during the execution. Hindrance if any occurs, that will be rectified by the Highways department immediately.
- (xxi) As per Minutes of the meeting of the Chief Secretary to Government held on 07.06.2024, the Detailed Project Report should contain the study report on impact of the project on Hydrology, Geomorphology, Functionality, water quality, Environmental, Sociology and Ecology of the water body and various mitigation measures to be undertaken to ensure the integrity of the water body.
- (xxii) Regarding the ESG framework to monitor health and hydrology of water body and to maintain integrity of water body, the Highways Department officials have been instructed to follow the guidelines to conduct the study and submit the report, as per the Minutes of the meeting conducted by the Chief Secretary.

- (xxiii) While constructing the North Bank Road of Vaigai river, care should be taken that the work will not deviate the hydrology, integrity and health of the water body and should be restored to the original position and leave without any Damages to the Environmental and Social Impacts.
- (xxiv) It is affirmed that Hydrology of the river and also Integrity and Health of the Water Body is not affected by carrying out this work.
- (xxv) As part of road construction work on the bank of Vaigai river for a distance of 8.00 km and also by constructing RCC wall on the inner bank of the river, it is mandatory to ensure the maximum flood discharge of the river.
- (xxvi) Since the river has a steep bed fall of 1 in 1000, the trickled down river meanders inside the river forming deep ravines. For making the river to convey Maximum Flood discharge the bed of the river should be regraded and stabilized.
- (xxvii) Moreover, at some stretches only 150m of river width is available and hence, at these stretches the maximum depth of flow during maximum floods will be 4.50m height and the velocity generated will be in the order of 2.83 m/s to 3.77 m/s if the width available is calculated as 150m and 200m respectively for a Maximum flood discharge of 90,000 Cusecs which is highly undesirable and critical.
- (xxviii) Certainly, corrective measures have to be taken in this regard. Even without considering this project, this issue is present as per the existing field conditions. Presently in case of flood, the Vaigai River falling within these 8 Km stretch and particularly in certain vulnerable stretches, the river does not have the maximum flood carrying capacity.
- (xxix) The Highways Department shall include the fund required for carrying out any remedial measures due to the construction of the above said project to restore the health and integrity of water body in their project cost. Such remedial measures may also be carried out by Water Resources Department as a Deposit Work.
- (xxx) Further, the amount required for remedial measures should be deposited by Highways Department to Water Resources Department.
- (xxxi) Based on the details furnished above, the Chief Engineer, Water Resources Department, Madurai has recommended the proposal subject to certain terms and conditions.
- (xxxii) On scrutiny of the proposal from the Chief Engineer, Water Resources Department, Madurai Region, it is learnt that although the Highways Department has submitted the inevitability certificate obtained from the District Collector, Madurai, there exists non-compliance of first two guidelines stipulated in the Chief Secretary's meeting conducted on 07.06.2024.

2. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai by considering the importance of completing the project, which is proposed for the benefit of the public, has recommended the proposal for granting NOC to the Highways Department for the "Construction of Vaigai River North Bank Road Km 0/0 – 8/0 from Kamarajar Bridge to Varanasi – Kanniyakumari Road (NH 44) near Samayanallur", subject to the compliance of the following by the Highways Department.

- a. To Agree to the terms and conditions stipulated in his proposal
- b. To study the 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 and submit the report.
- c. To carry out the remedial measures or shall make provision of necessary fund to carry out the remedial measures based on the study, if any arises.

3. The Government after careful examination, have decided to accept the proposal of the Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai. Accordingly, the Government issue 'Permission to Use' the Water Resources Department's land to Highways Department for Construction of Vaigai River North Bank Road Km 0/0 – 8/0 from Kamarajar Bridge to Varanasi – Kanniyakumari Road (NH 44) near Samayanallur in Madurai District, subject to the Terms and Conditions annexed to this Government Order.

(By Order of the Governor)

**K.Manivasan,
Additional Chief Secretary to Government**

To

The Engineer-in-Chief and Chief Engineer (General),
Water Resources Department, Chennai-5 (with enclosure)
The Chief Engineer, Chennai Region,
Water Resources Department, Chennai-5. (with enclosure)
The District Collector, Madurai District. (with enclosure)

Copy to:

The Special Personal Assistant to Hon'ble Minister (Water Resources),
Chennai-9 (with enclosure)
The Highways and Minor Ports Department, Secretariat, Chennai-9 (with enclosure)
The Divisional Engineer (H), Construction and Maintenance,
Highways Department, Madurai (with enclosure)
Stock file/Spare copy.

// Forwarded / By Order //

*J.P. msym
11-09-2024*
Section Officer

Annexure

(G.O. (4D) No.45, Water Resources (R2) Department, Dated. 11.09.2024)

Terms and Conditions:

- 1) The boundaries of the banks of the Vaigai River should be measured by the Highways department along with Revenue officials and boundary stones should be erected.
- 2) If there are any encroachments identified on the left bank of Vaigai river up to the boundary, they should be removed by the Highways department.
- 3) No road should be constructed inside the Vaigai River for any reason and road should be only for a width of 17m from the extreme river boundary.
- 4) No damages to be caused to the banks.
- 5) During the construction of Vaigai River North Bank road, the Highway department officials should maintain the quality of water in the river and ensure that it is not affected in any manner.
- 6) After the construction of the Vaigai River North Bank road and also during utility, if any hazardous pollutant is accidentally spilled by any vehicles, the responsibility lies with the Highways department to clear the Pollutant from the water body to maintain the water quality.
- 7) During construction, the safety of workers and the responsibility of safety issues lies with the Highways Department.
- 8) The Highways Department should include the fund required for carrying out any remedial measures due to the construction of the above said project to restore the health and integrity of water body in their project cost. Such remedial measures may also be carried out by Water Resources Department as a Deposit Work.
- 9) Cost for remedial measures should be borne by the Highways Department.
- 10) The Linear water way of Vaigai river should not be affected and the maximum flood discharge should not be affected.
- 11) The Bed Level of Vaigai River should be maintained.
- 12) The Highways Department should take responsibility regarding Design, Construction and Durability of the Vaigai North Bank road.
- 13) The Highways Department should maintain this Vaigai North Bank road continuously.
- 14) If any Encroachment is identified, it should be removed at the banks of Vaigai River before commencing the work of Vaigai river North Bank road.
- 15) The Water Resources Department will not take responsibilities, if Natural calamities occur during construction and for any loss of construction materials.
- 16) Construction materials should not be stocked in the River Course during the construction of Vaigai river North Bank road.
- 17) Supply of water in river should not be affected during the construction of Vaigai river North Bank road.
- 18) The Water Resources Department officials have the right to enter any area which is proposed for Vaigai river North Bank road.
- 19) The Highways department should clear all the construction wastes / Debris after the completion of Vaigai river North Bank road.
- 20) Irrigation structures should not be damaged. If any damage occurs , it should be rectified by Highways department in line with the guidance of Water Resources Department officials.

- 21) During Construction of Vaigai river North Bank road , Sand/ Soil should not be taken from the river.
- 22) The Vaigai river North Bank road Construction work should be started after giving prior information to the Water Resources Departmental officials.
- 23) If any dispute or court case arises regarding this project, Highways Department will be responsible for settling the issues / cases.
- 24) Solid and Liquid effluents from residences shall not be discharged into the Vaigai river under any circumstances.
- 25) Work should be allowed only during the period, when the river is almost dry or the water should be diverted to the other side of river where work is not in progress.
- 26) The Highways department is fully responsible for untoward incidents and related legal issues if any arises.
- 27) All cross drainage structures should be properly constructed for inlet streams/ odai and surplus channels joining Vaigai river.
- 28) The Estuary of Vaigai river joining natural odai should be maintained for free flow.
- 29) The use of Vaigai river North Bank road should not deviate the hydrology, integrity and health of the water body and should be restored to the original Position and level after completion of works without any damages to the environment and Social impacts.
- 30) The applicant should study the 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 and submit the report.
- 31) The applicant should carry out the remedial measures or should make provision of necessary fund to carry out the remedial measures based on the study, if any arises.

**K.Manivasan,
Additional Chief Secretary to Government**

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JF.mla
11-09-2024
Section Officer.