

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI
Original Application No. 102 of 2021 (SZ)
&
Original Application No. 2 of 2020 (SZ)

IN THE MATTER OF:

S. Kumaradasan
Vice President Velachery Eri Pathukappu Iyakkam,
Velachery, Chennai ..

..
.Applicant(s)

-Versus-

1. The Government of Tamil Nadu,
Rep by its Chief Secretary
Government Secretariat
Fort St. George, Chennai-600 009
2. The Secretary to Government of Tamil Nadu
Department of Public Works
Government Secretariat
Fort St. George, Chennai-600 009
3. The Secretary to Government of Tamil Nadu
Department of Municipal Administration and
Water Supply
Government Secretariat
Fort St. George, Chennai-600 009
4. The Director of Environment
Department of Environment
Ground Floor, Panagal Building
No. 1, Jeenis Road, Chennai-600 015
5. The Chairman
Tamil Nadu Pollution Control Board
No.76, Anna Salai, Guindy
Chennai-600 032
6. The Greater Chennai Corporation
Rep. by Commissioner
Rippon Building, Park Town
Chennai-600 003
7. The Chennai Metropolitan Water and Sewerage Board
Rep. by its Managing Director
No.75, Santhome High Road, MRC Nagar
R.A. Puram, Chennai-600 028


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Palar Basin Circle,
Chepauk, Chennai-5.

8. Tamil Nadu Water Resources Organization
(Public Works Department)
Rep. by its Engineer-in-Chief and
Chief Engineer (General), PWD
PWD office compound, Chepauk, Chennai-600 005 .. Respondents

**AFFIDAVIT FILED BY THE SUPERINTENDING ENGINEER, WRD,
PALAR BASIN CIRCLE, CHENNAI**

I, A. Muthiah son of Asokan aged about 59 years, Superintending Engineer, WRD, Palar Basin Circle, Chepauk, Chennai, do, hereby, solemnly affirm and sincerely state as follows:

2. I state that I am the Superintending Engineer, WRD, Palar Basin Circle, Chennai and the impugned Velachery Lake is under the control of the Lower Basin Division, Kanchipuram which is under the administrative control of the Chief Engineer, WRD, Chennai Region, Chennai-5. I am acquainted with the facts of the case from records. Hence, as a Nodal Officer appointed by this Hon'ble Tribunal by the order dated 19.05.2021 in the O.A herein, I crave leave of this Hon'ble Tribunal to file this Affidavit on behalf of the 2nd respondent/Principal Secretary to Government, Public Works Department and the 8th respondent/ Engineer-in-Chief, Water Resources Department (WRD) and Chief Engineer (General), Public Works Department (PWD).

3. It is stated that the Applicant herein has filed this Original Application at this Hon'ble Tribunal alleging the non-maintenance of Velachery Lake by the authorities and not doing de-silting in a regular manner affecting the storage capacity of the lake. Further untreated sewage is also being let in to the Velachery Lake which affects the quality


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of the water in the lake which caters the drinking purpose and also irrigation purpose of the people in the locality. According to the applicant, several representations have been made to the authorities, no proper action has been taken in this regard.

4. It is also mentioned in the application that the lake was having originally an extent of 265 acres, which has now been reduced to 55 acres. Large extent of land has been allotted to land less and some extent of land around 53 acres allotted to **Tamil Nadu Housing Board** and 34 acres to Tamil Nadu Slum Clearance Board for housing development. In order to reduce the heavy traffic, 100 feet road was laid dividing the Lake into two halves. The remaining area is being maintained as a lake without any proper maintenance. Hence, the Applicant has prayed for the following reliefs:-

- i) To direct the 6th and 8th respondents to de-silt the Velachery Lake under the supervision of respondents 1 to 5;
- ii) To direct the 8th respondent to strengthen the bunds of the Velachery Lake by planting Palm trees;
- iii) To direct the 4th and 5th respondents to take necessary steps to stop the discharge of sewage and dumping of garbage into the Lake
- iv) To direct all the respondents to restrain from using the said Velachery Lake area for other purposes.

5. As such, it is stated that reliefs sought for by the Applicant against the 8th respondent are to desilt the lake, strengthening of the lake bund and directions to all the respondents to restrain from using the said Velachery lake area for other purpose.


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6. In this regard, it is stated that this Hon'ble Tribunal on its own motion was pleased to take a *suo motu* case based on the news item published in the Dinamalar Daily dated 08.02.2020 under the caption "பருவ மழையால் நிரம்பிய வேளச்சேரி ஏரி, கழிவு நீர் கலப்பதைத் தடுக்க கோரிக்கை" and this Hon'ble Tribunal was pleased to appoint a Joint Committee by the order dated 10.01.2020 (vide paragraph 1 of the order dated 16.03.2020) in the *suo motu* proceedings comprising of the following officers of the respondent/departments:

1. Er. R.Balasubramaniam, B.E.,
Superintending Engineer, South Chennai,
Greater Chennai Corporation,
2. Er. C.Pothupanithilagam, B.E.,
Executive Engineer, P.W.D., W.R.D., (I/C)
Lower Palar Basin Division, Kancheepuram.
3. Tmt. N.Lakshmi,
Revenue Divisional Officer,
South Chennai Division, Guindy,
Chennai - 32.
4. Er. Murugan, B.E., Executive Engineer, Zone - 13,
Greater Chennai Corporation.
5. Er. S.Vijayarajan,
District Environmental Engineer,
Tamil Nadu Pollution Control Board, Chennai
6. Er. R.Pugalenthi, Area Engineer, Zone - 13
Chennai Metropolitan Water Supply and Sewage Board (CMWSSB),
Adayar.
7. Er. G.R.Radhakrishna, B.E., M.I.E., F.I.W.R.S., P.E.,
Assistant Executive Engineer, P.W.D., W.R.D.,
Lower Palar Basin Sub Division, Chengalpattu.
8. Er. D.Gujaraj, B.E.,
Assistant Engineer, P.W.D., W.R.D., Irrigation Section, Padappai


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7. As per the directions of this Hon'ble Tribunal, the Joint Committee has inspected the impugned lake and abutting areas on 17.07.2020 and filed the Inspection Report and the same was taken on file of this Hon'ble Tribunal vide orders dated 01.09.2020. As could be seen from the inspection report, the various technical aspects with regard to the Velachery lake has been taken note of by the Hon'ble Tribunal and the excerpts of the specific directions issued by this Hon'ble Tribunal are as follows:

"6. It is seen from the report that a number of drains which reach the Velacherry Lake are in a pathetic condition filled with untreated sewage. The water quality also shows that it contains high level of TDS and Chlorides.

7. Though, certain immediate measures as well as long term measures have been suggested to be carried out by each department, unfortunately no specific time line has been provided to implement the same.

8. Considering the pathetic condition of the lake as well as the drains which lead to the lake, if this is allowed to continue for a longer period, apart from the pandemic situation caused on account of Corona Virus, the people will face other disaster with the possibility of having some other epidemic diseases which is likely to affect their life itself.

9. The State Government as well as the local bodies and other departments who are dealing with these issues have to address the issue in a serious manner while providing the remedial measures with shorter time lines so as to avoid the possible immediate danger of the water being polluted.


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10. So under such circumstances, we direct the Pollution Control Board, Greater Chennai Corporation and also the Public Works Department & Water Resources Department, Chennai Metropolitan Water Supply Sewage Board to come with specific action plan with shorter and longer time lines within which the issue can be resolved to protect the people from facing any health hazards and infection of other epidemic diseases like Dengue, Malaria, etc.

11. When this was pointed out, standing counsel appearing for the above departments wanted some more time to come with a proper action plan.

12. Considering the circumstances, we feel that one more opportunity can be given to the concerned departments to come with clear action plan so as to implement the recommendations given by the Joint Committee to resolve the issue permanently and also take temporary measures to safeguard the people from facing the possible impact of any epidemic diseases.

13. They are directed to submit the report on or before 14.10.2020 to this Tribunal by e-filing by providing necessary hard copies as well”

8. It is stated that though the Hon'ble Tribunal has ordered to submit the report on or before 14.10.2020, the filing of specific action plan with shorter and longer time lines within which the issue can be resolved to protect the people from facing any health hazards and infection of other epidemic diseases like Dengue, Malaria, etc., could not be done in view of the severe pandemic COVID-19 prevailing from September 2020 to till date.


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9. However, it is stated that while this Hon'ble Tribunal has thus taken cognizance of the pollutional aspects of the Velachery lake based on the news item of the Tamil daily is pending, the Original Application herein filed by this Applicant is nothing but the scope of the O.A.No. 2 of 2020 which covers long time as well as immediate action plan required to be taken in the lake based on the news item published.

10. I state that the water hyacinth grown in the lake is periodically cleared by the Greater Chennai City Corporation then and there and the lake maintenance works are taken by the WRD as pre-monsoon protective works every year by way of desilting the surplus courses of the lake every year.

11. As regards, the 4th prayer in the Original Application herein, the Water Resources Department is not using this lake for any other purposes and having lost the irrigation potential once fed by the lake for ayacuts, since the ayacuts have been converted into housing colonies, of late, the WRD will desilt the lake and undertake bank maintenance in the left over portion of the lake when the lake is in empty condition after assessing the silt accumulation by taking levels of the lake with reference to the designed hydraulic parameters pertaining to the lake.

12. There are 749 encroachments in the lake after survey made by the Revenue Officials which were furnished to the Section Office, WRD, Irrigation Section, Padappai in Form I and II of the Tamil Nadu Protection of Tank and Eviction of Encroachment Act/Rules, 2007. All the encroachers were served with show cause notices as to why the encroachments should not be evicted in the terms of the above Act and Rules with evidences to show the title and other documents in the encroached parts of the lake. After receipt of the response from the encroachers to the show cause notices served, the same would be sent to the Tahsildar to verify with the revenue records and if the encroachments


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are confirmed by the Tahsildar, eviction process would be taken up in accordance with law.

13. As regards the financial assistance to beautify the lake, normally the Water Resources Department is not beautifying any lake in the State other than routine maintenance of the lakes under the control of the WRD from the allotment of grant under the head of account concerned. It is for the local body concerned to get financial grant from the department concerned and if the same is remitted to WRD, beautifying works would be undertaken as a deposit work as per the Tamil Nadu Public Works Department Code. In the alternative, if the local body comes up with proposal to beautify the lake with details of such works, the same will be examined by WRD with reference to the hydraulic standards of the lake for giving concurrence after ensuring that the technical parameters are not affected by such beautification.

It is, therefore, prayed that this Original Application may be pleased to take on record the submissions made above for passing appropriate further orders as this Hon'ble Tribunal may deem fit in the circumstances of the case and thus render justice.

VERIFICATION

I, A. Muthiah, officiating as Superintending Engineer, Water Resources Department, Palar Basin Circle, Chepauk, Chennai-5, do hereby verify that the submissions made from paragraph 1 to 11 are true and correct to the best of my knowledge and records, and I signed this on this^{28TH}.....Day of February, 2023 at Chennai.


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