

BEFORE THE NATIONAL GREENTRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.110 of 2020 (SZ)

IN THE MATTER OF

Tribunal on its own motion
SUO MOTU Based on the News
Item in Tamil Newspaper
Dinamalar Chennai Edition
dated 13.07.2020, "Different
Decisions On the Issue of
Encroachments- Save
Aalapakkam Lake".

...Applicant(s)

Versus

1. The Principal Secretary to
Government, Public Works
Department, Secretariat, Fort St.
George, Chennai – 600 009.
2. The Additional Chief Secretary to
Govt. of Tamil Nadu, Revenue
and Disaster Management
Department, Govt. Secretariat,
Fort St. George, Chennai,
Tamil Nadu - 600 009.
3. The Secretary to Government of
Tamil Nadu, Department of
Environment Govt. Secretariat,
Fort St. George, Chennai, Tamil
Nadu – 600 009.
4. Additional Chief Secretary to
Govt. Of Tamil Nadu Municipal
Administration and Water Supply
Department. Govt. Secretariat,
Fort St. George, Chennai,
Tamil Nadu – 600 009.
5. The Chairman, Tamil Nadu
Pollution Control Board No. 76,
Anna Salai, Guindy, 2 Chennai,
Tamil Nadu – 600 032.



Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board,
Chintadripet, Chennai-600 002.

9. Mr. G. Janakiraman entered appearance for the newly added 8th Respondent namely, CMWSSB. So, service complete.

10. The Registry is directed to communicate this order to the newly added 8th Respondent along with the previous orders passed by this Tribunal, copy of the newspaper report and also gist of the Suo Motu proceedings with amended full cause title, so as to enable them to understand their role in mitigating pollution caused to the water body and submit a report to this Tribunal in this regard.”

3. The Public Works Department (PWD) was designated as the nodal agency by NGT [SZ] for co-ordination and for providing all necessary logistics for this purpose.
4. I hereby submit the status of works carried out by Chennai Metropolitan Water Supply and Sewerage Board for plugging of sewer outfall to Alapakkam Lake.
5. The Nethaji Nagar located eastern side of Alapakkam lake which consists of 4 streets namely The Nethaji nagar Ist, IInd, IIIrd & IVth street comprising total length of 452mtr and having with 49 premises.
6. The above streets are provided with underground sewage system has been connected to Balaram Nagar Sewage pumping station in depot -146, Area -XI. The sewage system is functioning well. At present out of 49 premises in Nethaji nagar, the house sewer connections were effected to 24 premises under Illamthorum Inaipu scheme after collecting necessary payment to CMWSSB. and remaining 25 sewer connection have to be effected.
7. The High Court of Madras order dated 27.01.2022 in WP (MD) No.22163 of 2018, WP No.19949/2017 and WP No.768 of 2019 and WMP No.21529 of 2017 had given the following direction with regard to encroachment in water bodies.

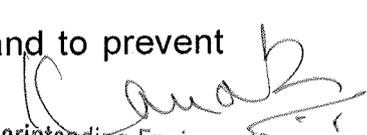


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- (I). "No registering authority under the Registration Act, 1908, shall register any document in respect of any land which has been notified as water body in the revenue records of the state as reflected in the official website, viz., Tamil Nilam, of the Government of Tamil Nadu".
- (II). A declaration shall be obtained from every applicant for registration of property or for approval of lay out or building construction or assessment of property tax or electricity or water connection that the concerned property is not located in the water body.
- (III). It shall be ensured by the concerned authority granting approval for layout or building construction or assessment of property tax or electricity or water connection that the relevant property has not been notified as water body in the list published in the official website, viz., 'TAMIL NILAM', of the Government of Tamil Nadu, and physical inspection of the site shall be made so as to confirm that it is not located in water body and an officer note for the same shall be prepared and placed on records.
- (IV). Any public authority, official or other staff concerned who is found to have granted or aided or abetted in granting approval for lay out or building constructions or assessment of property tax or electricity or water connection for a property located on water body or commits dereliction of duty by not protecting a water body from encroachment shall be liable for disciplinary action under the relevant rules governing their employment and prosecution for offences relating to encroachment under criminal Law.

8. The Chief Secretary to Government has further directed to enforce the Hon'ble High Court's orders by creating a system to ensure the direction of the Hon'ble High Court that must be made an integral part of effecting water/sewer connections for make the water bodies free from encroachment and to prevent further encroachment of water bodies.


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9. As per the above court order, now verification has been carried out to effect the house sewer connection for the remaining 25 houses in Nethaji Nagar. After verifying the revenue records, it is confirmed that the 16 No of houses falling in Alapakkam lake water body under survey No.579 for which the sewer connections could not be effected. For remaining 9 houses notices were already issued on 25.01.2022 to avail the house sewer connections under Illam thorum Inaippu Scheme. But, owners of the 9 houses are yet to avail the house sewer connections till now. In this connection, the GCC authorities have been informed vide letter dated 17.03.2022 to take appropriate action under sub section (5) of sec 202 R/W SEC R/W 357 (1) schedule VII of CCMC Act 1919.
10. The action taken by CMWSS Board for plugging of sewer outfall to Alapakkam Lake is hereby submitted before the Hon'ble Green Tribunal for consideration.
11. It is therefore humbly prayed that, this Hon'ble Tribunal may be pleased to accept my response on behalf of the Board and thus render justice

Solemnly affirmed at Chennai on this
23rd day of March 2022 and signed
his name in my presence


Superintending Engineer (South West)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

BEFORE ME


H. Gopi Er. No. 702/206
No: 16, Jawahar
High Court
Buildings
Ch-104.

Advocate, Chennai

Before the National Green Tribunal (Southern Zone)

Chennai,

O.A.No.110 of 2020 (SZ)

Tribunal on its own motion SUO
MOTU Based on the News Item in
Tamil Newspaper Dinamalar
Chennai Edition dated
13.07.2020, "Different Decisions On
the Issue of Encroachments- Save
Aalapakkam Lake".: Applicant

Vs.

Chennai Metropolitan Water
Supply and Sewerage Board
(CMWSSB) represented by its
Managing Director, Santhome
Road, MRC Nagar, Chennai –
28.

Respondent

REPORT FILED BY 8TH RESPONDENT

G.JANAKIRAMAN
Counsel for 8th Respondent