

BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTH ZONE), CHENNAI

O.A.No. 125 of 2021 (SZ)

Between

R. Balakrishnan,
S/o. Rangarajan,
No. 269, Thillaiamman Nagar,
Lalpuram (Post), Chidambaram Taluk,
Cuddalore District – 608 602
Tamil Nadu.
sabhapathi@gmail.com
Phone No.9894023164

... Applicant

AND

1. The District Collector,
Cuddalore District,
Cuddalore.
Phone No. 04142-230999
E.Mail address is collrcud@nic.in.
2. The Sub Collector,
Chidambaram,
Cuddalore
Phone No. 9445000425
E.Mail : sub-collr-tncud@nic.in
3. The Tahsildar,
Chidambaram Taluk,
Chidambaram,
Cuddalore District.
Phone No. 04144 227866
E.Mail : cdmtlk_tncud@nic.in
4. The Commissioner,
Chidambaram Municipality,
Chidambaram 608 001.
Cuddalore District.
Phone No. 7397382200
E.Mail address is commr.chidambaram@tn.gov.in
5. The Executive Engineer,
Public Works Department (WRO),
Chidambaram, Cuddalore District.
Phone No. 9443539546
E.Mail address is eepwdcdm@gmail.com



6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.A-3, SIPCOT Industrial Complex,
Cudikadu, Cuddalore,
Cuddalore District. – 607 005
Phone No. 04142-239867
E.Mail address is deetnpcbcud@gmail.com
7. The Executive Engineer,
Tamil Nadu Water & Drainage Board,
Cuddalore, Cuddalore District.
Phone No. 9976175357
E.Mail address is rwscuddalore@g mail.com.
8. The Block Development Officer,
Kumaratchi Panchayat Union,
Kumaratchi, Chidambaram Taluk,
Cuddalore District – 608 302.
Phone No. is 7402606256, 7402606257
E.Mail address is kumabdo@gmail.com.
9. The Commissioner,
Hindu Religious & Charitable Endowment Department,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600 034
Ph: 044-28334811
E.Mail address is commr.hrce@tn.gov.in:
10. The Block Development Officer,
Parangipettai Panchayat Union,
Chidambaram Taluk,
Cuddalore District.
Phone No. is 7402606270
E.Mail address is bdoport@yahoo.in. ...Respondents

REPLY AFFIDAVIT OF THE APPLICANT

I, R. Balakrishnan, son of Rangarajan, aged about years, residing at
No. 269, Thillaiamman Nagar, Lalpuram (Post), Chidambaram Taluk,
Cuddalore District – 608 602 Tamil Nadu, do hereby solemnly affirm and
sincerely state as follows.



..3..

I, R.Balakrishnan son of Rangarajan Hindu aged 70 years senior citizen residing at No.269 Thillaiamman Nagar, Lalpuram Post, Chidambaram Taluk, Cuddalore District - 608002 Tamilnadu, do hereby solemnly affirm and sincerely state as follows,

1. I am the Applicant here in and as such I am well acquainted with the facts and circumstance of the case (NGT125/2021).

2. I state that the above Original Application is filed for removing encroachments and save the waterbodies in and around Chidambaram Town. Due to intervention of this Hon'ble Tribunal the Respondents has taken some steps and removed some extent of encroachment and water is now filling the Tank.

3. I humbly submit that after filing the above Application, there are some issues which I would like to impress on this Hon'ble Tribunal to consider. I submit that the famous Nataraja Temple will conduct the THEPA THIRUVIZHA in January, 2023. This Thepa Thiruvizha was conducted every year and it is 400 year old tradition. Due to the present pollution and encroachment the same could not be conducted for the past 16 years. Hence it is prayed that this Hon'ble Tribunal's intervention in conducting the Thepa Thiruvizha in January2023.

This Thiruvizha can be conducted if the Canal that leads to Gnanaprakasam Theppakulam cleared of Encroachments and domestic sewage, grey water is to be stopped.

The facts are as follows

4. I state that encroachers of water bodies and nearby residence are letting out of domestic sewage into fresh water drain causes severe pollution



..4..

to water bodies. Due to the above fact The Lord Nataraja Temple Theppotsarvam (float festival) festival could not be conducted for the past 16 Years. The Chidambaram Natarajar Temple administration has refused to conduct the float festival owing to sewage pollution in the tank. The Theppotsavam is 400+years of old tradition could not be conducted due to severe pollution in the tank namely Gnanaprakasam tank which is one kilometre away from Nataraja Temple. The Gnanaprakasam Tank is under the maintenance of chidambaram Municipality, Chidambaram ward 4, Block 14, T.S.No: 1037.

5. I humbly submit that as per Joint Committee report dt. 11.06.2021 page 53, 54, 55 there are 67 encroachments, in Kumaratchi Union, Parameshwaranallur village S.No.129, Alankulam Tank. Evenafter the lapse of one year respondents have not removed the encroachments.

The Additional Collector / DRDO has written a letter dt: 09.12.2021 letter addressed to Tahsildar Chidambaram and BDO Kumaratchi Na.Ka. En./AO/3112/2021 date: 09.12.2021 to remove the above 67 encroachments , C. Thandeswaranallur S.No.45, Alankulam Kulam 3rd respondent has to take steps to Survey the encroachments and to remove them.

If Alankulam Tank encroachments removed and water stored ground water level in the above two villages will rise.

The said ALANKULAM waterbody is the feeder source for Nagacheri kulam and located west of it. The encroachers around Alankulam are letting their domestic sewage and waste water into the fresh water canal. (Kumaratchi Union C. Thandeswaranallur Village, S.No: 45 and parameswaranallur Village S.No: 129.) The Residents of sivakami nagar



(Kumaratchi Union) located in between Alankulam and Nagacheri kulam also constructed piped discharge of raw sewage that drain into the fresh water canal that feed the Nagacheri Theerthavari Kulam.

6. I humbly submit that between Nagacheri Theerthavarikulam to Omakulam Kulamcanal,

The following survey numbers are encroached and are causing pollution to the above drain way.

ChidambaramWardNo:1,Block10,T.S.No:566

Five encroachments Identified in the dt: 11.06.2021 J.C.R.Page39,40 Even after a lapse of more than a year no action taken to remove the encroachment in the canal.

- i. ChidambaramWardNo:6,Block1,T.S.No:10,12,14,53
- ii. ChidambaramWardNo:6,Block2,S.No:55

Encroachments to be surveyed and pollution of the drainage way to be stopped.

7. I humbly submit that ThatchankulamTank to Khan Sahib Canal, 49 encroachments identified (J.C.R. dt: 11.06.2021 Page 36,37,38) no action taken to remove the encroachments from the canal for the past one year. The water pollution to the drain way to be stopped completely. The entire canal is completely contaminated with raw sewage, solid waste and muck. The canal comes under municipal limit.

JCR Page5 Para4

“There are 22 houses exists adjoining to the inlet channel of the above Tank.The occupiers have made partial encroachment on the bunds of inlet



..6..

channel and also discharge untreated grey water to the inlet channel, which pollutes the Gnanaprakasam Tank.”

Encroachments to be surveyed by 3rd respondent the tahsildar.

Chidambaram ward No:4, Block14, T.S.No:1030.

8. I humbly submit Omakulam to Khansahib Canal Kumaratchi Union. Non Municipal Village, Usuppur Village Polluting the above Canal.

As per 8th respondent BDO Kumaratchi Union affidavit filed on **02.09.2021** **page2 para2.**

The residents of the 1st street in Sivasakthi nagar have constructed pucca drainage pipes drain their domestic sewage into the canal and residents of santhi Nagar, usuppur village, Kumaratchi Union have constructed pucca drainage that drains into the canal water and contaminate it is also true.”

Further the 8th Respondent affidavit dt:02.09.2021 Page2, Para3

“Likewise public notice has been issued to the residents of Sivasakthi Nagar, S.R. Nagar and M.K. Thottam requesting them to stop the letting in of the sewage water into the canal”

No action taken by the Respondents to stop the pollution of the water bodies by the above polluters.

9. I humbly Submit As per the 6th Respondent (TNPCB) affidavit dt:21.09.2021

Page5 Page3 read as follows

“The surplus canal from omakulam passes through the city where the sewage from Kanagasabai Nagar mixes with the Surplus water odai (from omakulam and passes further and with Kansahib Canal”



Page10 Para 2

ii) A sample of water from Gnanaprakasam Tank was collected on 30.07.2021 and sent for analysis to the AEL TNPCB Cuddalore. The report of the analysis shows that the parameters PH – 9.07 & BOD – 22 mg/l exceeds the standards of designated best use for drinking water of PH 6.5 – 8.5, BOD 2mg/l or less and outdoor bathing of P.H 6.5- 8.5, BOD 3mg/l or less”.

10. Chidambaram Municipal limit

I humbly submit the rain water drain from nearby selliamman koil is infected by raw sewage from settlements on its way into the above canal near Thatchankulam and also from Angalamman Koil rain water drain near thatchankulam canal (Photo enclosed)

11. I humbly submit the central and state govt under pradhan mantri Krishi Sinchayee Yojana – Harkhet Kopani. Repair, Renovation and Restoration of water bodies. Scheme Gnanaprakasam Thepakulam allotted 2.5 crores.

The Respondents may be directed to clear the encroachments and dumping of the solid waste into the canal it will be helpful to celebrate Theppotsavaram (float festival)at Gnanaprakasam kulam and restore the glory of this wonderful water body to its pristine stock in the erstwhile past.

This will not be possible until the canal that leads to Alankulam, Nagacheri Kulam, Omakulam, Thatchankulam, Ayikulam, Gnanaprakasam Kulam that bring water into it are spruces up.

12. I humbly submit Thillai Amman odai to Thillai Kali water Tank ward 3, Block 1, S.No: 6, ODAI encroachment to be surveyed by 3rd



..8..

respondent and to be removed by 4th respondent. Thillai Kaliyamman one of the main Temple of Chidambaram. Ground water level will be improved in the area.

13. Kumaratchi Union, Usupoor Village Survey No: 30/1

Pulichamedu Theerthavari Kulam

I humbly submit One of the Holy Tank connected with chidambaram Lord Nataraja Temple. Artha Raja Nataraja Temple deity will come to this tank for theerthavari during ThaiAmmavasaiday.

The 950 metre tank completely contaminated with raw sewage, Water hyalinth, solid waste. 8th repondent BDO Kumaratchi has to clear the tank from pollution. The tank outlet of usupoor village survey No: 28 to be surveyed by 3rd respondent and encroachments removed. Present Photo of the tank Enclosed.

14. I humbly submit District Collector 1stRespondent report April 2022

Page10 item16c,d,e.

Parangipettai union Pallipadai Village.

item16(C) R.S.No:221/5 Not properly surveyed.

item 16(d) R.S.No: 221/7 Not properly surveyed.

item 16(e) R.S.No: 221/11 kulam also not properly surveyed.

2 encrochments mentioned in the1stRespondent report, April 2022 for 221/11 Kulam.

3 encrochments identified by Tahsildar chidambaram 3rd respondent on 26.04.2022 for 221/11 kulam

02-01-2017, 10th Respondent Parangipettai Union has issued notice to one of the encroachers Mustafa Matriculation School. A school building in



waterbody letter copy enclosed. Even after five years encroachment of the school not removed in 221/11 kulam.

Pallipadai Village S.No 221/5(Karai), 221/7(Vaikkal), 221/11(Kulam) to be resurveyed in the presence of higher Revenue Officials.

15. I humbly submit Chidambaram Ward 4, Block 17, S.No: 1140

K.S.Canal to be surveyed and encroachments to be removed. Canal under the maintenance of 5th respondent PWD.

Kumaratchi Union Usupoor Village

S.No:58,100,101,103 (Uppanar),104/1, 104/4 Muthiah Pillaivadikal Vaikal to be surveyed and encroachments to be removed Canal under the maintenance of 5th respondent PWD.

Flooding affects agriculturist in the upper stream.

It is therefore prayed that this Hon'ble Tribunal direct the Respondents to clear the Encroachments and prevent further pollution of the water bodies to conduct the Theppotsavam on 8th January, 2023 of Nataraja Temple,Chidambaram after 16 years and render justice.

Solemnly affirmed at Chennai
on this the 17th day of September, 2021
and signed his name in my presence



Before Me,


11/32/07

Advocate, Chennai.


142, Law Chambers
1st floor, Court Building
Chennai-600 004.

பெண் எண்: 02/012017
நாள்: 02.01.2017

ஊராட்சி ஒன்றியம்
பரங்கிப்பேட்டை

அறிவிப்பு

தமிழ்நாடு ஊராட்சிகள் சட்டம் 1994 பிரிவு 222 மற்றும் பிரிவு 131-ன் கீழ் பிறப்பிக்கப்படும் அறிவிப்பு இதுவால் வடலா மாண்புமிகு சிதம்பரம் வட்டம் பள்ளிப்படை கிராமத்தை சேர்ந்த திரு முகமது முஸ்தபா என்பவருக்கு உட்பட திரு. மு.அன்வர் அலி என்பவருக்கு தெரிவிப்பதாவது.

நீர் பள்ளிப்படை கிராமத்தைச் சேர்ந்த புல எண்: 221/5, 221/7, 221/11, 221/13ல் புல எண் 221/11ல் குட்டை மூலம்மேற்கில் முஸ்தபா மெட்ரிக் பள்ளியின் கிழக்கு மேற்கு உள்ள கட்டிடத்தின் 130 மீட்டர் அளவுக்கும் வடக்கு தெற்கு உள்ள கட்டிடத்தின் 140 மீட்டர் அளவுக்கும் ஆக்கிரமிப்பு செய்து மூன்று மாதம் பள்ளிப்படை மூலம் ஆக்கிரமிப்பு செய்திருக்கிறார். இந்த இடம் 1994-ம் வருடத்திய ஊராட்சிகள் சட்டம் பிரிவு 131/134/135-ன் கீழ் பள்ளிப்படை ஊராட்சிக்கு உரிமையுடைய சொத்தாகும். இந்த நிலத்தில் பள்ளிப்படை ஊராட்சியின் முன் அனுமதி இன்றி நீர் ஆக்கிரமிப்பு செய்து இருப்பது ஆட்சேபகரமானதும் சட்ட விரோதமானதும் ஆகும்.

நீர் இந்த அறிவிப்பு பெற்றுக் கொண்ட 5 நாட்களுக்குள் (06.01.2017) மேற்கண்ட நிலத்தில் நீர் செய்துள்ள ஆக்கிரமிப்பை காலி செய்து விட்டு அதை எழுத்து மூலமாக எனக்கு தெரிவிக்கவும். தவறானால் ஆக்கிரமிப்பை அதற்ற சட்ட வழி மேல் நடவடிக்கை எடுக்கப்படும் என்றும் அதனால் ஏற்படும் சலசலிதமான விளைவுகளுக்கும் செலவுகளுக்கும் நீர் உட்படவேண்டி, இந்நிதிக்கும் என்றும் தெரிவிக்கப்படுகிறது.

இடம்: பள்ளிப்படை
நாள்: 02.01.2017

வட்டார வளர்ச்சி அலுவலர் (சி.ஊ)
ஊராட்சி ஒன்றியம், பரங்கிப்பேட்டை

பெறுதல்

திரு. மு.அன்வர் அலி
திரு. முகமது முஸ்தபா
பள்ளிப்படை ஊராட்சி

நகல்: வருவாய் வட்டாட்சியர், சிதம்பரம்
நகல்: ஊராட்சி செயலர், பள்ளிப்படை ஊராட்சி

CORRESPONDENT

TAFA MATRIC SCHOOL
PARKKIPPAIDAI

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

APPENDIX

FORM - 1

[See Clause (e) of Sub Rule (1) of the Rule 2]

STATEMENT OF AREA ENCROACHED

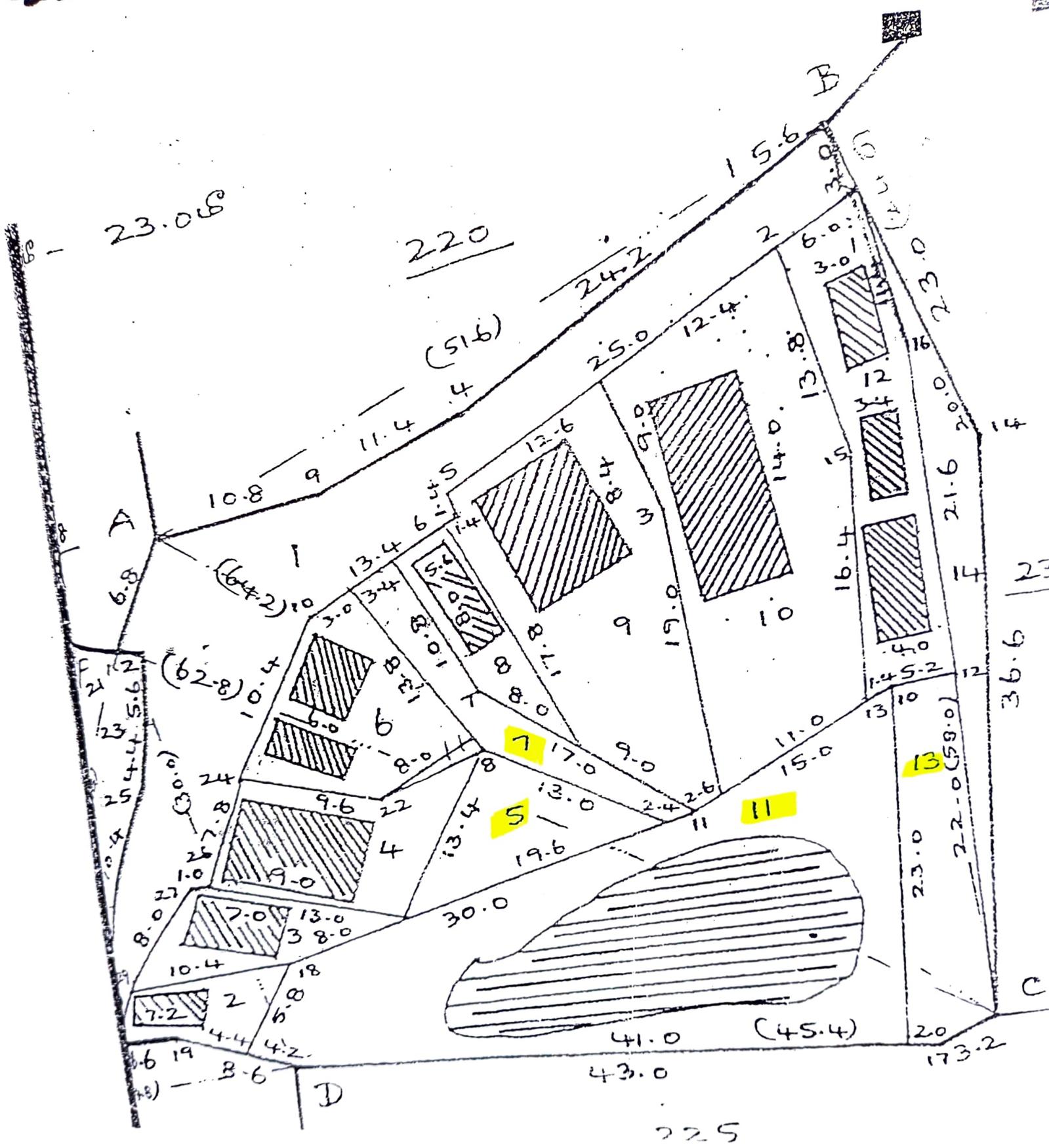
NAME OF THE TANK :					Kuttal				
NAME OF THE VILLEGE :					Pallipadal				
NAME OF THE TALUK :					Chidambaram				
NAME OF THE DISTRICT :					Cuddalore				
S.No	Description	Village	Tank	Sy. Field No.	Ext (Sqr. M)	Identification No. of Encroachment	Ext. No. of Encroachment (M2)	Name of the Encroacher and Address	Type of Encroachment
1	Kuttai	Pallipadai	Kuttai	S.No.221/11	0.0015	1	0.0015	ஜவஹர் அலி	பள்ளிக்கூடம்
2					0.0019	1	0.0019	மிஸ்பாகும் நிஜா	வீடு
3					0.0023	1	0.0023	நிலவர் நிஜர்	வீடு
மொத்தம்							0.0057		

A. A. A. A.
 வட்டாளசியர்,
 சிதம்பரம்

0/0
 26/4/2022

பயலம் : கட்டாயம்
 வட்டம் : இடம்

இராமம் : பள்ளிப்பல
 சிவன் : 22





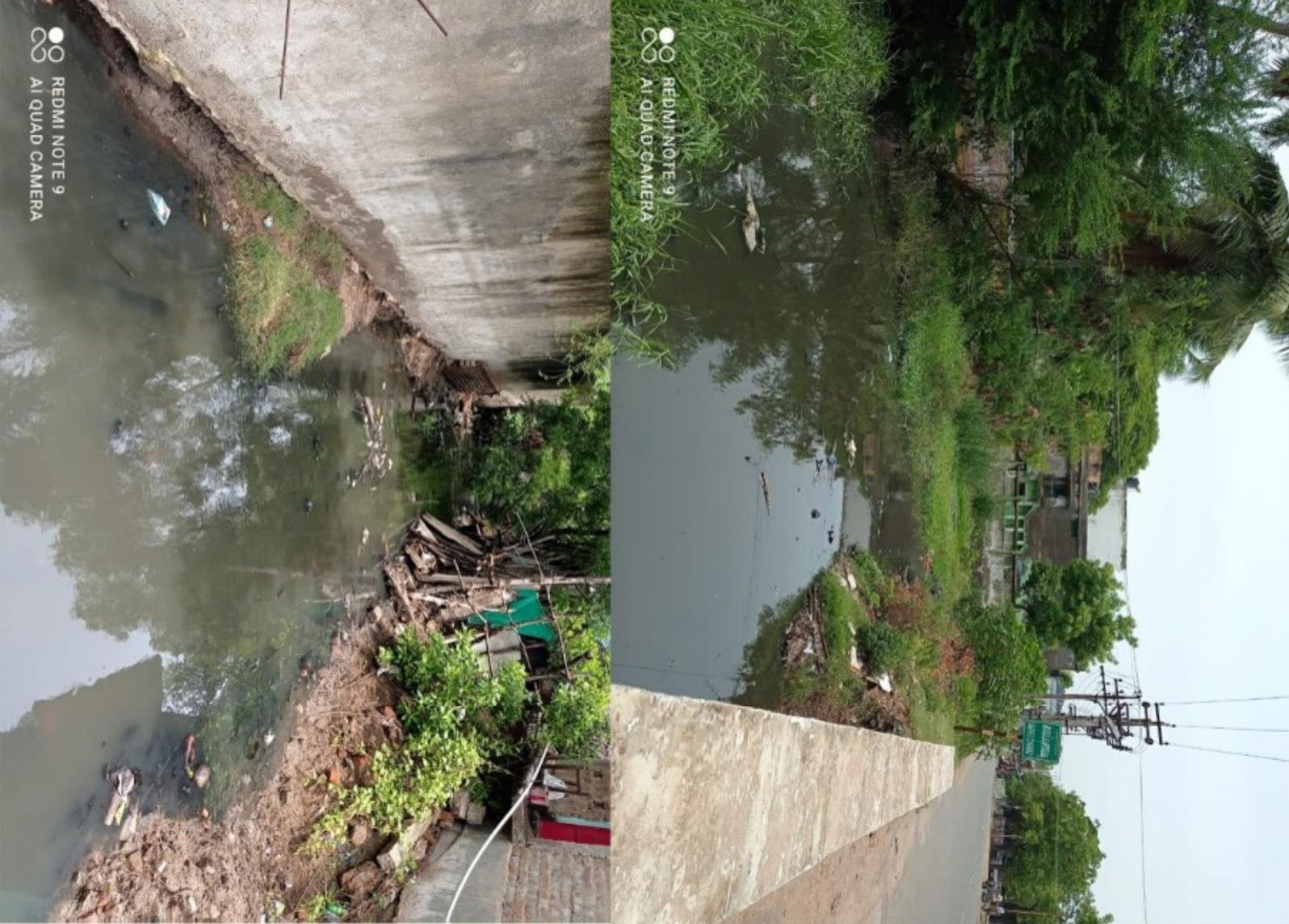
GNANAPRAKASAM THEPPAKULAM INLET

REDMI NOTE 9
AI QUAD CAMERA

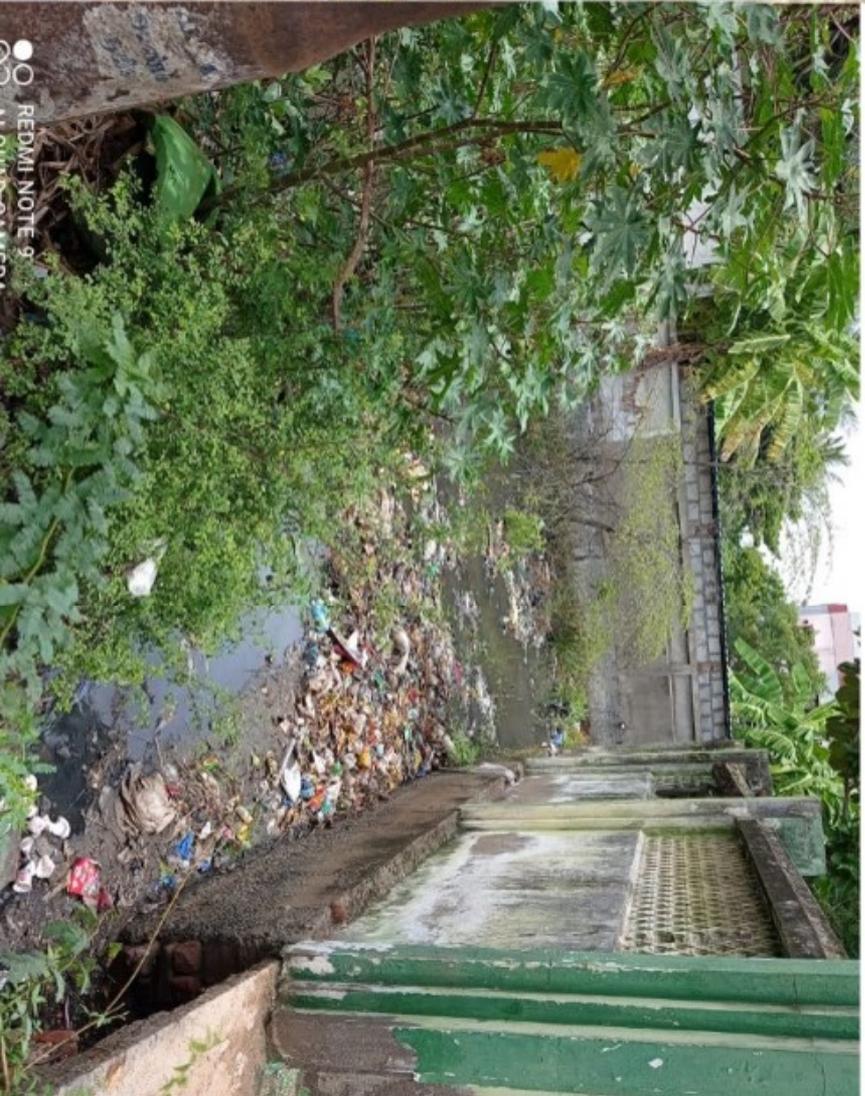
T.S.NO 1030



REDMI NOTE 9
AI QUAD CAMERA



**WARD 5, BLOCK 11,
S.NO.864. CHANNEL
LEADING TO
GNANAPRAKASAM
TANK**



CHANNEL LEADING TO GNANAPRAKASAM TANK



REDMI NOTE 9
AI QUAD CAMERA

WARD 4 , BLOCK 13 , S.NO 1024



REDMI NOTE 9
AI QUAD CAMERA