

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No. 126 of 2020 (SZ)

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**REPORT OF THE SUPERINTENDING ENGINEER, WRD, PALAR BASIN CIRCLE,  
CHENNAI IN RESPECT OF O.A NO.126 OF 2020 (SZ) SUOMOTU ON THE BASIS  
OF THE NEWS PAPER REPORT PUBLISHED IN BASED ON THE NEWS ITEM IN  
THE DINAMALAR NEWSPAPER DATED 17.07.2020, "JALLADAIYANPET LAKE  
DESTROYED BY JALARA POLITICIANS".**

**1. OBSERVATIONS AND DIRECTIONS INTER ALIA ISSUED BY THE HON'BLE  
TRIBUNAL DATED 27.07.2020:**

(i) "It is alleged in the paper report that on account of unauthorised encroachments in the Jalladiyanpettai Lake, there is a danger of lake disappearing soon. Originally the lake was having an extent of 150 acres adjoining the Marsh land in South Chennai. It was acting as a prime water source for agriculture and drinking purpose in the area of Perumbakkam, Jalladiyanpettai and Pallikaranai. (ii) . The bank of that lake is having a long length of 1.4 km and it is spread along the Tambaram - Velacherry road up to old Mamallapuram link road. It was slowly encroached by unauthorised encroachers. But in fact, it is being done with the active connivance and support of the local political party leaders. As a result of this, it has been reduced to 70 acres in the Government's record. Now it has been further reduced to 30 acres.

(ii) It is also seen from the report that a survey was conducted in the year 2010, and found that around 298 houses were constructed unauthorisedly as per the official records on the basis of the survey conducted. But as per the Water Protection Act 2007, no construction can be permitted in the lake or its catchment areas.



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- (iii) It is also alleged in the report that though encroachments were found, no action was taken by the Public Works Department to remove the encroachment. On account of severe water scarcity happened last year, due to the news item published in the same newspaper under the caption 'Kalamiranguvom Namakku Naame', some non-Governmental organisations and social group have created some sensitisation among the people to protect the water bodies and on account of the same some relief has been caused to rejuvenate certain water bodies around this area. But none had come to protect this water body due to fear of threat being caused by the encroachers with political support. Even, murderous threats were also issued against such persons who are interested in protecting the water body, the report continues..
- (iv) . Now it has been attached to Greater Chennai Corporation, Chennai, who has the responsibility to protect the same. But, none have taken any steps for this purpose. Unless, the encroachments are removed and steps are taken to desilt and protect the water body, then there is a possibility of extinguishment of the water body in future.
- (v) It is also mentioned in the report that waste as well as garbage is being dumped in the lake, apart from discharging the sewage without treatment there by making this water body into a dumping ground as well as the sewage pond. Though there was a scheme for protecting the water bodies which includes this water body as well, but, no steps were taken.
- (vi) On-going through the allegations in the report, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. Time and again it has been reiterated by the Hon'ble Apex Court, as well as various Hon'ble high Courts and also the National Green Tribunal, the responsibility of the State Government and its Departments including the local bodies to protect the water bodies, which plays a great role in protecting environment apart from maintaining the biological equilibrium not only act as rain water harvesting to collect rainwater but also act as a ground water recharge system to improve the groundwater level in that area. There is a duty cast on the Government and the State

  
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machineries the local bodies to protect the water bodies against the encroachment and pollution as a mandate of fundamental duty provided as directive principle Under Article 48 (A) of Constitution of India as providing clean water is treated as right to life as enshrined Under Article 21 of the Constitution of India. The regulating authorities are also expected to protect the water bodies against pollution.

(vii) In order to ascertain the present state of affairs, and genuineness of the allegations in the report and also steps taken by the authorities to remove the encroachments if any and restore the water body, we feel it appropriate to appoint a joint committee comprising of 1) the District Collector, Kancheepuram District, or a Senior Officer, not below the rank of Assistant Collector or Sub Divisional Magistrate of that area designated by the District Collector, 2) Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area, 3) the Commissioner or a Senior Officer, deputed by the Commissioner, Greater Chennai Corporation who is in charge of maintenance of the lakes and 4) a Senior Officer deputed by the Chairman, Tamil Nadu State Pollution Control Board to inspect the area in question and submit a factual as well as action taken report if there is any violation found.

(viii) The committee is directed to ascertain the total original extent of land as per the revenue records and the extent of encroachments and the steps taken to remove the encroachment and also ascertain if there is any dumping of garbage and discharge of untreated sewage into the water body and if so, trace out the person or persons responsible and suggest the course of action including imposition of environmental compensation against such person applying the principles of 'polluter pay', to prepare an action plan showing long term and short term measures with shorter time lines to protect the water body suggesting the persons responsible to carry out the same, ascertain as to whether there were any schemes launched by the Government or the District administration for protecting the water bodies and if so, what is its present stage of implementation, analysis of the water quality



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in the lake and if there is any contamination, trace out the sources and also suggest and recommend the ways and means to remedy the same..

(ix) The Public Works Department will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose".

2. The report pertaining to the Greater Chennai Corporation is awaited and immediately on receipt of the same, of the Joint Committee will be is filed before this Hon'ble Tribunal.

**3. REPORT OF THE WATER RESOURCES DEPARTMENT:**

(i) The Jalladianpettai eri is a PWD tank with the storage capacity of 0.24 MCM and was intended to feed 80.16 Ha. Its water spread area is extending in 8.27 Sq.km with its own catchment of 1.31 sq.km. About 496 encroachments would be prevalent in the Jalladianpettai Tank as per PWD estimation in the water spread area in an extent of 0.09.92 Ha. Hence, fresh survey of the tank has to be made by the Survey Officials as per the Tamil Nadu Protection of Tank and Eviction of Encroachment Act, 2007 and the particulars have to be sent in Forms I and II as per the Tamil Nadu Protection of Tank and Eviction of Encroachment, Rules, 2007 for taking up eviction process under the due process of law.

(ii) The pollutant factors have to be examined by the Tamil Nadu Pollution Control Board by taking water samples from the lake and action has to be initiated under the relevant Environmental Law and the WRD has no locus in this aspect.

  
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