

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

Original Application No. 140 of 2020 (SZ)

REPORT OF THE SUPERINTENDING ENGINEER, WRD, PALAR BASIN CIRCLE, CHENNAI IN RESPECT OF O.A NO.140 OF 2020 (SZ) SUOMOTU ON THE BASIS OF THE NEWS PAPER REPORT PUBLISHED IN BASED ON THE NEWS ITEM IN THE DINAMALAR CHENNAI EDITION DATED 03.07.2020, "WILL THE PERUNGUDI LAKE BECOME ECO-PARK?"

1. OBSERVATIONS AND THE DIRECTIONS ISSUED BY THE HON'BLE TRIBUNAL DATED 05.08.2020:

2. It is alleged in the paper report that it is having an extent of 57 acres and this is the only lake which is free from encroachment.

3. It is also mentioned in the report that the lake is situated in between seashore and wetland and caters the need for agriculture activities in Kandhanchavadi and Perungudi.

4. In the olden days, in order to prevent seawater intrusion, two ponds were created in between every one Kilometer in the East Coast, Old Mamallapuram road from Thiruvannamiyur to Semmencherry.

5. As many of those ponds disappeared, the lake which is at the starting point is the only one saved.

6. The Public works Department and administration of then Perungudi Town Pandhayat had deepened the lake for 30 ft and strengthened its bank since 1997.

7. It was fenced with barbed metal wire at the cost of Rs. 1.5 crore to prevent encroachments. But after some time, the fencing got damaged at many places by anti-social elements.

8. The only problem of this lake is mixing of sewage water. On the Northern side of the lake, there is 200 acres of land which belongs to Department of Education.


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9. This land has been encroached and houses built by thousands of encroachers. The district authorities were also ordered that no basic facilities should be provided to the residents as they were constructed unauthorisedly.

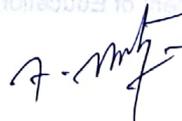
10. They are illegally discharging the untreated sewage into the drains which mixes with the rain water and reaches the lake. Though complains were made regarding the same, no action has been taken.

11. Ongoing 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.

12. ***

13. 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 local bodies to protect the water bodies, as there is a duty cast on the state machineries and the local bodies to protect the water bodies against encroachment and pollution as a mandate of fundamental duty as part of directive policy provided under Article 48 (A) of Constitution of India and there is a duty cast on the State Government to protect natural resources like water bodies, Forest and wild life and providing clean water is treated as part of right to life as enshrined Under Article 21 of the Constitution of India.

14. Further the Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 envisages protection of water against pollution and action should be taken against persons who are causing pollution to the lake water as lakes plays a great role of not only providing water for agriculture and drinking purpose, but also acts as a water reservoir to improve the water recharge system which ultimately will help to improve the ground water level in the area. It also acts as a rain water harvesting system to collect rain water during monsoon".



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DIRECTIONS ISSUED:

"15. In order to ascertain the present state of affairs and also the steps taken by the authorities for maintaining the water body, we feel it appropriate to appoint a committee comprising of 1) the District Collector, Chennai District, or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by him, 2) Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area, 3) a Commissioner or a Senior Officer designated by the Commissioner of Greater Chennai Corporation, and 4) 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.

16. The committee is directed to consider the question as to whether there was any scheme launched by the State Government or by the District administration for protection of this water body and if so, what is the stage of its implementation and whether there is any unauthorized discharge of untreated sewage into the water and if so, trace out the persons who are responsible for the same and take appropriate action including imposition of environmental compensation, against such persons.

17. The committee is also directed to take the water samples from the lake for analysis to ascertain as to whether it confirms to the standard for drinking purpose including Bio Chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD), Total Coli Form and Fecal Coli Form and other prohibited metals. If there is any contamination they are also directed to suggest the ways and means to rectify the same.

18. The committee is also directed to suggest an action plan with short term and long term measures with shorter time lines to restore the water body including establishing bio-diversity park/tree-planting around the water body and other protective measures to be taken to protect the water body against future encroachments as well.



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19. The Public Works Department will be the nodal agency for coordination and for providing all necessary logistics for this purpose.

20. The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 08.10.2020 by e-filing".

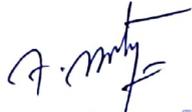
2. It is stated that the action plan taken by the Greater Chennai City Corporation is awaited and on receipt the same will be filed.

3. REPORT OF THE PUBLIC WORKS DEPARTMENT:

- (i) The Perungudi Tank in Perungudi Village in Sholinganallur Taluk of Chennai District is a tank maintained by the Public Works Department. The water spread area of this tank is 15.68.0 Ha to feed an extent of 77.33.0 Ha. It has lost its irrigation potential long back in the development process over the period with thick population and agglomeration of the Chennai city owing to the same. There are no encroachments reported and a fresh survey has to be made in the tank to ascertain whether there are encroachments newly crept in.
- (ii) The Chennai City Corporation has formed walkway and cement concrete road on the top of the bund of the tank which may discourage the encroachment in the lake.

3. ANY SCHEME LAUNCHED BY THE STATE GOVERNMENT AND DISTRICT ADMINISTRATION TO RESTORE THE WATER BODY AND IF SO ITS PRESENT STAGE OF IMPLEMENTATION

There are plans for rehabilitation and restoration of all tanks including Perungudi Tank in overall Kovalam basin (comes under Chengalpattu and Chennai District) under Comprehensive Flood Mitigation Project with an amount of


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Rs.2000 crore which also involves creating biodiversity parks/ tree-planting around the banks of the water body protecting the lake against the future encroachment. Detailed Project Report has been sent to Government and after approval from the World Bank, the said project scheme will be executed and the repairs/renewal of shutters and all other component works to rehabilitate the Perungudi Lake will be taken up including eviction of any encroachment in the survey to be made.


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