

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

Original Application No. 154 of 2020 (SZ)

In the matter of:

Tribunal on its own motion *suomotu*

based on the news item in

THE DINAMALAR CHENNAI Newspaper

Dated 13.08.2020, "The encroachers ask for compensation. What the Public Works Department is going to do?"

Applicant (s)

AND

1. The Principal Secretary to Government
Public Works Department, Secretariat
Fort St. George, Chennai, Tamil Nadu-600 009
2. The Additional Chief Secretary to Government
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. The Additional Chief Secretary to Government
Municipal Administration and Water Supply Department
Government Secretariat, Chennai, Tamil Nadu-600 009
5. The Chairman
Tamil Nadu Pollution Control Board
No.76, Anna Salai, Guindy, Chennai-600 032
6. The District Collector
Chengalpet District
Collector's Office, GST Road
Chengalpet-603 001
7. The Tamabaram Municipality
Rep. by its Municipal Commissioner
28, MuthurangaMudali Street Tambaram West,
Chennai600 045

..Respondents

**REPORT FILED BY THE EXECUTIVE ENGINEER, WRD, LOWER PALAR BASIN
DIVISION, KANCHIPURAM**

I, **R.Ramesh** .son of K.Ramamoorthy .aged about 55years officiating as Executive Engineer, Water Resources Department (WRD) of the Public Works Department, Lower Palar Basin Division having my office at the Collectorate campus, Kanchipuram submit my report as follows:

2. I am the Executive Engineer having maintenance control over the water bodies under the control of WRD in Kanchipuram, Chengalpet, part of Tiruvallur and Chennai Districts and as such I am filing this report affidavit on behalf of the Superintending Engineer, WRD, Palar Basin Circle, Chennai-5 appointed as the Nodal Agency by this Hon'ble Tribunal in the Original Application herein.

3. DIRECTIONS OF THE HON'BLE TRIBUNAL IN THE ORDER DATED 13.08.2020

1. *The above case has been suomotu registered by this Tribunal on the basis of the newspaper report published in Dinamalar Chennai City Supplement Edition dated, 13.08.2020 under the caption "the encroachers ask for compensation"*
2. *The allegations in the news report are the Public Works Department had undertaken the work of redeeming the Tambaram Periya Eri (Tambaram Big Lake) which has shrunk and become a sewage pond due to encroachment. But due to stiff resistance by the encroachers, they were not able to proceed with the work. Some work has been undertaken by the Public Works Department in co-ordination with the Revenue Department for removing the unauthorised construction in the water body. However, they could not proceed with the work on account of the stiff resistance and also insisting for compensation for the improvements made by them in those areas.*
3. *In fact, the lake covers a big area and whenever the lake is full during monsoon season, the groundwater level increases in Old Tambaram, Irumbuliyur, Reddiypalayam, C.T.O. Colony and Kannan Avenue.*
4. *Due to the political influence, pattas were granted to the encroachers. It is seen from the report that it was originally having an extent of more than 150 acres which has now shrunk to 10 acres and became a sewage pond.*
5. *During 2015, due to flood caused due by rain, large area surrounding this lake had submerged in water and that could not be restored even now. Though, requests have been made by the local people to restore the water body and safeguard atleast the remaining area, no steps have been taken by the authorities so far.*

6. On going through the allegations in the report, The Hon'ble Tribunal observed that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same.
7. In order to ascertain the real state of affairs and action taken by the authorities to protect the water body, a joint committee was appointed by the Hon'ble Tribunal comprising of 1) The District Collector, Chengalpattu District or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector 2) Superintending Engineer of Public Works Department and Water Resources Organisation, who is in charge of that area, 3) Senior Officer deputed by the Chairman Tamil Nadu State Pollution Control Board 4) The Municipal Commissioner, Tambaram Municipality to inspect the water body in question and submit a factual as well as action taken report, if there is any violation found.
8. The committee was directed (a) to ascertain the original extent covered by the lake as per revenue records, the nature and the extent of encroachments, action taken to remove the encroachment; (b) to consider the question as to whether there is any scheme launched by the State Government or by the District administration for the purpose of rejuvenation and protection of this water body and if so, what is the stage of its implementation etc., and whether there is any unauthorised dumping of garbage and discharge of untreated sewage into the water body causing pollution into the water body and if so, to trace out the persons who are responsible for the same and take appropriate action including imposition of environmental compensation against such persons applying the 'Polluters Pay Principle' as directed by the Hon'ble Apex Court and also National Green Tribunal in several cases of this nature; (c) to take the water samples from the lake for analysis of Bio Chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD), Total Coli Form and Fecal Coli Form and other prohibited metals to ascertain as to whether it confirms to the standard for drinking purpose. If there is any contamination, they are also directed to suggest the ways and means to rectify the same; (d) The Public Works Department will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose; and the committee to submit the report to this Tribunal within a period of three months."

4. REPORT OF THE PUBLIC WORKS DEPARTMENT:

- (i) The Tambaram Periya Eri in S.F.No. 348 of the Tambaram Village in Tambaram Taluk is a PWD tank since its originally intended ayacut area was 43.43 Ha. It has the storage capacity of 0.14Mcm and its water spread area is 2.94 sq.km with its own catchment in 0.36 sq.km.
- (ii) As per the survey made by the survey officials there are 436 No. of encroachments in the water spread area and the tank bund for which notices

under Form I and II were issued. Notices under form III could not be issued due to the lockdown which is in force till now.

- (iii) The joint inspection was conducted on 21.01.2020 with the Revenue Divisional Officer, Tambaram and the Officers of the Tamil Nadu Pollution Board and the water sample has been collected by the officials of the Tamil Nadu Pollution Control Board.
- (iv) During the inspection held on 21.01.2020, it is observed that the Tambaram Municipality is letting sewage water into the tank and there are dumping of garbage here and there in the tank bed. It is also observed that the garbage is being removed in piece-meal. Hence, the issues of letting in the sewage and the dumping of garbage have to be addressed by the 7th respondent/Municipality. However, as a Nodal Agency as ordered by this Hon'ble Tribunal, the WRD is committed and assures to render all assistance or co-operation in mitigating and arresting the pollution to the impugned tank and also any orders passed by this Hon'ble Tribunal in this regard to WRD.
- (v) The Inspection Report of the Joint Inspection held on 21.01.2020 would be finalized once the testing of the water sample is over and the result of the analysis of analysis of Bio Chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD), total Coli Form and Faecal Coli Form and other prohibited metals to ascertain as to whether it confirms to the standard for drinking purpose, test reports as to the nature and therefore, further time may be necessary to prepare the report based on the analytical tests made from the sample collected.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the submissions made above and to grant further time of one month to file the report of and pass appropriate further as deemed fit in the circumstances stated and thus render justice.


Executive Engineer W.R.D. P.W.D
Lower Palar Basin Division,
Kancheepuram.