

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A NO. 154 OF 2020 (SZ) SUOMOTU ON THE BASIS OF THE NEWS PAPER REPORT PUBLISHED IN DINAMALAR CHENNAI CITY SUPPLEMENT EDITION DATED, 13.08.2020 UNDER THE CAPTION "TAMBARAM PERIYA ERI THE ENCROACHERS ASK FOR COMPENSATION WHAT THE PUBLIC WORKS DEPARTMENT IS GOING TO DO?"

1. ORDERS OF THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)

It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai in its order dated 18.08.2020 in the matter of O.A.No. 154 of 2020 inter alia stated that:

- "2. It is alleged in the 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, Reddypalayam, 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.*
- 9. 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.*
- 10. The committee is directed 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*
- 11. The committee is directed 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*

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

12. The committee is also directed 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
13. The Public Works Department will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose"

Further in its order dated 23/12/2020 inter alia directed the following

5. Tambaram Municipality as well as the Tamil Nadu State Pollution Control Board has also got some responsibility regarding the allegations made in the newspaper report and they should have come with their independent response as to whether the allegations are correct and what are all the steps taken by them to redress the grievance raised by the public through the newspaper report. However, such a proactive step was also not forthcoming from the responsible Departments. If they did not comply with the directions of this Tribunal then, they will have to face the consequences of non compliance of the directions as provided under Section 25 & 26 of the National Green Tribunal Act.
6. The committee as well as the independent Departments are directed to file the report as well as the independent response regarding the allegations made in the application and the steps taken by them from their side to meet the situation on or before 02.02.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules."

Subsequently the Hon'ble National Green Tribunal (SZ), Chennai in its order dated 02/02/2021 further directed the following

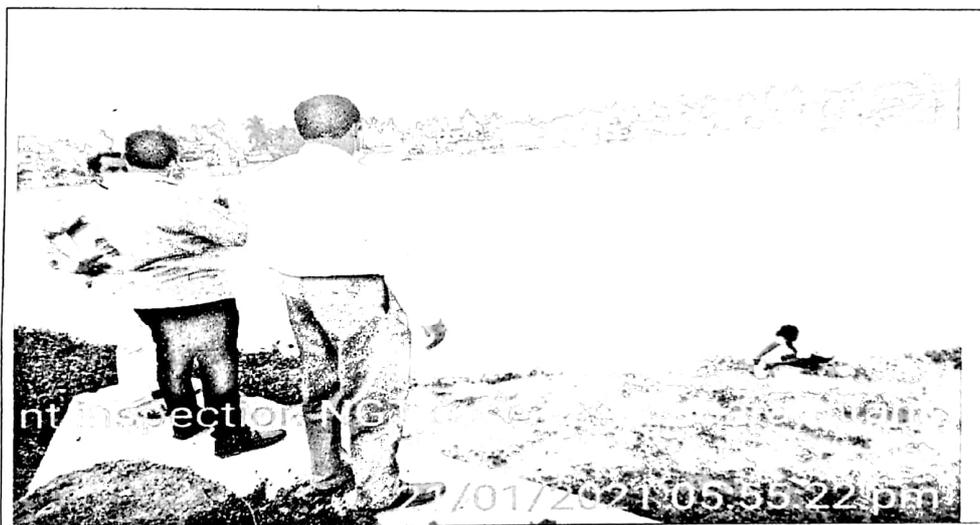
4. We have received the report of the Executive Engineer (WRD), PWD, Lower Palar Basin Division, Kancheepuram on behalf of the committee dated „nil" received on 2.2.2021
5. It is seen from the report that there is large number of encroachments and survey has been conducted to identify those persons and steps are being taken to remove the encroachments. It appears that a mistake has crept in as the committee was constituted only on 18.8.2020 and the date of inspection was mentioned as 21.1.2020, which ideally should be 21.1.2021.
6. The learned counsel appearing for the Pollution Control Board submitted that the water analysis report has not been received and as soon as they receive the analysis report, they will come with the final report.
7. The learned counsel for the Nodal agency on whose behalf the report has been filed also submitted that they want one month time for filing the final report
9. So under these circumstances, we feel that some more time can be given to the committee to file the final report without taking adjournment on a lame excuse as inspection itself was conducted nearly after five months of constituting the committee when this Tribunal had heavily come down for not submitting the report as per the order dated 23.12.2020. Such lethargic attitude should not be shown by the committee members hereafter in submitting the final report to this Tribunal. In

the mean time, the respective local bodies and official respondents are expected to take action on the basis of the findings of the joint committee for redressing the grievance. They are also directed to submit the independent progress report about the work that they have done to redress this grievance permanently. The committee as well as the official respondents are directed to submit their committee report as well as their independent progress report regarding the status of the work done before this Tribunal on or before 4.3.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules."

2. COMPLIANCE OF THE DIRECTION

In due compliance of the said Hon'ble National Green Tribunal direction, surface water sample from the Tambaram big tank in Tambaram were collected on 21/01/2021 so as to ascertain the present water quality in the said water body

Collection of water sample to ascertain the quality of water in the Tambaram big tank in Tambaram



Statement showing the value of the Physico chemical parameters analysed

Sl.No	Parameters	Units	Point of Collection	TNPCB Standards (Inland Surface Water)
			Tambaram big tank in Tambaram	
1	pH @ 25°C	No.	7.44	5.5-9
2	Total Suspended Solids @ 105°C	mg/L	32	100
3	Total Dissolved Solids @ 180°C	mg/L	596	2100
4	BOD @ 27°C	mg/L	15	30
5	COD	mg/L	184	250
6	Copper as Cu	mg/L	<0.033	3
7	Zinc as Zn	mg/L	<0.05	1
8	Cadmium as Cd	mg/L	<0.013	2
9	Lead as Pb	mg/L	<0.07	0.1
10	Nickel as Ni	mg/L	<0.05	3
11	Total Chromium Cr	mg/L	<0.01	2
12	Hexavalent Chromium Cr ⁺⁶	mg/L	<0.01	0.1
13	D.O	mg/L	6.5	5mg/l and above

Statement showing the value of the Bacteriological parameters analysed

Sl.No	Parameters	Units	Point of Collection	Primary Water Quality Criteria for Bathing Waters prescribed by Central Pollution Control Board
			Tambaram big tank in Tambaram	
1	Total Coliform	MPN/100 ml	230	500 or less.
2	Faecal Coliform	MPN/100 ml	20	500 (desirable) 2500 (Maximum Permissible)

The Report of analysis of the water sample collected from the said water body reveals that the Physico chemical parameters analysed satisfy the Inland surface water standards prescribed by the Board. Furthermore the water sample collected from the Tambaram big tank in Tambaram analysed for Bacteriological parameter Total Coliform and Faecal Coliform meets the Primary Water Quality Criteria for Bathing Waters prescribed by Central Pollution Control Board.

3. REPORT OF THE PUBLIC WORKS DEPARTMENT:

- (i) Tambaram Periya Eri is located at S.F.No. 348 of Tambaram Village, Tambaram Taluk, Chengalpattu District is a PWD tank which has the capacity to store 4.7 MCFT and its water spread area is 17.57 Ha with its own catchment in 0.36 Sq.miles. Its originally intended ayacut area was 43.43 Ha.
- (ii) Tambaram Periya Eri is bounded by Tambaram Municipal area in all directions.
- (iii) The surplus water of the Tambaram Periya Eri is feeding to Pappan channel and finally confluence to Adyar River at Perungalathur Point.
- (iv) Due to the absence of the surplus course, every year the downstream side of this tank area was inundated by the surplus water of this tank.
- (v) The PWD has constructed a new flood control regulator at the midpoint of the tank bund. Also the cut and cover has been completed and inter linked with existing Mudichur cut and cover so as to safeguard the public for every year monsoon period to prevent the inundation from the surplus water of this tank.
- (vi) As per the survey made by the Revenue Department official in the year of 2009, there are 610 Nos. of encroachments in the water spread area and in the entire length of the bund.

4. REPORT FROM COMMISSIONER, TAMBARAM MUNICIPALITY

In due compliance of the said Hon'ble National Green Tribunal direction the Commissioner, Tambaram Municipality furnishes the following detailed report:

1.	Total Area of the Tambaram Municipality	20.72 Sq.Km
2.	Total Population of the Tambaram Municipality :	174787
3.	Details of habitation in the vicinity of the Tambaram Periya Eri.	<u>Ward No.29</u> 1. Mangalapuram

		2. Thiruvalluvarpuram 3. Patel Nagar 4. Deiva Nagar Ward No.30 1. Kalyan Nagar main road 2. Kalyan Nagar 1,2 & 3 rd street
4.	Households in the above said area:	1334 Nos.
5.	Total Generation of sewage in the said areas:	0.43 MLD
6.	Total Generation of solid waste in the said areas:	1.868 MT/Day.

I. SOLID WASTE MANAGEMENT

Generation of total Solid Waste in the Ward No.29 & 30 of the Municipality: 1.868 MT/day (Biodegradable waste -0.934 MT and Non Biodegradable waste – 0.934 MT)

Present status of collection and disposal of solid waste:

Presently the Tambaram Municipality carries out door-to-door collection of solid waste using 1 tricycle, 1 Battery Operated vehicle and with 6 sanitary Workers. Out of 1.868 T/day solid waste, biodegradable solid waste is 0.934 T/day and the non biodegradable wastes is 0.934 MT/day. Tambaram Municipality is having Solid waste processing facility to process the biodegradable waste generated in the Tambaram municipal area to the tune of 28 Tons/day for which Board has given authorisation vide Procs. dated 08/04/2019 valid up to 31/03/2020 and subsequently extended up to 30/09/2020. Non biodegradable waste and non saleable waste are being sent to Kodungaiyur Dump site of Greater Chennai Corporation.

Action Plan for Solid Waste Management - Short Term

1. Tambaram Municipality to carry out composting of the biodegradable waste at its Micro Compost centre and to dispose the non biodegradable waste at Kodungaiyur Dump site of Greater Chennai Corporation.
2. The Municipality has proposed to issue notice to the public and to the households not to dump the waste on the road sides and to issue pamphlets regarding the source segregation of the solid waste.
3. Persons dumping solid waste in the road side will be identified and fine will be imposed as per the provisions of the Local Body Act.

Long Term :

- 1 Door to Door Collection of segregated solid waste from the households of the Tambaram municipality will be made 100%
- 2 1 Tricycle, 2 Battery Operated vehicle and with 6 sanitary Workers will be deployed for the collection of solid waste from the said 1334 households.

- 3 Micro composting centre has been created at Mannurankulam Micro compost center, Onsite compost yard at Kalyan Nagar of Tambaram to compost the segregated Biodegradable wastes of 0.934 MT/day and non degradable waste of 0.934 MT/day will be collected and disposed through Vengadamangalam Incineration facility after obtaining necessary permission from the competent authority.

II. SEWAGE GENERATION AND SEWERAGE SYSTEM:

Generation of sewage in the Tambaram Municipal area i.e. from the said 5336 population in above 2 wards: 0.43 MLD.

Present method of collection and mode of disposal of sewage:

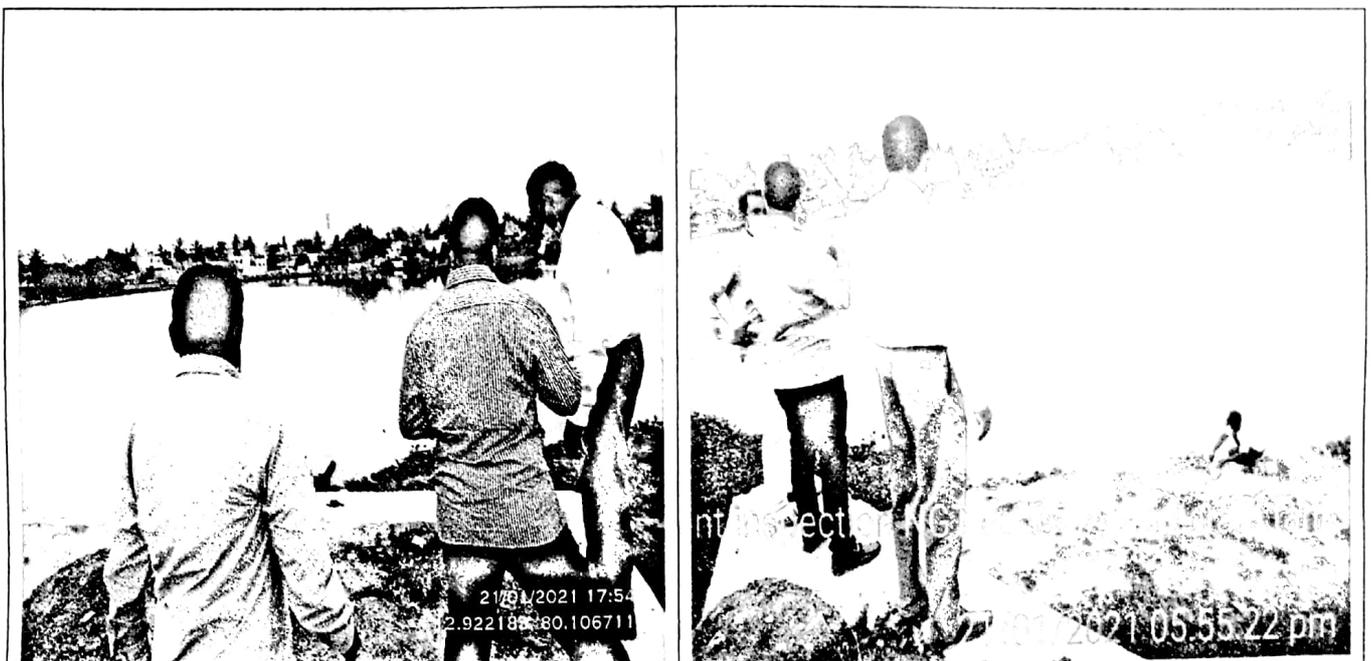
The generated waste water from households and commercial establishments in ward nos. 29 & 30 are disposed through individual septic tank arrangements and the above 2 wards are covered under UGSS scheme and UGSS House service connection was in progress. When both these schemes are completed in another five months the flow of sewage from the said Tambaram Municipal area to Periya Lake will be completely averted.

Action Plan for Sewage Management

Tambaram Municipality has proposed to complete and commission the underground sewerage system with Sewage treatment plant for handling the sewage generated from the tambaram municipal area within 5 months.

5. JOINT INSPECTION OF THE COMMITTEE

The members of the joint committee have carried out the inspection in the area in question on 21.01.2021.



6. OBSERVATIONS BY THE COMMITTEE

During the time of inspection, the committee observed the following:

1. Tambaram Periya Eri is a PWD tank. It has lost its irrigation potential long back due to agglomeration of Chennai City and its suburb over the period of time. Now, the tank serves mostly as a natural aquifer.
2. Surplus overflow from Tambaram Periya Eri flows through Mudichur cut and cover recently provided by the PWD and finally confluence to the Adyar river at Perungalathur point.
3. PWD has constructed flood control regulator at the midpoint of the tank bund removing the encroachment at that point and also provided cut and cover arrangement to interlink with mudichur cut and cover.
4. It is ascertained from the PWD that no compensation will be issued to the encroachers who lost their houses due to the construction of flood control regulator in the said tank.
5. Encroachments were noticed on the entire length of the tank bund and in the east, west and northern side of the water spread area of the Tambaram Periya Eri.
6. There are 6 major storm water drain outlets and street drains, draining into this Tambaram Periya Eri bringing Sullage / Sewage to the tank. The tank water is being polluted due to this inflow of sewage mixed storm water from Tambaram Municipal area.
7. The residents in the fringe of the water body was found dumping the solid waste.
8. Tambaram Municipality is carrying out the processing of the biodegradable waste collected from the Municipality area and handling the same as per Solid Waste Management Rules, 2016 and the non biodegradable waste and non saleable waste are being transported and dumped in the Kodungaiyur Dump yard of Greater Chennai Corporation.

7. RECOMMENDATIONS:

Based on the above observation, the joint committee submits the following recommendation before the Hon'ble National Green Tribunal (Southern Zone)

01. Tambaram Municipality shall complete the UGSS scheme and UGSS House service connections in another five months to prevent the flow of sewage/sullage from Tambaram Municipal area into the Tambaram Periya Eri.
02. Tambaram Municipality shall levy fine on the violators disposing sewage into the Tambaram Periya Eri under local body acts.
03. Tambaram Municipality shall carry out composting of the biodegradable waste at Micro Compost centers and dispose the non biodegradable waste through the proposed Vengadamangalam Incineration facility within 6 months.
04. Tambaram Municipality shall regularly monitor the collection of solid waste from the said area to avoid dumping of solid waste into the lake and shall levy fine on the violators dumping the solid waste in the water body.
05. Tambaram Municipality shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal of the same by complying with the provisions of the Solid Waste Management Rules 2016 and shall ensure that no dumping of solid waste happens in the Tambaram Periya Eri by deploying security guards.

06. Tambaram Municipality shall create awareness among the public with the help of associations in the local body area for proper segregation and collection of solid waste.
07. The PWD with the help of Revenue Authorities shall make fresh survey to identify the exact number of encroachment and to evict them within six months.
08. The PWD shall take steps to create biodiversity parks/ tree-planting around the banks of the water body, so as to protect the lake against the future encroachment in coordination with NGO's.



**Commissioner,
Tambaram
Municipality**



**District
Environmental
Engineer, Tamil
Nadu Pollution
Control Board,
Maraimalai Nagar**



**Revenue
Divisional
Officer,
Tambaram,
Chengalpet
District.**



**Superintending
Engineer, Public
Works Department
and Water Resources
Organisation**



**District
Collector,
Chengalpattu
District**