

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 154 of 2020 (SZ)
(Through Video Conference)**

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU Based on the News Item in Dinamalar Tamil Newspaper Chennai Edition dated 13.08.2020, "The encroachment ask for the compensation what the Public Works Department is going to do?".

-versus-

The Principal Secretary to Government
Public Works Department,
Govt. secretariat, Fort St. George,
Chennai and Ors.

...Respondent(s)

**REPORT FILED BY THE SUPERINTENDING ENGINEER,
WATER RESOURCES ORGNAIZATION, CHENNAI**

I, A. Muthiah, s/o. Asokan, aged about 58 years residing at "C" Block, 207, Casagrand Aristo Apartments, Nobel Street, Nanganallur, Chennai-61, do, hereby, solemnly affirm and sincerely state as follows:

2. I am the Superintending Engineer, WRD, Palar Basin Circle, Chennai-5 and the administrative control of the Tambaram Big lake Tank lies within my control and I am filing this individual report pursuant to the order dated 29.04.2020 of this Hon'ble Tribunal in the Original Application herein.

3. I state that based on the news report dated 13.08.2020 in the Dinamalar daily under the caption, " The encroachment ask for the compensation what

the Public Works Department is going to do?" this Hon'ble Tribunal, has *suo motu* taken up the case on the following observations made from the news report:

- a) It is alleged in the report that 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 unauthorized construction in the water body. However, they could not proceed with the work on account of stiff resistance and also insisting for compensation for the improvements made by them in those areas.
- b) 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.
- c) 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 become a sewage pond.
- d) During 2015, due to flood caused by rain, large area surrounding this lake 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 at least the remaining area, no steps have been taken by the authorities so far.

- e) On going through the allegations in the report , we are satisfied that there arises a substantial questions of environment which requires the interference of this Tribunal for resolving the same.
- f) 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 department 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 right to life as enshrined under article 21 of the Constitution of India. 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 improves the ground water recharge in that area thereby maintaining ecological balance. It also acts as a rain water harvesting system to collect rain water during monsoon.

4. I further state that this Hon'ble Tribunal by the order dated 18.09.2020 has appointed a Joint Committee and directed that:

(i) 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.

(ii) 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 body causing pollution into the water body 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 applying the "Polluters pay principle" as directed by Hon'ble Apex Court and also National Green Tribunal in several cases of this nature.

(iii) 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.

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

5. As regards the Water Resources Department is concerned it is stated that the Tambaram Big Tank in S.F.No. 348 of Tambaram Village of Tambaram Taluk has the storage capacity of 0.14 Mcm to feed the originally intended ayacut of 43.43.0 Ha. It's water spread area is 17.57.50 ha and has its own catchment in an extent of 0.36 Sq.miles. In view of the development of Chennai City and its peripheral areas, the ayacut has been substantially reduced now.

6. With regard to the action taken for eviction of encroachments, it is stated that the revenue and WRD officials in the presence of Revenue Divisional Officer, Tahsildar and Assistant Executive Engineer, WRD, Palar Basin Sub

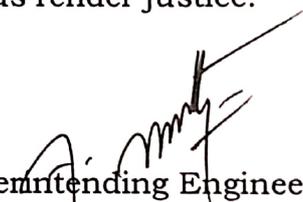
Division, Chengalput and the Assistant Engineer, WRD, Irrigation Section, Padappai have made a survey of the tank by the Taluk Surveyor of Tambaram and identification of encroachments is in progress by the Revenue Officials. As per the Tamil Nadu Protection of Tank and Eviction of Encroachment Act, 2007 and rules made there under, the Tahsildar has to send the particulars of encroachments in Form I and II and after which the Assistant Engineer, WRD, Irrigation Section, who is the authorized Officer has to issue form No. III to the encroachers and take eviction proceedings as per law. The photographs taken during the survey of the tank are filed herein.



7. PLANS FOR REHABILITATION OF THE LAKE:

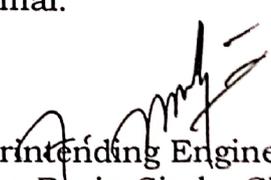
It is stated that the estimate has been prepared for Rehabilitation of the Tambaram Periya Eri at a cost of 1.79 Crores and submitted to the Government for assistance of NABARD Loan. When the financial Sanction is accorded for the proposal tenders will be called for after allocation of fund by the Government.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the report filed herewith and pass appropriate further orders as deemed fit in the facts and circumstances of the case and thus render justice.


Superintending Engineer, WRD
Palar Basin Circle, Chennai-5

VERIFICATION

I, A. Muthiah, s/o. Asokan, officiating as Superintending Engineer, WRD, Palar Basin Circle, Chennai-5, do verify that the submissions made from paragraphs 1 to 7 are true and correct to the best of my knowledge and from records and I signed this on this.....Day of May, 2022 at Chennai.


Superintending Engineer, WRD
Palar Basin Circle, Chennai-5