

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE, CHENNAI**  
Original Application No. 168 of 2020 (SZ)

Tribunal on its own motion Suo Motu  
Initiated proceedings based on the news item  
Published in Indian Express Newspaper  
Chennai edition dated 25.08.2020  
Under the caption "Sewage discharged into  
open SWDs irks Porur residents"

Applicant

Vs.

- 1) The Principal Secretary to Government  
Public Works Department, Govt. Secretariat,  
Fort St. George Chennai,  
Tamil Nadu – 600009.
- 2) The Secretary to Govt. of Tamil Nadu,  
Department of Environment,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,  
Health and Family Welfare Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 4) Additional Secretary to Govt. of Tamil Nadu,  
Municipal Administration and Water Supply Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 5) The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 76, Anna Salai, Guindy,  
Chennai, Tamil Nadu 600 032.
- 6) The District Collector,  
2 Chennai District, District Collectorate Office,  
No. 62, Rajaji Street, 4th Floor,  
Chennai- 600 001.
- 7) Greater Chennai Corporation,  
Rep. by its Commissioner,  
Ripon Building, Chennai 600 003.

Page No. 1  
No. of Coms: Nil  
Sign: /

  
S. Janakumaran  
परियोजना निदेशक  
Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
National Highways Authority of India  
चेन्नई प.क.स. Chennai PIU

- 8) Vanagaram Panchayat,  
Chokkalingam Naicker 5th St,  
Ganapathi Nagar, Vanagaram,  
Chennai, Tamil Nadu – 600 095.
- 9) National Highway Authority of India (NHAI) Project Director,  
SRI Tower, 3rd Floor DP-34 (SP),  
Industrial Estate, Guindy,  
Chennai – 600 032.  
(R8 & R9 Suo Motu impleaded as per the order of the Tribunal  
dated 13.01.2021)
- 10) Chennai Metropolitan Water Supply & Sewage Board  
Chennai.  
Respondents

**AFFIDAVIT FILED ON BEHALF OF 9<sup>th</sup> RESPONDENT**

I, S.Janakumaran son of Saravanan, having office at "Sri Tower", 3<sup>rd</sup> Floor,  
DP-34 (SP), Industrial Estate, Guindy, Chennai -600 032, do hereby solemnly  
affirm and sincerely states as follows:-

I am working as Project Director, PIU, NHAI, Chennai and suo moto  
impleaded by this Hon'ble Tribunal as 9<sup>th</sup> respondent vide order dated  
13.01.2021. I am conversant with the facts of the case from records available in  
the office as such I am competent to swear this affidavit.

1. It is respectfully submitted that the 10<sup>th</sup> respondent had filed their report  
and same was taken into consideration by this Hon'ble Tribunal on 24.06.2021.  
In the said report, in para 14, some recommendations were suggested for kind  
consideration of this Tribunal for implementation of remedial measures at various  
departments to implement the same to curb illegal discharging of sewage into  
storm drains / water bodies in future. In their recommendation, the following are  
pertaining to NHAI:

Page No. 2  
No. of Corams: Nil  
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S. Janakumaran  
परियोजना निदेशक  
Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
National Highways Authority of India  
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- \*1(a) To intensify the patrolling activities especially along the complaint location and other isolated/ vulnerable points along Highways.
- (b) To monitor and replace the damaged/missing cover slabs of the storm drains on regular basis, which are either damaged or removed by the miscreants along the NH-4.
- (c) To enforce stringent action on the violators in close Coordination with Police and RTO officials. Caution boards at all vulnerable locations.
- 4 (c) In co-ordination with the Police & NHAI Officials concerned shall arrange to install and monitor CCTV's along the complaint location and other vulnerable points along the Highways\*.

2. It is respectfully submitted that other important recommendation in para 14.2 pertaining to Police Department is

*\*The Police Department shall keep a vigil in the area in question and take action on the sewage tanker lorries decanting the sewage other than the Thirumazhisai STP\*.*

3. Similarly, the recommendation pertaining to Vanagaram Panchayat which read as follows:

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S. Janakumaran  
Project Director  
Business Highways Authority of India  
New & Old Chennai RM

\*4. The Secretary, Vanagaram Panchayat shall expedite on the followings:-

- (a) To establish Underground Sewerage system to handle the sewage generated in Vanagaram Panchayat Area.
- (b) To regulate the sewage tanker lorries operating in their Jurisdiction by properly registering them and streamlining the sewage tanker lorries in coordination with Thirumazhisai STP or at CMWSSB's Ganga Nagar Sewage Pumping Station to ensure proper decanting of collect sewage in their Jurisdiction. Stringent legal action shall be imposed on erring tanker operators".

4. In this regard, it is submitted that the Chennai Bypass runs from Km 0.000 to Km. 32.600 from Irumbuliyur to Madhavaram in the outskirts of Chennai City. Chennai bypass was constructed in two phases, Phase-1 from 0.000 Kms to 19.170 Kms was completed in November 2001. The Phase-II from Km 19.170 to Km 32.600 was completed in the month of May, 2011.

5. It is submitted that the referred location of Storm Water Drain reported in Newspaper where raw sewage was discharged was constructed by local body falls in Km 15.820 to Km 16.120 in Left Hand side of Chennai Bypass Project. The referred location from Km. 15.820 to Km 18.980 is part of the Service Road of the Chennai Bypass of which Km 15.820 to Km 16.120 falls under the local body jurisdiction of Greater Chennai Corporation and from Km. 16.120 to Km 18.980 falls under the jurisdiction of Vanagaram Panchayat. It is pertinent to

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S. Janakumaran  
Special Police  
Project Director  
National Highways Authority of India  
Chennai PUJ

point out that the drain mentioned on the Porur road between Km 15.80 to Km 16.120 was not constructed by NHAI and the same was constructed of Local Body.

6. It is submitted that upkeep of the Public health and sanitation is under the domain of local authority because the sewage is collected from nearby residential areas. It is further submitted that as directed by this Hon'ble Tribunal, the Zonal Officer, Zone 11, Valasaravakkam, Area Engineer, Metro Water, Official of Tamil Nadu Pollution Control Board and the Project Director, NHAI Chennai participated the joint inspection on 23.10.2020. During the joint inspection and also submitted a letter addressed to the Greater Chennai Corporation bearing No. NHAI/13018/407/2020/PIU Chennai/2110 dated 27.10.2020, it was requested that CMWSSB and Greater Chennai Corporation may enlist Sewer transport owners and instruct them to discharge the sewer in the specified treatment plants.

7. It is further submitted that the Independent Engineer in charge of supervising the Operation & Maintenance of the said bypass, has brought to notice of the Authority that social miscreants are disposing the sewage water, collected from various places through tanker lorries into the storm water drain of Chennai Bypass which is causing severe health hazards to the road users. It is further submitted that it has been found by the Independent Engineer that garbage are also being discarded/dumped and set fire near the main carriageway of Chennai Bypass from Km 17/2000 to Km. 17/500 which is causing safety threats and health hazards to the road users and this leads to

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No. of Corams: Nil  
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National Highways Authority of India  
चेन्नई प.का.इ. Chennai PIU

many accidents especially in respect of two wheelers. In this regard, complaints have been lodged by NHAI Operation & Maintenance Contractors namely M/s. B.Ramanaiah Constructions Engineers & Contractors to the concerned Police Stations viz., Tiruverkadu Police Station for sewage disposal and Maduravoyal Police Station for dumping of garbage.

8. It is submitted that in this regard, the Superintendent of Police, Tiruvallur vide letter dated 26.08.2019 was addressed to take appropriate action against those social miscreants in order to maintain the road in good condition. Photographs showing the discharging of sewage into the drain were also sent to the Superintendent of Police, Tiruvallur for necessary action.

9. It is submitted that the true solution to end this kind of activities will be enlisting all such sewer lorry operators and instruct them to discharge in the treatment plant and also fixing these vehicles with Vehicle Tracking System so as to monitor the movement of vehicles.

10. It is further submitted that on encountering such incidents and also considering the safety of the Road users, the work of providing cover slab is already in progress for a length of 700 m between Km 19.925 to Km 20.275 on both sides of the project highway. Further, the Competent Authority of NHAI has accorded approval vide letter No. NHAI/CM-11/O&M/Chennai Bypass/2016/Comp.No.7631/2679 dt.26.02.2021 for an amount of Rs.15.38 crore towards construction of cover slab over the open storm water drain available in the entire project stretch of Chennai Bypass. The work is to be taken

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National Highways Authority of India  
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upon completion of the bidding process. Since, Model Code of Conduct for the Assembly Elections was imposed in the State of Tamil Nadu, the bidding process could not be initiated and the process has been initiated now and remaining work could be completed in 6 months from the appointment of the contractor / agency. It is to state that providing cover slab over the existing storm water drain may be the permanent solution to cease dumping of sewage water in the storm water drain.

11. It is respectfully submitted that for enforcement of any regulation, the NHAI largely dependent on Revenue Department or Police Department depending upon the nature of complaint or issue. The issue such as damage being caused to Highways, drainage line or lid etc., and also for action against dumping of garbage abutting NH, the NHAI is depending on the concern jurisdictional Police officers. To prevent such illegality being perpetuated by garbage carrying vehicles/ sewage tanker lorries, NHAI recommends to take stringent action against the owners of such tanker lorries and garbage dumping vehicles. The NHAI do not have any independent empowered manpower or authority to curb such illegal activities. It is only the concern local Administrative Officers or the Police officials of concerned jurisdiction have to either suo moto or on the complaint by NHAI or any other aggrieved persons have to take swift action against the violators.

12. It is respectfully submitted that the 9<sup>th</sup> respondent had also given instructions to the Field Engineers and Patrol Vehicle of the O&M Contractor to monitor such violations if takes place and to bring to the notice of this answering

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No. of Coms: Nil  
Sign: ✓

  
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भारतीय राष्ट्रीय राजमार्ग प्रधिकरण  
National Highways Authority of India  
चेन्नई प.का.इ. Chennai PIU

respondent so that required follow up action could be taken up with the jurisdictional Police officers and other enforcement authorities. This respondent is ready and willing to abide any directions as may be issued by this Hon'ble Tribunal as may be deem it fit and proper to completely curb such illegal dumping of garbage in NH road sides and disposal of drainage.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to consider this reply and may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case and thus render Justice.

Solemnly affirmed at Chennai this the  
day of July 2021 and signed  
his name in my presence.

*R. Durga*  
11/27/2021  
No-282, Adalt. h.c.  
NH C, Chennai-104

*S. Janakumaran*  
S. Janakumaran  
परियोजना निदेशक  
Project Director  
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
National Highways Authority of India  
चेन्नई कार्यालय, Chennai PIU

BEFORE ME

ADVOCATE: CHENNAI

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No. of Corams: Nil  
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TRIBUNAL

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Chennai and others.

Respondents

AFFIDAVIT FILED ON BEHALF OF  
9<sup>th</sup> RESPONDENT

SU.SRINIVASAN (475/1993)  
Standing Counsel for NHAI  
Counsel for 9<sup>th</sup> Respondent  
9444089457