

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A NO. 173 OF 2015 (SZ) FILED BY CONFEDERATION OF ORGANISATIONS FOR INTEGRATED URBAN DEVELOPMENT, GAJAPATHY STREET, NEHRU NAGAR, CHROMEPET, CHENNAI – 44.

1. ORDERS OF THE HON'BLE TRIBUNAL

It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai in its order dated 10/12/2019 in the matter of O.A.No.173 of 2015 inter alia stated that:

"This application seeks direction to restore the "Paalkeni Vinayagar Temple Lake" in S.No.50/236 at ward No.12, Zamin Pallavaram, Chennai-600 117, within the limits of Pallavaram Municipality.

Case of the applicant is that the water body in question is spread over 35 acres of land in the catchment area of Trisulam Hills and the water in the said lake was earlier used as drinking water. The lake has been encroached and now the said lake is existing only to an extent of about 10 acres. The lake is polluted by dumping of domestic waste/sewage water causing loss to aquatic life. Pollution of water is affecting the health of the inhabitants. The ground water is also contaminated affecting the micro climate and recharge. A sum of Rs. 10 Lakhs was sanctioned by the Government of India in the year 2007 for restoration of lake. Further sum of Rs. 15 Lakhs was earmarked by the Hon'ble Minister for Labour under MLA- Constituency fund for improving the lake. Tenders for the work were issued in the year 2010, but till date work has not commenced. The encroachments and pollution continues. A Division Bench of the Madras High Court, in the Judgment in Anti Corruption Forum Vs Government of Tamil Nadu, reported in 2008 (1) MLJ 417, directed eviction of encroachers from the lake area. The Commissioner of Pallavaram Municipality has not taken necessary action.

The Application was filed on 07.10.2015. On 20.10.2015, notice was issued to the State Authorities, the Director of Municipal Administration, the Commissioner of Hindu Religious and Charitable Endowments Department, the Commissioner of Pallavaram Municipality and the Tamil Nadu State Pollution Control Board. The Respondents have filed their respective replies.

By Order dated 10.04.2017, this Tribunal noted that the disputed property vested with the Revenue Department/Pallavaram Municipality

During the hearing, Learned counsel appearing for the Municipal Administration has handed over a copy of the proceedings dated 15.10.2019 allocating an amount of Rs. 92 Lakhs for restoration for water bodies

The fact remains that lake in question is not only facing encroachments but also pollution. There is continued violation of Water (Prevention and Control of Pollution) Act, 1974 affecting the environment and the public health. The underground water quality is also affected. Remedial measures are necessary.

In view of the above, we constitute a joint Committee comprising nominees of District Collector of Chengalpet District, Commissioner of Hindu Religious and Charitable Endowments Department, Director of Municipal Administration, Commissioner of Pallavaram Municipality, and the Tamil Nadu State Pollution Control Board for consideration of the above issue and to prepare and execute an action plan for restoring of all water body. The Commissioner of Pallavaram Municipality will be the Nodal Agency

for coordination and compliance. The Nodal agency shall ensure that first meeting of the Committee is held on or before 31.12.2019 and the action plan is prepared which may be executed on or before 31.3.2020 so as to ensure that the discharge of untreated sewage in the water body is prevented, water quality is restored and encroachments are removed. Let an interim report be filed by 15.02.2020."

Subsequently the Hon'ble National Green Tribunal (SZ), Chennai in its order dated. 18/01/2021 further directed the following

"1. As per order dated 16.09.2020, this Tribunal had considered the report dated 14.09.2020 received on 15.09.2020 which was extracted in Para 4 of the order and passed the following order :-

"5. It is seen from the report that some steps have been taken to remedy the situation. As regards the encroachments are concerned, it is mentioned in the report that in view of the stay in respect of encroachment issue granted by the Hon'ble High Court of Madras in Suo-Motu W.P. No.7413 of 2020, they are not able to proceed with the matter regarding the encroachment issue and they will be taking steps immediately after some orders are passed in that matter vacating the stay granted. Regarding the rehabilitation suggested by the committee, when it was pointed out to the Government Pleader, he submitted that they will come with the proposal on the next hearing date.

6. It is also mentioned in the report that water samples have been taken and it was sent for analysis and awaiting for the report of the laboratories in this regard.

2. The case was posted to 19.11.2020 for submission of further report. Thereafter, on 19.11.2020 we directed the committee to file a further report and respective departments are also directed to file their status report regarding the progress of the work and posted the case to 22.12.2020 for that purpose. On 22.12.2020, it was adjourned

4. We have received the report submitted by the Joint Committee.

5. In the mean time, there was a newspaper report published in Times of India, Time City Edition dated 06.01.2021 under the caption "Pallavaram civic body lays road along encroached lake". It is seen from the newspaper report that Pallavaram Municipality had laid roads and installed the street lights in the encroached area along the Paalkeni lake and it was further alleged in the newspaper report that Pallavaram Municipality is trying to legalize encroachment and the entire office needs to revamped to avoid such actions in the future. It was also alleged that the existing lake was renovated two year ago by group of volunteers namely, „Pasumai Peruga Sutham Sei" and now it is again encroached and the sewage is discharged illegally into it.

6. Though, it was mentioned in the report that some work was done but they have not mentioned the time line within which it will be completed. Further, the removal of the encroachment is concerned, they have only mentioned that notice have been issued to the encroachers under the Land Encroachment Act, 1905 dated 05.01.2021 and final orders will be passed in accordance with law

7. It is also mentioned in the report that though the Tamil Nadu Pollution Control Board had collected the water sample and sent for analysis and the report is awaited, they have not filed the report in this regard. It is also mentioned that after removing the encroachment, they will convert the same into a green belt and park for the use of the public for which a cost of Rs.92 Lakhs (Rupees Ninety Two Lakhs only) was estimated. But there is no time limit provided for completion of these works. Unless the authorities are coming with some action plan with specific time lines, it will not be possible for this Tribunal to dispose of the case effectively as once it is disposed recording the undertaking made, then this Tribunal will have to call for reports of fulfilment of that undertaking.

8. The Pollution Control Board also did not come with water analysis report to show as to whether the water in the pond has been contaminated or not. Further, independent departments have not filed their status report regarding the action taken to protect the water body as they are expected to protect the environment as per the constitutional mandate under Article 48A of the Constitution of India and such direction was given on the last hearing date but no such response have been filed.

9. So, the committee is directed to consider the newspaper report dated 06.01.2021 referred to above and also file a proper report regarding the time line within which the entire action of removal of encroachment, beautification of the tank etc. will be fulfilled

10. It may be mentioned here that even in the earlier report they did not mention the extent of the lake and what is the extent of the encroachment etc. So, the committee is directed to submit a proper report mentioning the above facts. They have only reiterated the things mentioned in the earlier report which was extracted in Para 4 of the order dated 16.09.2020 and further progress is not clear from the present report.

11. So under such circumstances, we direct the committee to submit a further report complying with the directions made above and also the official respondents to come with their independent response regarding the action taken by them which are vested under the respective statutes with them to protect the water body.

12. The learned counsel appearing for the 1st respondent submitted that as per the order dated 10.12.2019 this Tribunal had constituted a Joint Committee and made the Commissioner of Pallavaram Municipality as the nodal agency. Since the encroachment will have to be dealt with by the Revenue Department whenever meetings are called for, they are finding difficulties to get the attendance of the revenue authorities and wanted to change the nodal agency.

13. So considering the circumstances, we feel that it is better to change the nodal agency and designate the District Collector, Chengalpet as nodal agency for co-ordination and providing necessary logistics and submission of the report as directed by this Tribunal as the steps regarding eviction of the encroachment and further rehabilitation will have to be done by the revenue department. So, the District Collector, Chengalpet is designated as the nodal agency for this purpose.

14. The committee as well as the official respondents are directed to submit their respective reports and independent response and the status of the protecting the water body on or before 25.02.2021 by e-filing in the form of Searchable PDF/OCR

Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.”

2. COMPLIANCE OF THE DIRECTION

In due compliance of the orders of the Hon'ble National Green Tribunal, water sample was collected by the officials of Tamil Nadu Pollution Control Board along with RDO, Tambaram from the Paalkeni Vinayagar Temple pond situated in Pallavaram on 12/09/2020.

Collection of water sample to ascertain the quality of water in the Paalkeni Vinayagar Temple Lake



Statement showing the value of the Physico chemical parameters analysed

Sl. No	Parameters	Units	Point of Collection		TNPCB (Inland Water)	Standards Surface
			Palkeni Temple Pond	Vinayagar		
1	pH @ 25°C	No.	8.71		5.5-9	
2	Total Suspended Solids @ 105°C	mg/L	6		100	
3	Total Dissolved Solids @ 180°C	mg/L	724		2100	
4	BOD @ 27°C	mg/L	10		30	
5	COD	mg/L	144		250	
6	Copper as Cu	mg/L	<0.033		3	
7	Zinc as Zn	mg/L	<0.01		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	2.5		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
			Paalkeni Vinayagar Temple Pond	
1	Total Coliform	MPN/100 ml	61	500 or less.
2	Faecal Coliform	MPN/100 ml	<1.8	500 (desirable) 2500 (Maximum Permissible)

The Report of analysis of the water samples collected from the said water body reveals that the Physico chemical parameters analysed satisfy the Inland surface water standards prescribed by the Board except the parameter DO which is 2.5 mg/l as against 5 mg/l. Furthermore the water sample collected from the Paalkeni Vinayagar Temple Pond analysed for Bacteriological parameter (Faecal Coliform and Total Coliform) meets the Primary Water Quality Criteria for Bathing Waters prescribed by Central Pollution Control Board.

3. REPORT FROM THE COMMISSIONER OF PALLAVARAM MUNICIPALITY

- 1. Pallavapuram is a Special Gade Municipality**
- 2. Location of the said Paalkeni Vinayagar Temple Pond: Survey No.50/236 part of Zamin Pallavaram Village**
- 3. Extent of Paalkeni Vinayagar Temple Pond: 13.24.0 hectares**
- 4. No of houses found built by encroaching the Paalkeni Vinayagar Temple Pond – 111 (as identified by Tahsildar, Pallavaram)**
- 5. Tamil Nadu Slum Clearance Board has identified the tenements in Navalur for the allotment to the encroachers and the encroachers have to remit their contributions for the allotment of the tenements.**
- 6. Notice under land encroachment Act 1905 have been issued to the encroachers by the Tahsildar, Pallavapuram on 05.01.2021. At the time of eviction by the Tahsildar, Pallavapuram. The Pallavapuram Municipality will extent full co operation.**
- 7. The Commissioner of Municipal Administration of Chennai vide ROC No.10568/2019/E1, Dated 15.10.2019 has sanctioned Rs.92 lakhs for the restoration and improvement of the said water body as rain water harvesting structure.**
- 8. Work order was issued to M/s. Jayam Enterprises Company, by proceeding of the Commissioner of Pallavapuram Municipality, ROC No.7872/2019/E1, dated 31.01.2020.**
- 9. The local body is carrying out the above said improvement works by strengthening of the bund, formation of the walking path over the bund**
- 10. The local body has proposed to create park in the evicted area, which will be taken up after the removal of encroachments.**

Restoration and Improvement works in Paalkeni Vinayaqar Temple Pond by the Pallavapuram Municipality.



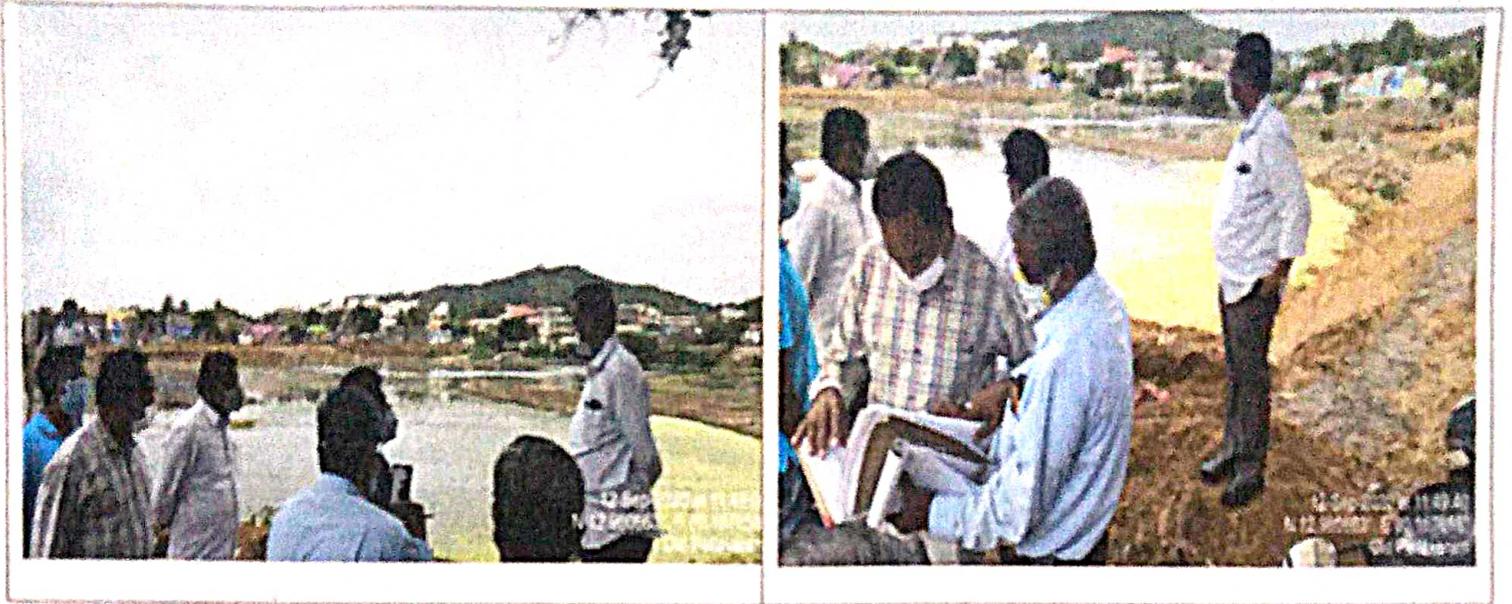
JOINT INSPECTION OF THE COMMITTEE

The members of the Joint Committee have carried out inspection of the area in question – i.e Paalkeni Vinayagar Temple Pond on 12.09.2020 & 24.02.2021.

Observation of the Committee:

During the time of inspection, the Committee observed the following

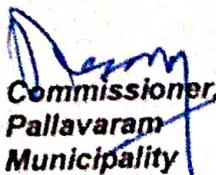
1. The local body has carried out the improvement works such as
 - a. Provided retaining wall all round the water body followed by dry stone pitching, pointing and kerb wall in addition to the existing structures in the northern side.
 - b. Provided Cement Concrete foot path all round the water body in addition to the existing arrangements in the northern side and ascertained that the local body has proposed to provide anti skid tiles in the foot path.
 - c. Provided street lights all round the water body in addition to the existing arrangement in the northern side.
 - d. Provided Box culvert for the inflow and out flow of water from the said water body.
 - e. Desilting of the water body was completed.
 - f. Disconnected the sewage inflow from the nearby residences into the water body.
 - g. Entire water body was cleaned.
 - h. Fencing the water body by way of providing wired fencing is under progress.
 - i. Providing of seating arrangements in five location for the public is under progress.
 - j. The local body has provided compound wall with gate arrangement at the entrance in the southern side of the water body.
 - k. The local body has proposed to create parks in the evicted area which will be carried out as ascertained after the removal of encroachment.
2. The Tahsildar, Pallavaram has issued Notice under land encroachment Act 1905 to the encroachers.
3. Tamil Nadu Slum Clearance Board has identified the tenements in Navalur for the allotment to the encroachers and the encroachers have to remit their contributions for the allotment of the tenements.



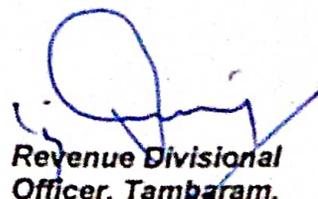
RECOMMENDATIONS:

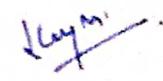
Based on the above observation, the joint committee submits the following recommendation before the Hon'ble National Green Tribunal (Southern Zone)

01. Pallavapuram Municipality shall complete the restoration and improvement of the said water body as rain water harvesting structure within a month time.
02. Pallavapuram Municipality shall ensure 100% collection of solid waste being generated in the said area in question 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 Paalkeni Vinayagar Temple at any circumstances by deploying security guards.
03. Pallavapuram Municipality shall levy fine on the violators dumping solid waste and disposing sewage into the Paalkeni Vinayagar Temple under Local body Acts.
04. Pallavapuram Municipality shall create awareness among the public with the help of associations in the said area for proper segregation of solid waste.
05. Revenue Authorities shall take steps for the complete eviction of the encroachments in the Paalkeni Vinayagar Temple pond within one year.
06. Pallavapuram Municipality shall create park in the evicted area within six months after the removal of all encroachments.
07. Pallavapuram Municipality shall provide dedicated CCTV camera within six months at the vulnerable points to prevent the dumping of solid waste and disposal of sewage by the public in the said water body.


Commissioner,
Pallavaram
Municipality


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


Revenue Divisional
Officer, Tambaram,
Chengalpattu District.


District
Collector,
Chengalpattu
District