

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

(Southern Zone)

Original Application No.50 of 2017 (SZ)

(W.P.No.43839 of 2016 transferred to the National Green Tribunal from the file of the Hon'ble High Court of Judicature at Madras)

IN THE MATTER OF

Arappor Iyakkam
Represented by Jayaram Venkatesan,
Managing Trustee
140 A, Rukmini Laksmipathy Salai,
Egmore, Chennai.

... Applicant(s)

Versus

1. Government of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600009.

2. Principal Secretary,
Municipal Administration & Water Supply Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

3. Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chindadripet,
Chennai - 600 002.

4. The Commissioner
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

5. The Managing Director
Chennai Metro Rail Limited,
Admin Buildings, CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai - 600 107.

... Respondents


REGIONAL DEPUTY COMMISSIONER (CENTRAL)
GREATER CHENNAI CORPORATION

**JOINT INSPECTION REPORT FILED ON BEHALF OF
GREATER CHENNAI CORPORATION**

I, P.N.Sridhar, I.A.S., Son of Mr.P.Sundara Rao, Hindu aged about 37 years, the Regional Deputy Commissioner (Central), Greater Chennai Corporation, having office at No.36B, Pulla Avenue, Shenoy Nagar, Chennai - 600 030, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Regional Deputy Commissioner (Central), Greater Chennai Corporation and as such am well acquainted with the facts of the case from the available records and I am filing this joint inspection report on behalf of Greater Chennai Corporation as per the order of this Hon'ble Tribunal.
2. I submit that the earlier report filed on behalf of Greater Chennai Corporation may be read as part and parcel of this joint inspection report.

HISTORY OF THE CASE:

It is submitted that the Government of Tamil Nadu vide Government Order in G.O.Ms.No.1759 Revenue Department dated 25.10.1984 had allotted the land measuring 126.12 Acres in SF.No.335/2 (44.11 Acres) Konnur Village and SF.No.249/31A1A3B (82.01 Acres) in Villivakkam Village, Permabur-Purasawakkam Taluk, Madras District was handed over to the Tamil Nadu Housing Board for MUDP-I sites and services scheme of the Madras Metropolitan Development Authority by the Madras Collector on 25.08.1977. The operative portion of the above said G.O. is extracted below for sake of convenience;

"... 3. The Government after careful consideration decided to fix the cost of land at Rs.5,000/- per acre. They accordingly direct that an extent of 126.12 acres of land in S.No.335/2 (44.11 Acres) Konnur Village and in S.No.249/31A1A3B (82.01 Acres) in


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Villivakkam Village, Permabur-Purasawakkam Taluk, Madras District be placed at the disposal of the Tamil Nadu Housing Board under RSO-24 for the implementation of its MUDP-I sites and Service Scheme of the Madras Metropolitan Development Authority on collection of land value at the rate of Rs.5,000/- per acre together with 9% compound interest from 25.8.77, the date of entering upon the land, till the date of payment.

4. The record of enquiry is returned herewith to the Commissioner of Land Administration, Madras. He is requested to acknowledge its receipt.....”

It is submitted that while so the petitioner herein had filed a Writ Petition bearing W.P.No.43839 of 2016 praying to issue of Writ of Mandamus to direct the Secretary to Government Public Works Department, (Respondent 1) and Principal Secretary Municipal Administration and Water Supply Department (Respondent 2) to restore the entire remaining 39 acres Villivakkam Konnur Lake along with its inlets and outlets with the assistance of Chennai River Restoration Trust or any other specialized authority in a time-bound manner and consequently ensure that the Villivakkam Konnur Lake is restored to its original state as a clean water body by removal of debris dumped by the Chennai Metro Rail Limited (Respondent 5) and pollutants discharged by Chennai Metro Water Supply and Sewerage Board (Respondent 3).

It is submitted that the Hon'ble High Court has transferred the above to the National Green Tribunal, Southern Zone by order dated 13.02.2017 and renumbered as O.A.No.50 of 2017.

3. I submit that when the above case the Hon'ble National Green Tribunal, Southern Zone has passed an order dated 03.12.2020 as follows:-

“...9. However, we feel that one more opportunity can be given to the committee as well as to the authorities to submit the report as directed by this Tribunal by order dated


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06.01.2021, otherwise they will have to appear before this Tribunal and explain as to why action should not be taken against them for non-compliance of the directions issued by this Tribunal as contemplated under Section 25 & 26 of the National Green Tribunal Act, 2010.

10. The committee as well as the authorities mentioned above are directed to submit the respective reports to this Tribunal on or before 18.01.2021 by e-filing along with necessary hardcopies to be produced as per Rules.

11. The Registry is directed to communicate this order to the Chief Secretary, Government of Tamil Nadu, Principle Secretary for Irrigation and Public Works Department (PWD) and Water Resource Organization (WRO), members of the committee as well as to the Greater Chennai Corporation and also to the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) by e-mail immediately so as to enable them to comply with the direction.

12. For consideration of report, post on 18.01.2021.....”

4. I submit that as per the orders of this Hon'ble Tribunal the Commissioner, Greater Chennai Corporation has appointed the Regional Deputy Commissioner (Central), Greater Chennai Corporation to head the joint inspection carried out by the joint committee members constituted by this Hon'ble Tribunal. Further the joint committee carried the inspection on 16.10.2020 and all the members of the joint committee were present at the time of inspection.

REPORTS OF THE MEMBERS/DEPARTMENTS:

It is submitted that the Area Engineer, VIII, Chennai Metro Water Supply and Sewerage Board has submitted their report dated 10.12.2020 vide Lr.No.CMWSSB/Area-VIII/3768/2020 as follows;-


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- a) Villivakkam Konnur Lake is situated in the North West of Chennai consist of 214 acres.
- b) Public Works Department has handed over the Villivakkam Lake to Tamil Nadu Housing Board.
- c) Tamil Nadu Housing Board (TNHB) in turn allots to SIDCO industrial estate and SIDCO residential blocks and 39 acres land to CMWSSB (T.S.No.1, Block 35, 11.5 acres/T.S.No.6, Block I, 27.5 acres).
- d)
 1. In the year 1991, TNHB hands over only 39 acres of land to CMWSSB.
 2. During the year 2016, Government of Tamil Nadu instructed CMWSSB to hand over to Greater Chennai Corporation (GCOC) 27.5 acres of land.
 3. Out of 27.5 acres hand over to Greater Chennai Corporation, 24.64 acres is under rejuvenation and restoration work of Villivakkam Lake and remaining land is encroached by Slum dwellers for 2.5 acres (10200 sq.ft.).

Further it was stated that only 11.5 acres of land in under the control of the CMWSSB. And as of now, there is no oxidation pond functional at the above location and sewage from North Jaganatha Pumping Station, Villivakkam sector 'B' Pumping Station. Villivakkam Phase I Pumping Station, Villivakkam Phase II Pumping Station is received 12 MLD is pumped to Kodungaiyur sewage treatment plant. Further CMWSSB has obtained administrative approval vide G.O.No.107 dated 20.08.2019 for proposed 30 MLD tertiary treated ultra filtration sewage treatment plant in the available area of 11.5 acres and feasible study of requirement of treated sewage from the nearby industries is under progress.

It is submitted that the Executive Engineer, Public Works Department has submitted their report dated 11.12.2020 vide Lr.No. F DB/JDO-1/OA.50/2017/2020 as follows;-



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Originally the surplus water from Ambattur Tank feeds the Villivakkam Tank through the surplus channel near Wheels India Company Limited. Since the Villivakkam Tank was handed over to Tamil Nadu Housing Board the surplus channel has been diverted at the inlet point and runs along the Koyambedu to Madhavaram Highway and confluence into Otteri Nullah Channel. Now the Greater Chennai Corporation is developing a pond in the subject area. It is suggested that if the inlet provision is made as earlier the surplus water from Ambattur Tank can be let into this Villivakkam pond. By this arrangements the inundation occurred in North Avenue, DTP Colony of Korattur can be avoided during the monsoon season and also can conserve the rain water effectively.

It is submitted that the Executive Engineer, Storm Water Drain Department, Greater Chennai Corporation has submitted the details of the restoration works being carried out at Villivakkam Tank as follows:-

The restoration work is being carried under the Smart City Fund the details which are tabulated below for sake of convenience;

Sl. No.	Nature of Work	Estimate Amount in Crores	Remarks
1	ECO Restoration of Villivakkam tank.	11.59	Work in progress
2	Construction of compound wall	7.39	Work in progress
3	Construction of sub structure for Suspension Bridge	2.587	Work in progress
4	Construction of Suspension Bridge Superstructure Structural works (Steel works)	4.69	Administration Sanction Obtained tenders opened on 22.12.2020 and in process
5	Supply, fabrication and fixing of stainless steel fencing with cast iron leg along the water boundary of Villivakkam tank	1.456	Obtained tenders due on 30.12.2020
6	Supply, installation, testing and commissioning of dynamic lighting proposal for Villivakkam suspension glass	2.02	Obtained tenders due on 04.01.2021


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	bridge and high mast and pathway lighting		
7	Rehabilitation and Resettlement of 268 nos. of encroached slum families near Villivakkam tank	15.22	Cheque received from smart city project and remitted to TNSCB on 17.12.2020. After getting allotment and resettlement will taken up immediately

Apart from this, it is proposed for further development of Amusement park inside the Villivakkam tank by Service Provider to design, build, finance and operate and maintain the restored Villivakkam Tank under PPP mode (Public Private Partnership) along with the developed infrastructures for a period of 25 years. The service provider has to invest a minimum amount of Rs.10.00 crores for the above work. The letter of acceptance has been issued for this work.

It is therefore prayed that this Hon'ble Tribunal may be pleased to accept the report and to pass suitable order or orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of this case and thus render Justice.



**REGIONAL DEPUTY COMMISSIONER (CENTRAL)
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Solemnly affirmed at Chennai ()

On this ()

And signed his name in my presence ()

Before Me

Advocate: Chennai