

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

ORIGINAL APPLICATION NO.20 of 2020 (SZ)

Tribunal on its own motion Suo Motu
Based on the news item in Dinamalar
Tamil Newspaper dated 27.01.2020,
Degeneration of Vandalur Lake due to
Unauthorized Occupation and Drainage water."

...Applicant

Versus

The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Govt. Secretariat, Fort St. George,
Chennai and Others.

...Respondent(s)

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Advocate for the Respondent: TNPCB

**Tr. S. Sai Sathya Jith,
Advocate, Chennai.**

1

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

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The Government of Tamil Nadu,
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Chennai and Ors.

...Respondents

**REPORT FILED ON BEHALF OF THE 6TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai -600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 6th Respondent Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT in its order/judgment dated 16.12.2020, directed inter alia that:

“ Para 9: Considering the circumstances that the waste which had been dumped, as seen from the newspaper report, had been removed now and certain directions were issued by the authorities to be complied with in future, we feel that the application can be disposed of by giving the following directions:


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viii) The Tamil Nadu Pollution Control Board is directed to monitor implementation of the Solid Waste Management Rules, 2016 and also the directions issued by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 and if the same is not properly implemented, as directed, take action against the Panchayat, as directed by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 and submit periodical report to this Tribunal once in three months through e-filing at ngtszfilling@gmail.com till the same is completely implemented by the concerned Panchayat”.

3. It is respectfully submitted that in pursuance to the said NGT order dated 16.12.2020 the said area in question was inspected by the officials of the DEE, TNPCB, Maraimalai Nagar on 16.12.2021. During inspection the compliance of the directions issued by the Hon'ble NGT (SZ) is furnished as follows:-

S.No	Directions mentioned in the Hon'ble NGT(SZ) order dated 16.12.2020 in OA No. 20 of 2020	Compliance status
1	The Vandalur Village Panchayat is directed to implement the Solid Waste Management Rules, 2016 in respect of collection, segregation and disposal of the waste generated within their jurisdiction strictly in compliance of the Solid Waste Management Rules, 2016	The Vandalur Village Panchayat is collecting the unsegregated solid wastes and the same is dumped in the dump yard at Kolathur Village of Kattankolathur Block and hence the said village panchayat has not complied with the Solid Waste Management Rules, 2016
2	The Vandalur Village Panchayat, in consultation with the Block Development Officer,	The Vandalur Village Panchayat is collecting the

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	Kattankulathur, shall take immediate steps for scientific disposal of the waste dumped in the new site identified for that purpose, without causing any further complaint regarding the same	unsegregated solid wastes and the same is dumped in the dump yard at Kolathur Village of Kattankolathur Block.
3	The Vandalur Village Panchayat is directed to take all supervision to avoid dumping of waste unauthorisedly in any place and if it is brought to their notice, take appropriate action against those persons who are responsible for the same in accordance with law.	The unsegregated solid wastes is collected through door to door mechanism and disposed to the dump site at Kolathur Kattankolathur Block
4	The Block Development Officer, Kattankulathur is directed to monitor and ensure that Vandalur Village Panchayat is strictly complying with the Solid Waste Management Rules, 2016 for disposal of the waste generated within their jurisdiction in a scientific manner without dumping the same in the water body	The Vandalur Village Panchayat is collecting the unsegregated solid wastes and the same is dumped in the dump yard at Kolathur Village of Kattankolathur Block and hence the said village panchayat has not complied with the Solid Waste Management Rules, 2016
5	The Public Works Department, in coordination with the Revenue Authorities, are directed to take steps to remove the encroachment found in the waterbody within six months, after strictly complying with the procedure in accordance with law	Eviction of encroachment from the water body work was not done by the PWD
6	The District Collector, Chengalpet is directed to monitor implementation of the mandate of Rule 12 of the Solid Waste Management Rules, 2016 by the Vandalur Village Panchayat and if there is any violation found, take appropriate action against them in accordance with law	The Vandalur Village Panchayat is collecting the unsegregated solid wastes and the same is dumped in the dump yard at Kolathur Village of Kattankolathur Block and hence the said village panchayat has not complied with the Solid Waste Management Rules, 2016


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7	The District Collector, Chengalpet is also directed to submit the progress of the steps taken by them to implement the recommendation made by the Joint Committee periodically once in three months, till the entire recommendations are completely implemented through e-filing at ngtszfiling@gmai.com	The District Collector, Chengalpattu District has ensured to comply with
8	The Tamil Nadu Pollution Control Board is directed to monitor implementation of the Solid Waste Management Rules, 2016 and also the directions issued by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 and if the same is not properly implemented, as directed, take action against the Panchayat, as directed by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 and submit periodical report to this Tribunal once in three months through e-filing at ngtszfiling@gmai.com till the same is completely implemented by the concerned Panchayat	The Vandalur Village Panchayat is collecting the unsegregated solid wastes and the same is dumped in the dump yard at Kolathur Village of Kattankolathur Block and hence the said village panchayat has not complied with the Solid Waste Management Rules, 2016. Hence Environmental Compensation has been assessed to the said local body for not implementing the Solid Waste Management Rules,2016.

Hence, it is evident that the Vandalur Village Panchayat is not properly implementing the Solid Waste Management Rules, 2016.

4. It is respectfully submitted that the Hon'ble National Green Tribunal (Principal Bench) in its order dated. 28.02.2020 in O.A.No.606 of 2018 vide para 41 (a) has directed that in view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and Tribunal to comply with Solid Waste Management Rules, 2016 interim compensation scale is to be laid down for continued failure after 31.03.2020. Any such continued failure will result in liability of every Local


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Body to pay compensation at the rate of Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance and vide para 41 (b) has directed that not commenced the legacy waste remediation process, the interim compensation of Rs.1 lakh per month to be paid by the local bodies having population less than 5 lakhs from 01.04.2020 till compliance

Hence, the District Environmental Engineer, Maraimalai Nagar has recommended for the issue of directions and to levy total interim compensation of Rs.21 Lakhs to the Vandalur Village Panchayat of Kattankolathur Panchayat Union under the Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 as amended and under the Section 5 of the Environment (Protection) Act, 1986.

5. It is respectfully submitted that, the Tamil Nadu Pollution Control Board has issued directions under Section 5 of the Environment (Protection) Act, 1986 to the Block Development Officer, Kattankulathur Town Panchayat, Maramalai Nagar, vide proceeding dated 24.01.2022 for strict complaine of the following:

i. The Kattankolathur Panchayat Union shall ensure 100% collection of solid waste being generated within its jurisdiction (Vandalur Village Panchayat) with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules, 2016.

ii. The Kattankolathur Panchayat Union shall provide Solid waste processing facility for handling the solid waste generated in their village panchayat area.

iii. The Kattankolathur Panchayat Union shall comply with the provisions of the Solid Waste Management Rules, 2016 and shall comply


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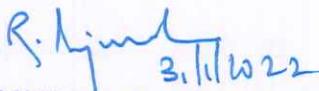
with the orders passed by the Hon'ble NGT in OA No.606 of 2018 from time to time.

iv. The Kattankolathur Panchayat Union shall dispose of the non degradable waste of 1.0 MT/day including plastic waste available in the Vandalur Village Panchayat area as provided in the Rules and shall be sent to cement factories for co-processing complying with the provisions of the Solid Waste Management Rules, 2016.

v. The Kattankolathur Panchayat Union is directed to take steps, in coordination with the Public Works Department and Revenue Authorities, to take steps to remove the encroachment found in the water body within six months, after strictly complying with the procedure in accordance with law.

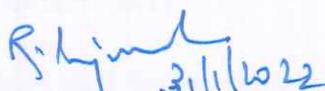
Failure to comply with the said directions, will attract action as per the provisions of Section 5, 15 and 17 of the Environment (Protection) Act, 1986 as amended.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.


3.11.22
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, R. Rajamanickam, S/o. P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


3.11.22
JOINT CHIEF ENVIRONMENTAL ENGINEER
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RESPONDENT TAMILNADU POLLUTION
CONTROL BOARD.**

**Advocate for the Respondent: TNPCB
Tr. S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 31.01.2022

Date of Hearing: 08.02.2022

