



सत्यमेव जयते

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

क्षेत्रीयकार्यालय (दक्षिणीपूर्वपरिक्षेत्र)/Regional Office (South Eastern Zone)

1st& 2nd floor, HEPC Building, No.34,Cathedral Garden Road,
Nungambakkam, Chennai – 600034; Ph: 044-28222041 Fax:28252536;

E-mail: ro.moefccc1@gov.in



F.No.EP/12.7/NGT(SZ)/076/2020/TN

Dated: 27.01.2021

Subject: Joint Committee Constituted by the Hon'ble NGT (SZ) in the matter of O.A No.231 of 2020 (SZ) regarding "illegal landfills take life out of the Muttukadu Backwaters "reg:

Reference: Hon'ble NGT (SZ) Order dated 20.10.2020 & 27.12.2020.

Sir,

With reference to above mentioned subject, the Hon'ble NGT (SZ) has constituted a Joint Committee to inspect the area in question and to submit a factual as well action taken report including imposition of environmental compensation. The composition of the Joint Committee is as follows.

1. A Senior Officer from MoEFCC, Chennai
2. A Senior Scientist from CPCB, Chennai
3. The Superintending Engineer, PWD (WRO) of the area in question.
4. A Senior Officer to be deputed by the Principal Secretary of Municipal Administration and Water Supply Department.
5. A Senior Officer from State Coastal Zone Management Authority
6. A Senior Officer from TNPCCB
7. The District Collector, Chengalpattu
8. Thiruporur Block Development Officer

As Nodal Agency, the Competent Authority in the Ministry of Environment, Forest and Climate Change, Regional Office Chennai has nominated Dr.C.Kaliyaperumal, Director as the Nodal Officer to the Joint Committee. The Regional Director, CPCB, Chennai has nominated Shri R. Rajkumar, Scientist 'D' as their representative to the Committee.

In this regard this office vide letter dated 30.12.2020 has requested all other concerned officers to nominate their representatives to the committee since the Hon'ble NGT(SZ) has directed to submit the Final Report of Joint Committee on or before 29.01.2021. Thereafter a reminder was also sent on 19.1.2021.

Accordingly the Tamil Nadu State Coastal Zone Management Authority has nominated Dr.V.Selvam, Director, M.S.Swaminathan Research Foundation/Expert Member, TNCZMA as their representative to the committee. The Superintending Engineer, WRO, PWD Campus, Tharamani vide letter dated 13.01.2021 has transferred the request letter dated 30.12.2020 to The Superintending Engineer, WRO, PWD, Palar Basin Circle, Chepauk for taking necessary action, since the matter is under their jurisdiction and vide Letter No. 180/MA-3(2)/2021-1.dated 13.01.2021 of Municipal Administration and Water Supply (MA-3(2)) Department informed that they have transferred the case to Rural Development and Panchayat Raj Department for taking necessary action due to jurisdiction problem.(copy enclosed)

Further vide order dated 11.01.2021 in OA.No.231 of 2020 and IA No.128 of 2020, the Hon'ble NGT(SZ) has directed the same committee to go in to a similar issue filed Suo Motu as 233 of 2020 and to submit a consolidate Report on or before 29.01.2021. In this regard the undersigned is directed to once again request you to attend/nominate a suitable officer from your office to the Joint Committee at the earliest.

Yours faithfully



(Dr.K.G.Prijilal)
Research Officer

To:

1. Additional Chief Secretary, Rural Development And Panchayat Raj Department Secretariat , Fort. St. George, Chennai - 600 009. E-mail – ruralsec@tn.gov.in
2. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai - 600 032. Email: tnpcbmembersecretary@gmail.com

3. The Superintending Engineer, WRO, Palar Basin Circle, Chepauk, Chennai 600 005.
Email: gwcchn@gmail.com

4. The District Collector, Collector Office, GST Road, Chengalpattu District.
603001 Email: collr-cpt@nic.in

5. The Block Development Officer, Thiruporur, Thandalam, Chengalpattu, Tamil Nadu.
603105

Copy to:

1. Dr. C.Kaliyaperumal, Director, Ministry of Environment Forest and Climate Change,
Regional Office, Chennai. Email: kaliyaperumal1962@gmail.com

2. 3. Dr. Selvam, Director, M.S.Swaminathan Research Foundation/Expert Member,
TNCZMA Email: vselvam@mssrf.res.in

2. Shri R. Rajkumar, Scientist 'D', CPCB Regional Directorate, Second Floor, 77-A, South
Avenue Road, Ambattur Industrial Estate, Chennai-600058. Email:
rajpcb@yahoo.co.in

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय

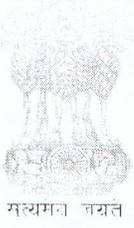
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

क्षेत्रीयकार्यालय (दक्षिणीपूर्वपरिक्षेत्र)/Regional Office (South Eastern Zone)

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E-mail: ro.moefccc1@gov.in



सत्यमेव जयते

F.No.EP/12.7/NGT(SZ)/076/2020/TN /279 .

Dated: 29.12.2020
30

Subject: Joint Committee Constituted by the Hon'ble NGT (SZ) in the matter of O.A No.231 of 2020 (SZ) regarding "illegal landfills take life out of the Muttukadu Backwaters "reg:

Reference: Hon'ble NGT (SZ) Order dated 20.10.2020 & 24.12.2020 .

Sir,

With reference to above mentioned subject, the Hon'ble NGT(SZ) has constituted a Joint Committee to inspect the area in question and to submit a factual as well action taken report including imposition of environmental compensation. The composition of the Joint Committee is as follows.

1. A Senior Officer from MoEFCC, Chennai
2. A Senior Scientist from CPCB, Chennai
3. The Superintending Engineer, PWD (WRO) of the area in question.
4. A Senior Officer to be deputed by the Principal Secretary of Municipal Administration and Water Supply Department.
5. A Senior Officer from State Coastal Zone Management Authority
6. A Senior Officer from TNPCB
7. The District Collector, Chengalpattu
8. Thiruporur Block Development Officer

As Nodal Agency, the Competent Authority in the Ministry of Environment, Forest and Climate Change, Regional Office Chennai has nominated Dr.C.Kaliyaperumal, Director as the Nodal Officer to the Joint Committee. The Regional Director, CPCB, Chennai has also nominated Shri R. Rajkumar, Scientist 'D' as their representative to the Committee.

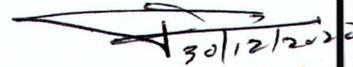
DESPATCHED

Date: 30/12/20

Elg (SP x
mail)

Further vide order dated 24.12.2020 in OA.No.231 of 2020 and IA No.128 of 2020, the Hon'ble NGT(SZ) has again directed to submit the Final Report of Joint Committee on or before 29.01.2021. In this regard the undersigned is directed to request you to attend/nominate a suitable officer from your office to the Joint Committee at the earliest

Yours faithfully



(Dr.K.G.Prijil)
Research Officer

To:

1. The Superintending Engineer, WRO, PWD Campus, Tharamani, Chennai 600 113 email: gwcchn@gmail.com
2. Additional Chief Secretary, Municipal Administration and Water Supply Department Secretariat, Chennai 600 009 Email: mawssec@tn.gov.in
3. The Chairman, Tamil Nadu Coastal Zone Management Authority, Department of Environment, Panagal Building, Jennies Road, Saidapett. Email: tndoe@tn.nic.in
4. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai - 600 032. Email: tnpcbmembersecretary@gmail.com
5. The District Collector, Collector Office, GST Road, Chengalpattu District. 603001 Email: collr-cpt@nic.in
6. The Block Development Officer, Thiruporur, Thandalam, Chengalpattu, Tamil Nadu. 603105

Copy to:

1. Dr. C.Kaliyaperumal, Director, Ministry of Environment Forest and Climate Change, Regional Office, Chennai .Email: kaliyaperumal1962@gmail.com
2. Shri R. Rajkumar, Scientist 'D', CPCB Regional Directorate, Second Floor, 77-A, South Avenue Road, Ambattur Industrial Estate, Chennai-600058. Email: rajpcb@yahoo.co.in

Item No.3:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.231 of 2020 (SZ) &

I.A. No. 128 of 2020

(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News Item in
The New Indian Express Newspaper,
Chennai Edition dated 12.10.2020, "Another
Cooum in the making? Illegal landfills take life out
of the Muttukadu Backwaters".

...Applicant(s)

Versus

- 1) The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 2) The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai – 600 009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 4) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 5) Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.

- 6) The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
- 7) Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai – 600 015.
- 8) The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram – 631 501.
- 9) Thiruporur Block Development Office,
Rep. by its Block Development Officer,
Thandalam, Tamil Nadu – 603 105.
- 10) Muttukadu Village Panchayat,
Rep. by its Secretary,
Anna Street, OMR Main Road,
Muttukadu, Kancheepuram – 603 130.
- 11) Navalur Village Panchayat,
Rep. by its Secretary,
OMR Road, Sivan Koil Backside,
Navalur, Kancheepuram – 603 130.
- 12) Padur Village Panchayat,
Rep. by its Secretary,
Padur Pradhana Salai,
Kancheepuram – 603 103.

...Respondent(s)

Date of hearing: 11.01.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Suo Motu by Court.

For Respondent(s):

Sri. Dr. V.R. Thirunarayanan for R1 to R5 & R7
to R12.

Sri. C. Kasirajan through

M/s. Meena for R6.

ORDER

- 1) The above case has been Suo Motu advanced to day in view of the newspaper reports that is seen published in the New Indian Express, dated 02.01.2021 under the caption “ *Ugly and Unprecedented: Tonnes of trash wash ashore at Kovalam Beach near Chennai.*” The allegation in the newspaper report was that large scale waste is being accumulated on the Muttukadu Kovalam Beach along East Coast Road (ECR), which is likely to affect the environment and no steps have been taken for removal of the same and it is also alleged in the report, that it is likely to be affecting the Muttukadu estuary bar mouth as well.
- 2) It is also alleged in the newspaper report, that apart from the waste being dumped in the off shore area, illegal dumping of garbage is also going on in Buckingham Canal upstream in Chennai and in southern suburbs which has to be looked into. Though huge amount is being spent for the purpose of cleaning the water bodies, however, by not taking into consideration further remedial measures to

prevent such things from happening in future, no purpose will be served.

- 3) Since this Tribunal had already taken cognizance of Suo-Motu matter on the basis of the newspaper report published in The New Indian Express, Chennai Edition dated 12.10.2020 in respect of a similar issue in almost same area under the caption *“Another Cooum in the making? Illegal landfills take life out of Muttukadu backwaters”* and also another New Indian Express E-Paper dated 13.10.2020, under the caption *“No lessons learnt: Authorities ‘bury’ waste in deep pits on banks of Muttukadu backwaters”* as O.A. No. 233 of 2020 and the committee has been constituted to go into the question and submit a report, we feel it appropriate to direct the same committee to go into this issue also and submit a consolidated report instead of registering an independent case in respect of this issue. So the committee appointed in this case is directed to look into the allegations made into the newspaper report published in the New Indian Express dated 02.01.2021 and submit a consolidated report mentioning the action taken to resolve that issue as well in the report to be submitted in the above matter before the next hearing date.
- 4) The committee is directed to submit the report to this Tribunal on or before 29.01.2021 on which the date the case was earlier posted, by e-filing in the form of searchable PDF/OCR Support PDF and not in

the form of Image PDF along with necessary hard copies to be produced as per rules.

- 5) The Registry is directed to communicate this order to the committee members along with the newspaper reports mentioned above immediately by e-mail so as to enable them to comply with the direction.
- 6) For consideration of report, post on 29.01.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.231/2020(SZ) &
I.A. No. 128/2020 (SZ)
11th January, 2021. Sr.

Item No.36:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.231 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News Item in
The New Indian Express Newspaper,
Chennai Edition dated 12.10.2020, "Another
Cooum in the making? Illegal landfills take life out
of the Muttukadu Backwaters".

...Applicant(s)

Versus

- 1) The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 2) The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai – 600 009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 4) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 5) Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.

- 6) The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
- 7) Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai – 600 015.
- 8) The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram – 631 501.
- 9) Thiruporur Block Development Office,
Rep. by its Block Development Officer,
Thandalam, Tamil Nadu – 603 105.
- 10) Muttukadu Village Panchayat,
Rep. by its Secretary,
Anna Street, OMR Main Road,
Muttukadu, Kancheepuram – 603 130.
- 11) Navalur Village Panchayat,
Rep. by its Secretary,
OMR Road, Sivan Koil Backside,
Navalur, Kancheepuram – 603 130.
- 12) Padur Village Panchayat,
Rep. by its Secretary,
Padur Pradhana Salai,
Kancheepuram – 603 103.

...Respondent(s)

Date of hearing: 20.10.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Suo Motu by Court.

For Respondent(s): Sri. Vijayaprasanth, Spl. Govt. Pleader through
Sri. Shanmugarajan for R1 to R5 & R7 to R12.
Sri. C. Kasirajan through
M/s. Meena for R6.

ORDER

- 1) The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper reports published in New Indian Express, Chennai Edition dated, 12.10.2020 under the caption "***Another Cooum in the making? Illegal landfills take life out of Muttukadu backwaters***" and also another news item published in The New Indian Express E-Paper dated, 13.10.2020 under the caption "***No lessons learnt: Authorities 'bury' waste in deep pits on banks of Muttukadu backwaters***".
- 2) It is alleged in these newspaper reports that illegal landfills are being created on the bank of Muttukadu backwaters by dumping waste causing irreparable damage to the environment. It is likely to affect the water quality in Muttukadu backwaters and if this is allowed to continue, then the same will have an effect of erstwhile Cooum river which has become a contaminated water body and with great difficulty that has been restored to some extent by constant efforts taken. It is also alleged in the newspaper reports that the waste is being illegally dumped in these

areas by encroaching into the area and also they are being burnt illegally causing irreparable injury to health of the people of the locality. It is also alleged that about five such unauthorized landfills have been propped out on the bank of the water body between the boat house and Navaloor, where tonnes of solid waste is piling up. It is also alleged in the report that this water body has been recognized by the Union Environment Ministry, the Wildlife Institute of India along with 15 other sites in Tamil Nadu including Pulicat, Pichavaram, Vedaranyam swamp, Palk Bay, Muthupet etc. and it has been recognized as an Important Coastal and Marine Biodiversity Area (ICMBA) by the above organization. If it is a recognized water body having lot of bio-diversity, any encroachments into these water body will have an adverse effect on ecology and bio-diversity.

- 3) On going through the allegations made in the newspaper reports, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal to resolve the issue. So, the matter is admitted.
- 4) When the matter came up for hearing today for admission through Video Conference, Sri. Vijayaprasanth, Special Government Pleader through Sri. Shanmugarajan represented respondents 1 to 5 & 7 to 12 and Sri. C. Kasirajan through M/s. Meena represented 6th respondent. So, service is complete.

- 5) The learned counsel appearing for the State Government submitted that the dispute area fall within the jurisdiction of Chengalpattu District and not in Kancheepuram District. So, the 8th respondent is substituted as the District Collector, Chegalpattu District instead of the District Collector, Kancheepuram District. The Registry is directed to carryout the amendment in the cause title.
- 6) The Hon'ble Apex Court as well as the various High Courts and the National Green Tribunal in several cases reiterated time and again, the responsibility of the State Government as well as the local bodies to maintain the water bodies free from encroachment and pollution as they play a great role in protecting environment apart from providing water for drinking as well as irrigation and also for livelihood of fishermen and also act as a water recharging system to improve the ground water level in the respective areas. Further, the local bodies are also expected to implement the Solid Waste Management Rules, 2016 in its strict sense and dispose of the waste generated within their jurisdiction as per the procedure provided under the Solid Waste Management Rules, 2016 and under various waste management rules. They are also expected to take a vigil against the persons who are violating the same and take appropriate legal action against those persons so as to prevent such things happening in those areas as allowing such activities to continue, will affect the environment adversely.

- 7) In order to ascertain the genuineness of the allegations made in the reports, we feel it appropriate to appoint a Joint Committee comprising of 1) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Chennai, 2) a Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Chennai, 3) the Superintending Engineer of Public Works Department (PWD) & Water Resources Organization (WRO) of that area, 4) a Senior Officer to be deputed by the Principal Secretary of Municipal Administration and Water Supply Department, 5) a Senior Officer from State Coastal Zone Management Authority (SCZMA), 6) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) deputed by its Chairman, 7) the District Collector, Chengalpattu District and 8) Thiruporur Block Development Officer to inspect the area in question and submit a factual as well as action taken report to this Tribunal including imposition of environmental compensation.
- 8) The Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Chennai will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.
- 9) The committee is directed to ascertain the nature of waste deposited, the person responsible for the same and how far it has affected the water body and its water quality and the remedial measures to be taken for removing the waste that is already dumped illegally and whether the

Solid Waste Management Rules, 2016 and the directions given by the Principal Bench of National Green Tribunal, New Delhi in Original Application No.606 of 2018 are being strictly implemented in these local bodies within whose jurisdiction the alleged illegal activity has been done.

- 10) The committee is directed to ascertain as to whether there is any violation of Coastal Regulation Zone Notification, 2011 or 2019 and if so, what is the action taken by the regulating authority in this regard and if there is any encroachment, then the committee is directed to identify the encroachers and take steps to remove the encroachment to save the water body against the encroachment.
- 11) The committee is also directed to assess the environmental damage caused and assess the environmental compensation for restoring the damage caused to the environment and the persons responsible for the same from whom this will have to be recovered.
- 12) The committee is also directed to ascertain as to whether on account of such illegal activities of dumping waste and burning waste, any contamination has been caused to the backwaters and if so, what is the remedial measures to be taken to rectify the same.
- 13) The committee is also directed to ascertain as to whether there was any scheme launched either by the State Government or by the

district administration to protect the water bodies in their area and what is the stage of the implementation of the scheme.

- 14) The committee is also directed to conduct a water quality test of the water body showing the value of COD, BOD, TC, FC, pH and presence of heavy metals both in backwaters as well as in the residential area nearby and if there is any deterioration or contamination caused, what is the remedial measure to be taken to rectify the same.
- 15) The committee is also directed to ascertain as to whether there is any regulating mechanism for monitoring the persons to whom the collection and disposal of the waste is being entrusted by the local bodies.
- 16) The committee is also directed to submit an action plan with longer as well as shorter time lines to avoid such things including creation of bio-diversity park or tree plantation around this area to avoid encroachment in future and also fixation of CCTV Cameras in that area to locate the persons who are responsible for such illegal activities so as to trace them out and bring them before law. They can also mention the feasibility of providing GPS enabled trucks to monitor their movement which are entrusted with the task of collection and disposal of waste as per Rules.

- 17) The committee is also directed to submit the report to this Tribunal on or before 23.12.2020 by e-filing along with necessary hardcopies to be produced as per Rules.
- 18) The Registry is directed to communicate this order to the committee members and also to all the respondents immediately by e-mail along with the copy of the gist of the Suo Motu proceedings with full cause title so as to enable them to comply with the direction and also to file their independent responses regarding the allegations made in the paper reports.
- 19) For appearance of parties, filing of responses and consideration of report, post on 23.12.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.231/2020,
20th October, 2020. Mn.

Item No.5:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.231 of 2020 (SZ) &

I.A. No. 128 of 2020

(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the News Item in
The New Indian Express Newspaper,
Chennai Edition dated 12.10.2020, "Another
Cooum in the making? Illegal landfills take life out
of the Muttukadu Backwaters".

...Applicant(s)

Versus

- 1) The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 2) The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai – 600 009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 4) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 5) Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.

- 6) The Chairman,
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
- 7) Tamil Nadu Coastal Zone Management Authority,
Rep. by its Member Secretary,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai – 600 015.
- 8) The District Collector,
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Kancheepuram – 631 501.
- 9) Thiruporur Block Development Office,
Rep. by its Block Development Officer,
Thandalam, Tamil Nadu – 603 105.
- 10) Muttukadu Village Panchayat,
Rep. by its Secretary,
Anna Street, OMR Main Road,
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Rep. by its Secretary,
OMR Road, Sivan Koil Backside,
Navalur, Kancheepuram – 603 130.
- 12) Padur Village Panchayat,
Rep. by its Secretary,
Padur Pradhana Salai,
Kancheepuram – 603 103.

...Respondent(s)

Date of hearing: 23.12.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Suo Motu by Court.

For Respondent(s):

Sri. Dr. V.R. Thirunarayanan for R1 to R5 & R7
to R12.

Sri. C. Kasirajan through

M/s. Meena for R6.

O R D E R

- 1) The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper reports published in New Indian Express, Chennai Edition dated, 12.10.2020 under the caption "***Another Cooum in the making? Illegal landfills take life out of Muttukadu backwaters***" and also another news item published in The New Indian Express E-Paper dated, 13.10.2020 under the caption "***No lessons learnt: Authorities 'bury' waste in deep pits on banks of Muttukadu backwaters***" and as per order dated 20.10.2020, this Tribunal had constituted a Joint Committee to go into the question and submit a report and posted the case to today for that purpose.
- 2) When the matter came up for hearing today for admission through Video Conference, Sri. Dr. V.R. Thirunarayanan represented respondents 1 to 5 & 7 to 12 and Sri. C. Kasirajan through M/s. Meena represented 6th respondent. So, service is complete.
- 3) When a query was made as to whether inspection was done, the learned counsel appearing for the Tamil Nadu State Pollution Control Board submitted that no inspection was conducted as the nodal agency is the Ministry of Environment, Forests & Climate Change

(MoEF&CC), Regional Office, Chennai and no steps have been taken by them for this purpose.

- 4) It is quite unfortunate that the Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Chennai though made as a nodal agency considering the importance of issue involved have not taken any steps even to conduct the inspection and come with the report to protect environment.
- 5) Further, the individual Departments are also having a responsibility of filing their independent response regarding the allegation and as regulators and enforcing agencies of the environmental laws, what are all the steps taken by them to prevent such illegal activity being committed to protect environment. Such a pro active action from the regulators is also absent in this case. This is quite unfortunate.
- 6) However, considering the circumstances, we feel that one more opportunity can be given to the committee to submit the report.
- 7) The committee is directed to submit the report to this Tribunal on or before 29.01.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
- 8) If the committee did not submit the report as directed by this Tribunal, then the members of the committee will have to face the

consequences of non compliance of the directions provided under Section 25 and 26 of the National Green Tribunal Act, 2010.

9) I.A. No. 128 of 2020 (SZ), is an application filed by the 3rd party to get themselves impleaded in the matter. Sri. Senthil Selvan represented Sri. Durai Vaiyapuri who proposed to appear in person prayed for adjournment on the ground that he is ill. However the application can be considered along with the original matter.

10) The Registry is directed to communicate this order to the committee members as well as the Chief Secretary of State of Tamil Nadu immediately by e-mail so as to enable the committee to conduct the inspection and submit the report within the time specified by this Tribunal.

11) For consideration of report, post on 29.01.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.231/2020,
I.A. No. 128/2020
23rd December, 2020. Sr.



CENTRAL POLLUTION CONTROL BOARD
Ministry of Environment, forest & Climate Change, Govt. of India

Tech/02/Legal/RDC/2020-21

December 15, 2020

To

The Addl. Principal Chief Conservator of Forests (C)
Ministry of Env., Forest and Climate Chang
Regional Office (SEZ)
Ist and IInd Floor
Handloom Export Promotion Council,
34, Cathedral Garden Road,
Nungambakkam, Chennai – 600 034

Sub: NGT SZ order dated 20.10.2020-In the matter of Original Application No. 231/2020(SZ)

Sir,

The matter was heard by NGT,SZ through Video Conferencing on 20.10.2020 and directed to appoint a joint committee comprising of 1) a Senior Officer from the MoEF&CC, Regional Office, Chennai, 2) a Senior Scientist from the Central Pollution Control Board (CPCB), Regional Office, Chennai 3) the Superintending Engineer of Public Works Department (PWD) & WRO of that area, 4) a Senior Officer to be deputed by the PS of Municipal of Administration and Water Supply Department, 5) a Senior Officer from SCZMA, 6) a Senior Officer from TNPCB deputed by its Chairman, 7) The District Collector, Chengalpattu District and 8) Thiruporur Block Development Officer to inspect the are in question and submit a factual as well as action taken report to the Tribunal including imposition of environmental compensation.

The Committee is directed to ascertain the nature of waste deposited, the person responsible for same and how far it has affected the water body and quality and the remedial measure to be taken for removing the waste and directed to ascertain as to whether there is any violation of Coastal Regulation Zone Notification, 2011 to 2019. The Committee is also directed to assess the environmental damage caused and assess the environmental compensation and to ascertain as to whether on account of such illegal activities of dumping waste and burning waste, any contamination has been caused to the backwaters and if so, what is the remedial measures to be rectify the same.

Contd...

Regional Directorate (Chennai), Second Floor, 77 - A, South Avenue Road, Ambattur Industrial Estate,
Chennai, Tamil Nadu 600 058, E-mail: cpcbrcdchennai@gmail.com

Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi – 110 032
Telephone: 011 – 43102030, Fax 22305793, 22307078, 22301932, 22304945
E-mail: cpcb@nic.in, Website: www.cpcb.nic.in



CENTRAL POLLUTION CONTROL BOARD
Ministry of Environment, forest & Climate Change, Govt. of India

-2-

The Committee is also directed to ascertain as to whether there was any scheme launched either by the State Govt or by the district administration to protect the water bodies and to conduct water quality test of water body and to ascertain as to whether there is any regulating mechanism for monitoring and submit an action plan with longer as well as shorter time lines to avoid such things. The committee is directed to submit the report to this Tribunal on or before 23.12.2020 by e-filing along with necessary hardcopies to be produced as per rules.

MoEF&CC, Regional Office, Chennai will be the nodal agency for co-ordination and providing necessary logistics for this purpose.

In this regard, Sh. R. Rajkumar, Scientist-D (Mobile No. 9035772683, e-mail: rajpcb@yahoo.co.in) is nominated for the said committee.

Yours faithfully



(S. Suresh)

**Regional Director
Chennai**

Encl: As above

Regional Directorate (Chennai), Second Floor, 77 - A, South Avenue Road, Ambattur Industrial Estate,
Chennai, Tamil Nadu 600 058, E-mail: cpcbrcdchennai@gmail.com

Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032
Telephone: 011 - 43102030, Fax 22305793, 22307078, 22301932, 22304945
E-mail: cpcb@nic.in, Website: www.cpcb.nic.in

DEPARTMENT OF ENVIRONMENT

From
Thiru K.V. Giridhar, I.F.S.,
Member Secretary, TNSCZMA &
Director of Environment,
Ground Floor, Panagal Building,
Saidapet, Chennai 600 015

To
Dr.K.G.Prijilal,
Research Officer,
Regional Office(SEZ),
Ministry of Environment, Forests and Climate
Change, Nungambakkam,
Chennai - 34.

R.C.No.P1 / 1281 / 2020 dated 07.01.2021

Sir,

Sub.: DoE - O.A. No.231 of 2020 filed by the Hon'ble NGT (SZ) as Suo-Motu on news paper report published in "the New Indian Express" Chennai edition dated 12.10.2020 under the caption "Another Cooum in the making? Illegal landfills take life out of Muttukadu backwaters" - Regarding

Ref.: E.Mail received from MoEF&CC, chennai dated 31.12.2020

The Hon'ble NGT (SZ) has filed an O.A. No. 231 of 2020 as Suo Motu based on the news item in the New Indian Express, Chennai edition dated 12.10.2020 under the caption "Another Cooum in the making? Illegal landfills take life out of Muttukadu Backwaters" and also another news item published in the New Indian Express E-Paper dated, 13.10.2020 under the caption "No lessons learnt: Authorities "bury" waste in deep pits on the banks of Muttukadu Backwatrens". The Hon'ble NGT (SZ) has constituted a Joint Committee to inspect the area in question and to submit a factual as well action taken report including imposition of environmental compensation.

2) The Hon'ble NGT (SZ) in order dated 20.10.2020 & 24.12.2020 has impleaded the MS-TNSCZMA as 7th respondent and also appointed a Joint Committee comprising 1) A Senior Officer from MoEFCC, Chennai, 2) A Senior Scientist from CPCB, Chennai, 3) The Superintending Engineer, PWD (WRO) of the area in question, 4) A Senior Officer to be deputed by the Principal Secretary of Municipal Administration and Water Supply Department, 5) A Senior Officer from State Coastal Zone Management Authority, 6) A Senior Officer from TNPCB, 7) The District Collector, Chengalpattu, 8) Thiruporur

Block Development Officer to inspect the area in question and submit a factual as well as action taken report including the environmental compensation.

3) In this connection, it is informed that the following member from the Tamil Nadu State Coastal Zone Management Authority is nominated to the Joint Committee, for site inspection.

Dr. V. Selvam, Executive Director, M.S.Swaminathan Research Foundation /
Expert Member, TNSCZMA,
Taramani Institutional Area,
Taramani, Chennai 600 113.
E.Mail : vselvam@mssrf.res.in, Mobile : 944 222 7680

4) This is for your kind information and it is requested to fix the date for inspection, in consultation with the above officer.

Yours faithfully,
Sd./- K.V. Giridhar,
Member Secretary,
Tamil Nadu State Coastal Zone Management Authority
& Director of Environment

Copy to

Dr. V. Selvam, Expert Member-TNSCZMA (through e.mail)

//forwarded by order//


For Director of Environment


11/12/2011



GOVERNMENT OF TAMIL NADU
PUBLIC WORKS DEPARTMENT

From
Er. R. Vilvanathan. M.E.,
Superintending Engineer, WRD, (Addl. charge),
Ground Water Circle,
Tharamani,
Chennai - 600 113.

To
The Superintending Engineer, WRD,
Palar Basin Circle,
Chepauk,
Chennai - 600 005.

Letter No. 4 M / DB / JDO / F. General / 2017 dated 13-01-2021

Sir,

Sub: Joint Committee constituted by the Hon'ble NGT (SZ) in the matter of O.A. No. 231 of 2020 (SZ) regarding "Illegal landfills take life out of the Muttukadu Backwaters" - Regarding.

Ref: The Research Officer, Ministry of Environment, Forests & Climate Change, Regional Office (South Eastern Zone), Chennai F No. EP/12.7/NGT (SZ)/076/2020/TN/279 dated 30-12-2020

The letter received from the Research Officer, Ministry of Environment, Forests & Climate Change, Regional Office (South Eastern Zone), Chennai - 600 034 is sent herewith to the Superintending Engineer, WRD, Palar Basin Circle, since the subject dealt in the reference is not in the jurisdiction of Ground Water Circle, Chennai.

Encl.: As above

Sd/-, 13-01-2021,
Superintending Engineer, WRD, (a/c),
Ground Water Circle, Chennai-113

Copy to the Research Officer, Ministry of Environment, Forests & Climate Change, Regional Office (South Eastern Zone), 1st & 2nd floor, HEPC Building, No.34, Cathedral Garden Road, Nungambakkam, Chennai - 600 034 for information and necessary action.

/t.c.f.b.o./

18/01/21
for Superintending Engineer, WRD,



**Municipal Administration &
Water Supply [MA-3(2)]
Department, Secretariat,
Chennai – 600 009.**

Letter No.180/MA-3(2)/2021- 1, Dated: 13.01.2021

From

Thiru Harmander Singh, I.A.S.,
Additional Chief Secretary to Government.

To

The Research Officer,
Ministry of Environment, Forests and Climate Change /
Regional Officer (South Eastern Zone),
1&2nd Floor, HEPC Building, No.34, Cathedral Garden Road,
Nungambakkam, Chennai – 34.

L. de S. / 22/01/21 / DDGFCO-onleave / DIGFCO / ROCE

Sir,

Sub: Joint Committee Constituted by the Hon'ble National Green Tribunal (SZ) in the matter of O.A No. 231 of 2020 (SZ) regarding "illegal landfills take life out of the Muttukadu Backwaters" – Regarding.

Ref: Your Letter No. F.No.EP/12.7/NGT(SZ)/076/ 2020/ TN/279, dated 30.12.2020.

I am directed to invite attention to your reference cited and to state that the National Green Tribunal O.A.No. 231 of 2020 (SZ) has been transferred to Rural Development and Panchayat Raj Department, Government of Tamil Nadu, due to jurisdiction and also for necessary action.

2. I therefore request you to kindly communicate to Rural Development and Panchayat Raj Department, Government of Tamil Nadu, for further action in the matter.

Yours faithfully,

for Additional Chief Secretary to Government.

RA / 18/01/2021