

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHEEN ZONE, CHENNAI**

Original Application No. 246 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion
SuoMotu based on the news item in
Dinamani Newspaper, Chennai edition
Dt.02.11.2020, "Vaiyavur and Nathappettai
Lakes : Will become a bird sanctuary?"

...Applicant(s)

Versus

- 1) The Secretary to Govt. of Tamil Nadu,
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 2) The Principal Secretary to Govt.,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 3) The Additional Chief Secretary to Govt. of Tamil Nadu
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
- 4) PCCF (Head of Forest Force)
Department of Forests
PanagalMaligai, Saidapet
Chennai – 600 015.
- 5) The Chairman
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
- 6) Tamil Nadu State Wetlands Authority,
Rep. by Member Secretary,
PanagalMaligai, Saidapet,
Chennai – 600 015.

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No of corrections: Nil


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- 7) The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram – 631 501.
- 8) District Forest Officer,
Chengalpet Division,
5/9, Varadharaja Farms,
Vandavasi Road, Kancheepuram – 603 501.
- 9) The Commissioner,
Kanchipuram Special Grade Municipality,
Annai Indira Gandhi Salai,
Kanchipuram- 631 502.

(SuoMotu impleaded as additional 9th respondent as per
Order dt.23.11.2020.)

...Respondent(s)

STATUS REPORT FILED BY THE 6TH RESPONDENT

I, Deepak Srivastava, IFS Son of Shri Gopal Krishnan Srivastava Aged 56 years working as the Additional Principal Chief Conservator of Forests and Member Secretary, Tamil Nadu State Wetland Authority at Panagal Maaligai, Saidapet Chennai-600 015 do hereby solemnly affirm and sincerely state as follows:-

1) It is respectfully submitted that I am the 6th respondent herein and as such I am well acquainted with the facts of the case on the records.

2) It is respectfully submitted that, in Dhinamani Newspaper, Chennai edition, on article title "Vaiyavur and Nathappettai lakes: Will become a bird sanctuary" was published on 2nd November 2020. In this article, it was mentioned that Migrant bird flocks have occupied the

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No of corrections: Nil


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branches of trees in the Vaiyavur and Nathappettai lakes situated on both sides of the road from Kancheepuram towards Rajakulam Village of Kancheepuram District.

3) It is respectfully submitted that, the gist of article is that most of the non-native birds took refuge are stayed back in Vaiyavur and Nathappettai lakes. These birds have been living here and breeding for more than 4 consecutive years, and have bred in thousands. The municipality must be stopped from mixing sewage in to these lakes, which have become like a bird sanctuary.

4) It is respectfully submitted that, based on the article, the Hon'ble National Green Tribunal, Southern Zone, Chennai on its own motion passed order in O.A.No.246 of 2020 on 23.11.2020 as given below:-

- The nature of allegations made in the newspaper report shows that it is a water body which is expected to be protected and if it is properly maintained, then it can be converted into a known bird sanctuary.
- In order to ascertain the possibilities and also whether the allegations made in the newspaper report are correct or not and also the possibility of converting these lakes into a bird sanctuary for which a Joint Committee under the Chairmanship of Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai has been constituted.

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No of corrections: Nil


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- The above said Committee has to inspect the two lakes and ascertain the extent of lakes, the nature of encroachments, if any and what are all the steps taken to remove the encroachments, if any, whether any garbage is dumped and sewage is discharged into these lakes and what is the nature of lake.
- Further, it has also been observed by the Hon'ble Tribunal whether it can be included in the notified water bodies as required under the Wetlands (Conservation and Management) Rules, 2010 & 2017 and if so, what are all the steps to be taken for that purpose.

5) It is respectfully submitted that, the District Forest Officer, Kancheepuram was requested vide this office Ref.No. TNSWA1/44802/2020 dated 09.12.2020 & 23.12.2020 to confirm whether the two lakes namely Vaiyavur and Nathapettai lakes are natural or manmade lakes and the under control of Public Works Department or Rural Development Department or Forest Department etc. The said necessary action was taken to ascertain the facts as to whether it is fit for notification as per Wetlands (Conservation and Management) Rules, 2017.

6) It is respectfully submitted that, the District Forest Officer, Kancheepuram, vide his letter No.C.No.D/6579/2020 dated 08.01.2020, reported that the "Vaiyavur and Nathapettai Lakes are under the control of Public Works Department. Both the lakes are manmade for irrigation

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No of corrections: Nil


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purpose". The Vaiyavur and Nathapettai lakes are contiguous and the excess water of Nathapettai Lake is passing to the Vaiyavur Lake and subsequently drains into other chain of lakes. The treated effluents generated from Kancheepuram town is being treated and discharged into Nathapettai Lake. There are no standing trees inside the lake to support nesting of water birds but some of trees present at the periphery of both the lakes are useful for perching. Mainly, the aquatic birds are visiting the lake for feeding, but the number of birds are very less and conspicuous only during rainy season (October to January). The following species of birds visit both the lakes;

SL. No	Species	Number of Birds
I	Painted Stork	50 to 100Nos.
Ii	Grey Heron	30 to 40 Nos.
Iii	Grey Pelican	10 to 20 Nos.
Iv	White Ibis	20 to 25 Nos.
V	Pond Heron	50 to 60 Nos.
Vi	Purple Swamp Hen	10 to 20 Nos.
Vii	Coot	10 to 20 Nos.
Viii	White Breasted Water Hen	20 to 30 Nos.
Ix	Open Billed Stork	50 to 70 Nos.
X	Spot Bill Duck	20 to 30 Nos.
xi	Pheasant - Tailed Jacana	10 to 20 Nos.
Xii	Little Egret	90 to 100 Nos.
Xiii	Little Cormorant	80 to 100 Nos.
xiv	Black Winged Stilt	20 to 30 Nos.

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7) It is respectfully submitted that the definition of Wetlands as per section 2 (g) of Wetlands (Conservation and Management) Rules 2017 reads as follows:-

- "Area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters".
- But does not include river channels, paddy fields, human-made water bodies / tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes.

8) It is respectfully submitted that the definition of Wetlands complexes as per section 2 (h) of Wetlands (Conservation and Management) Rules 2017 reads as follows:-

Two or more ecologically and hydrologically contiguous wetlands and may include their connecting channels / ducts.

9) It is respectfully submitted that rule 3 of the Wetlands (Conservation and Management) Rules, 2017 read as these rules shall apply to the following wetlands or wetlands complexes, namely:—

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a) wetlands categorized as 'wetlands of international importance' under the Ramsar Convention;

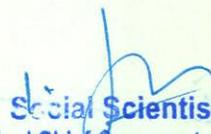
b) wetlands as notified by the Central Government, State Government and Union Territory Administration:

Provided that these rules **shall not apply to the wetlands falling** in areas covered under the Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the State Forest Acts, and the Coastal Regulation Zone Notification, 2011 as amended from time to time.

10) It is respectfully submitted that **Para 4 of Guidelines** for implementing Wetlands (Conservation and Management) Rules, 2017 reads as "**All wetlands**, irrespective of their location, size, ownership, biodiversity, or ecosystem services values, **can be notified** under the Wetlands Rules, **except:**

- a) River channels;
- b) Paddy fields;
- c) Human-made water bodies specifically constructed for drinking water purposes;
- d) Human-made water bodies specifically constructed for aquaculture purposes;
- e) Human-made water bodies specifically constructed for salt production purposes;

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- f) *Human-made water bodies specifically constructed for recreation purposes;*
- g) *Human-made water bodies specifically constructed for irrigation purposes;*
- h) *Wetlands falling within areas covered under the Indian Forest Act, 1927; Forest (Conservation) Act, 1980; State Forest Acts and amendments thereof;*
- i) *Wetlands falling within areas covered under the Wildlife (Protection) Act, 1972 and amendments thereof;*
- j) *Wetlands falling within areas covered under the Coastal Regulation Zone Notification, 2011 and amendments thereof"*

11) It is respectfully submitted that the Tamil Nadu State Wetland Authority is responsible for conservation and management of wetlands that are notified under the Wetlands (Conservation and Management) rules, 2017 only. As of now, no wetlands in the State of Tamil Nadu, have been notified under the Wetlands (Conservation and Management) Rules, 2017. It is respectfully submitted that a virtual meeting was held by the Member Secretary, Tamil Nadu State Wetland Authority with the District Forest Officer's who are the Member Secretary of the District Level Wetland Management Committee on 14.07.2021 and they have been instructed to send the draft notification proposals for the Wetlands in their respective districts duly approved by the District Level Wetland

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Management Committee for atleast 10 natural wetlands of paramount significance.

12) It is respectfully submitted that the Vaiyavur and Nathapettai Lakes are under the control of Public Works Department. The above lakes are manmade lakes for irrigation purpose. Hence, as per para 4 of guidelines for implementing Wetlands (Conservation and Management) Rules 2017, the said lakes are not applicable for notification under the aforementioned Rules. Therefore, it is respectfully submitted that the said lakes cannot be notified under the Wetlands (Conservation and Management) rules, 2017.

In view of the above circumstances and reasons explained above, it is humbly prayed that the Honorable Court may be pleased to accept the status report and render justice.

Solemnly affirmed at Chennai, on this the 9th day of August, 2021 and signed his name in my presence.


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BEFORE ME


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