

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

**ORIGINAL APPLICATION No. 246 OF 2020 (SZ)
(THROUGH VIDEO CONFERENCE)**

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the news item in
Dinamani Newspaper, Chennai edition
Dt. 02.11.2020, "Vaiyavur and Nathappettail
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,
Panagal Maaligai, Saidapet
Chennai - 600 015.
- 5) The Chairman
Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.
- 6) Tami Nadu State Wetland Authority,
Rep. by Member Secretary,
Panagal Maaligai, Saidapet,
Chennai - 600 015.
- 7) The District Collector,
Kancheepuram District,
First Floor, Collectorate,
Kancheepuram - 631 501.

8) District Forest Officer,
Chengalpattu Division,
5/9, Varadharajan Farms,
Vandavasi Road, Kancheepuram - 603 501.

9) The Commissioner,
Kancheepuram Special Grade Municipality,
Annai Indira Gandhi Salai,
Kancheepuram - 631 502.

...Respondent(s)

**REPORT OF THE JOINT COMMITTEE CONSTITUTED
BY HON'BLE NGT (SZ) VIDE ORDER DATED 23-11-2020
IN O.A. NO. 246 OF 2020 (SZ)**

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Before the Hon'ble National Green Tribunal (SZ)
In
Original application No. 246 of 2020

**Report of the Joint Committee Constituted by Hon'ble NGT (SZ) vide
order dated 23-11-2020 in O.A. No. 246 of 2020**

The present application has been Suo-Motu registered by Hon'ble National Green Tribunal, Southern Zone on the basis of the newspaper report published in newspaper in Dinamani Daily, Chennai edition dated 02-11-2020 under the caption "வையாவூர், நத்தப்பேட்டை ஏரிகள்: பறவைகள் சரணாலயம் ஆகுமா"? (Vaiyavur and Nathappettai Lakes: Will become a Birds Sanctuary?). It is alleged in the newspaper report that there are two lakes namely, Vaiyavur lake having a spread of over 100 acres and Nathappettai lake having spread over of 500 acres respectively located on the left and right side of the road leading to the Rajakulam Village of Kancheepuram District.

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 proposed bird sanctuary as desired by the reporter in the newspaper report, we feel it appropriate to appoint a Joint Committee comprising of (1) Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai, (2) District Collector, Kancheepuram District, (3) the District Forest Officer, Chengalpattu District, (4) a Senior Officer from the Tamil Nadu State Wetland Authority as designated by its Member Secretary, Chennai, (5) a Senior Officer from Tamil Nadu Pollution Control Board (TNPCB) as designated by the Chairman, Tamil Nadu Pollution Control Board, (6) the Superintending Engineer of Public Works Department (PWD) and Water Resource Organization (WRO) of the respective area and (7) a Senior Officer deputed by the Commissioner, Special Grade Municipality, Kancheepuram to inspect these two lakes in question and ascertain the extent of lakes, the nature of encroachments, if any and what are 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 and whether the allegations made in the report that it attracts more migrant birds for a longer period in addition to staying back in Vedanthangal Birds Sanctuary and 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. The committee may also assess the water quality of the lake and if the water is contaminated with sewage / garbage, illegally dumped and discharged, then what are all the steps to be taken to remedy the situation.

The Public Works Department (PWD) and Water Resources Organization (WRO) will be the nodal agency for coordination and also providing logistics for this purpose **(copy of the order dated 23-11-2020 is at Annexure-I).**

Brief facts on the issue

There are two lakes namely Vaiyavur lake having a spread of over 100 acres and Nathapettai lake having spread over of 500 acres respectively located on the left and right side of the road leading to the Rajakulam Village of Kancheepuram District under the control of Public Works Department. Both lakes are manmade. 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 Kancheepuram Municipality has provided a common Sewage Treatment Plant [STP i.e., stabilization of four paved pond] in the western side of the Nathapettai Lake for the treatment and disposal of the sewage generated from the Kancheepuram Municipal area. The Public Works Department has given permission vide G.O. No. 259 dated 14-07-2011 **(copy enclosed as Annexure - II).**

In the meantime Hon'ble National Green Tribunal (SZ), Chennai registered a case Suo-Motu on the basis of the newspaper report published in newspaper in Dinamani Daily, Chennai edition dated 02-11-2020 under the caption "வையாவூர், நத்தப்பேட்டை ஏரிகள்: பறவைகள் சரணாலயம் ஆகுமா"? (Vaiyavur and Nathapettai Lakes: Will become a Birds Sanctuary?). In order to ascertain facts on the ground, the Hon'ble NGT (SZ) vide its order dated 23-11-2020 in Application No. 246 of 2020 has appointed a joint committee to inspect the two lakes in question and ascertain the extent of lakes, the nature of encroachments, if any and what are 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 and whether the allegations made in the report that it attracts more migrant birds for a longer period in addition to staying back in Vedanthangal Birds Sanctuary and 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. The committee may also assess the water quality of the lake and if the water is contaminated with sewage / garbage, illegally dumped and discharged, then what are all the steps to be taken to remedy the situation.

As per the above direction, the Joint Committee comprising of (1) Thiru. Syed Muzammil Abbas, I.F.S., Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai, (2) Dr. (Tmt) Jayanthi M. I.F.S., Additional Principal Chief Conservator of Forests and Member Secretary (i/c), Tamil Nadu State Wetland Authority, Chennai, (3) Tmt. Mageswai Ravikumar, I.A.S., District Collector, Kancheepuram, (4) Thiru. K.S. Sathyamoorthy, I.F.S., District Forest Officer, Chengalpattu Division, Kancheepuram, (5) Thiru. K. Vijayakumar, Assistant Executive Engineer, Public Works Department, Water Resource Department, Lower Palar Basin Division, Kancheepuram and Thiru. S. Baskaran, Assistant Engineer, Public Works Department, Water Resource Department, Irrigation Section, Kancheepuram (nominated by the Superintending Engineer of Public Works Department), (6) Dr. M. Somasundaram, Assistant Engineer, Tamil Nadu Pollution Control Board, Sriperumpudur, Kancheepuram District (nominated by the Chairman, Tamil Nadu Pollution Control Board, Chennai) and (7) a Senior Officer deputed by the Commissioner, Special Grade Municipality, Kancheepuram was constituted.

On 05-01-2021, all the members of the Joint Committee (District Collector, Kancheepuram has inspected the lake on 05.12.2020 and 24.12.2020, Commissioner, Special Grade Municipality, Kancheepuram had inspected the lake on 12.12.2020) had inspected the above said two lakes and the detailed report is submitted below:-

1) The extent of lakes, Survey Nos. Village, Taluk and District

The Public Works Department, Water Resources Department has informed that the water spread area of Nathapettai Tank is 180 Ha in Survey No. 484 of Nathapettai Village, Kancheepuram, Taluk and District and Vaiyavur Tank is 79.40 Ha in Survey No. 239 of Vaiyavur Village, Kancheepuram Taluk and District.

2) Nature of encroachments if any and steps taken to remove the encroachments

The Public Works Department, Water Resources Department has informed that in respect of Nathapettai Tank there are 50 encroachments. Form I & II are sought from Revenue Department and in respect of Vaiyavur Tank there is no encroachment. Further he has stated that in respect of Nathapettai tank entire Kancheepuram municipal limit sewage is let down to this tank through Manjal neer vaikal out of which 20% alone is treated water from the STP, the remaining is untreated and moreover Kancheepuram Municipal garbage dumping yard is placed in the foreshore of this tank. Therefore all the chemical hazards are mixed with tank water and it is not fit for drinking purpose. ***Hence, it is not advisable for converting this tank into a bird Sanctuary.*** In respect of Vaiyavur Tank, the total command area of 175.64 Ha is under cultivation and the available stored water in the tank is barely enough to cater the need of the crop water requirement to cultivate 176.64 Ha of agricultural land. The tank will get empty quickly within the one crop season (3 months). ***Hence, converting this tank is not possible without water availability for more than 9 months in a calendar year.***

3) Whether any garbage is dumped and sewage is discharged into these lakes

The Commissioner, Kanchipuram Special Grade Municipality has stated that the Kanchipuram Municipality is comprised of 51 Wards with a total population of 2,32,816 as on 2011 Census. The total area is 36.14 Square Kilometers. The Kanchipuram Municipality was increased in area with the addition of 1 Town Panchayat (Sevilimedu), Nathapettai, Thenambakkam, Orikkai Panchayats in the year 2011. Prior to that the Kanchipuram was already having an underground Sewage system with a capacity of 14.84 MLD. The collected sewage is treated at the STP in Nathapettai. The discharge of the treated water is into the Nathapettai after treatment of the sewage by the WSP method. This system has been functioning from the year 1978. A DPR has also been prepared for renovating the STP by changing the treatment methodology to ASP process. The outlay for the same is Rs.243 crores and the DPR has been prepared by the TWAD Board and pending for the sanctioning of Funds. As on date the existing STP using the WSP technology is functioning properly and the Test Reports of the discharge water are taken periodically to ensure the discharge meets the Surface water standards.

After the areas were added in the year 2011 the said areas are also part of the proposed new STP under the outlay of Rs.240 Crores.

No solid waste is dumped in the lake or the surrounding areas of the two lakes. The Nathapettai Lake is within the boundary of the Kanchipuram Municipality. But the Vaiyavur lake is within the Vaiyavur Panchayat.

The inflow channels that carry run-off water to the Nathapettai Lake passes through the Municipal areas of Kanchipuram and a noticeable amount of Plastics are found to reach the lakes through the said Channels. In order to prevent the said Plastics reaching the lake, the intervention measures have been taken to stop the inflow of plastics by installing Mesh Filters in the said channels and the plastics have been removed on a daily basis from November 2020 till date.

4) Nature of Lake and whether the allegations made in the report that it attracts more migrant birds for a longer period in addition to staying back in Vedanthangal Bird Sanctuary

The District Forest Officer, Chengalpattu Division, Kancheepuram has stated that the Vaiyavur and Nathapettai Lakes are under the control of Public Works Department. Both the lakes are manmade. The Vaiyavur and Nathapeetai 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 the 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 is 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 100 Nos.
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.

Sl. No.	Species	Number of Birds
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.

5) Whether it can be included in the notified water bodies as required under the Wetland (Conservation and Management) Rules, 2010 and 2017 and if so, what are all the steps to be taken for that purpose

The Additional Principal Chief Conservator of Forests and Member Secretary (i/c), Tamil Nadu State Wetland Authority, Chennai has stated that based on the report of District Forest Officer, Kancheepuram in his letter No. C. No. D/6579/2020 dated 08-01-2020, it is reported that

- Vaiyavur and Nathapettai Lakes are under the control of Public Works Department.
- Both the lakes are manmade for irrigation purpose.
- The Vaiyavur and Nathapeetai 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 is no standing trees inside the lake to support nesting of water birds but some of the 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 is very less and conspicuous only during rainy season (October to January).

6) To assess the water quality of the lake

The District Environmental Engineer, Tamil Nadu Pollution Control Board, Sriperumbudur has stated that the Kancheepuram Municipality has provided a common Sewage Treatment Plant (STP i.e., stabilization of four paved pond) in the western side of the Natahpettai Lake for the treatment and disposal of the sewage generated from the Kancheepuram Municipal area. Treated sewage from the said common STP is disposed into the Nathapettai lake, for which the Public Works Department has given permission vide G.O. No. 259 dated 14-07-2011. The Kancheepuram Municipality has also provided

micro composting centre located at the Western side of the Nathapettai lake for composting the municipal solid wastes generated from the Kancheepuram Municipality. Water samples were collected from the inlet, outlet of the common STP and water sample from the Nathapettai lake on 14-12-2020 and the test report of analysis of the said water sample is enclosed as Annexure III. Water sample from the Vaiyavur lake was collected on 05-01-2021 and the same is sent for analysis (Report is awaited).

7) If the water is contaminated with sewage / garbage, illegally dumped and discharged, then what are all the steps to be taken to remedy the situation

The Commissioner, Kanchipuram Special Grade Municipality has stated that the area leading to the Lakes has been surveyed with the deputation of a Team of Staff and workers of the Municipality and the houses that are discharging the sewage into channels have been identified and they have been issued with notices to stop the discharge of sewage into the Channels. A total of 450 notices have been issued to the houses and from December 2020 till date and out of the same. 30 houses have obtained connections to the UGSS system. The houses that were discharging their sewage into the Channel namely Manjal Neer Channel that leads to the Nathapettai Lake have been 15 days time to stop their discharge and obtain UGD connections. Further action has been taken to stop the discharge and obtain of UGD connection on the expiry of the time the out flows of houses will be sealed using cement concrete.

The Septage Trucks operating in the areas that have been added recently with the Kanchipuram Municipality have also been issued with warnings to refrain from dumping the collected Septage into the Lakes and open areas. A meeting was held with the Truck operators on 15.12.2020 and also warnings have been issued through news items published on 16.12.2020. Any trucks found dumping a septage in the lake or other open areas are levied penalties. In this connection the operators have been warned of Penalty of Rs. 25,000/-. Since then there has been no incident of dumping of sewage into the open areas of the Nathapettai Lake.

A consultant under the Tamil Nadu Water Investment Company (TWIC) was appointed to survey the inlet channels that flow to the Nathapettai lake, was appointed in the Month of October 2020 and they have identified 18 inlet channels that lead to the Manjal Neer Channel which in turn leads to the Nathapettai Lake. These inlet channels have been proposed to be linked into a Sewage Treatment Plant and a DPR for the

establishment of the STP at a cost of Rs.24.86 Crores. This proposed STP is independent from the common STP at Natapattai.

8) To ascertain whether the Solid Waste Management Rules, 2016 is strictly complied with and if there is any dumping of waste or illegal discharge of untreated sewage into these lakes, then what are all the steps taken to avoid such things and implement the Solid Waste Management Rules, 2016 in strict sensu in that area

The District Environmental Engineer, Tamil Nadu Pollution Control Board, Sriperumbudur has stated that show cause notice was issued to the Kancheepuram Municipality for non compliance of the Hon'ble National Green Tribunal (PB), New Delhi in order dated 23-04-2019 in O.A. No. 606 of 2018 vide DEE Proc. No. DEE/TNPCB/SPR/SWM/F. No. M-002/2020 dated 25-02-2020. The Commissioner, Kancheepuram Municipality has been informed that as the local body has not complied the directions issued by the Hon'ble NGT (PB), New Delhi necessary compensation will be levied and also requested to furnish the status of compliance report immediately. If no, reply is received, further action shall be initiated as directed by Hon'ble NGT (PB), New Delhi order dated 02-07-2020 in OA No. 606 of 2018 vide T.O. letter DEE/TNPCB/SPR/F. No. M-001/SWM/2020 dated 29-08-2020. As there is no reply received, reminder letter were addressed to the Municipality with RPAD and requested to furnish the compliance and status report before 15-12-2020 vide T.O. letter No. DEE/TNPCF/SRP/F-M-001/SWM/2020 dated 30-11-2020. Till date the Kancheepuram Municipality has not furnished any reply for the said show cause notice issued. Further action will be initiated against the local body.

9) Possibility of converting these lakes into proposed birds sanctuary

The District Collector, Kancheepuram / the District Forest Officer, Chengalpattu Division, Kancheepuram and the Superintending Engineer, Public Works Department and Water Resources Departments have stated that the Vaiyavur and Nathapettai Lakes are under the control of Public Works Department. Both the lakes are manmade for irrigation purpose. The Vaiyavur and Nathapeetai 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 is no standing tree inside the lake to support nesting of water birds but some of the trees present at the periphery of both the lakes are useful for perching. The District Level Wetland Management Committee meeting conducted on 11-01-2021 has also not recommended to convert the above two lakes into a Bird Sanctuary (**Copy of Minutes of the meeting of the District Level Wetland Monitoring Committee, Kancheepuram District is enclosed as Annexure IV**). Hence there is no possibility of converting these lakes into a Bird Sanctuary.

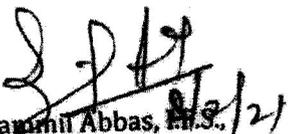
Overall comments of committee:-

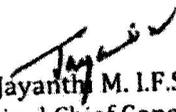
Vaiyavur Lake:- This lake is under the control of Public Works Department. The total extent of water spread area is 79.40 Ha. The total command area of 175.64 Ha is under cultivation and the available stored water in the tank is barely enough to cater the need of the crop water requirement to cultivate 176.64 Ha of agricultural land. The tank will get empty quickly within one crop season (3 months).

Nathappetai Lake:- This lake is under the control of Public Works Department. The total extent of water spread area is 180 Ha. This tank has 50 encroachments and entire Kancheepuram municipal limit sewage is let into this tank through Manjal near vaikal out of which 20% alone is treated water from the STP, the remaining is untreated and more over Kancheepuram municipal garbage dumping yard is placed in the foreshore of this tank. Therefore, all the chemical hazards are mixed with tank water and it is not fit for drinking purpose.

Further, the District Collector, Kancheepuram has stated that there are no standing trees inside the said lakes to support nesting of water birds but some of the trees present at the periphery of both the lakes are useful for perching. Mainly, the aquatic birds visit the lakes for feeding, but the number of birds is very less and conspicuous only during rainy season (October to January). **Hence, there is no possibility of converting the above said two lakes into a Bird Sanctuary.**

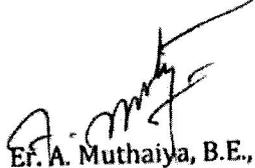
The above facts are submitted before the Hon'ble National Green Tribunal
for consideration.

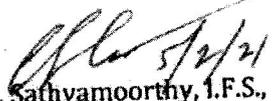

Thiru. Syed Muzammil Abbas, I.F.S.,
Principal Chief Conservator of Forests
and Chief Wildlife Warden, Chennai


Dr. (Tmt) Jayanthi M. I.F.S.,
Additional Principal Chief Conservator
of Forests and Member Secretary (i/c),
Tamil Nadu State Wetland Authority,
Chennai


Thiru. A.V. Venkatachalam, I.F.S., (Retd.)
Chairman,
Tamil Nadu Pollution Control Board,
Chennai.


Tmt. Mageswari Ravikumar, I.A.S.,
District Collector,
Kancheepuram


E. A. Muthaiya, B.E.,
Superintending Engineer,
Public Works Department, Water
Resource Department,
Palar Basin Circle, Chennai


Thiru. K.S. Sathyamoorthy, I.F.S.,
District Forest Officer,
Chengalpattu Division, Kancheepuram


Tmt. R. Maheswari, B.Com.,
The Commissioner,
Kanchipuram Special Grade Municipality
Kanchipuram.