

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

OA No.36 of 2022 (SZ)

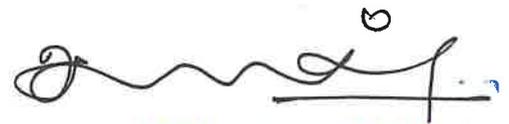
IN THE MATTER OF:

MEENAVA THANTHAI K.R.SELVARAJ KUMAR,
MEENAVAR NALA SANGAM
(Registered under section 10 of the Tamil Nadu
Societies Act, in SI.No.205 of 2015 dated 26.06.2015)
Represented by its President,
M.R.Thiyagarajan,
S/o. Late C. Rajalingam,
Office at No.48, East Madha Church Street,
Royapuram, Chennai - 600 013.
Ph. No. 9841590984
E-mail Id: krtkarjun@gmail.com

... Applicant

AND

1. State of Tamil Nadu,
Through the Chief Secretary
Government of Tamil Nadu, Secretariat,
Chennai - 600 009. Tamil Nadu,
India. Ph. No. 044-2567 1555
E-mail Id: cs@tn.gov.in
2. Water Resource Department,
Public Welfare Department,
Government of Tamil Nadu,
Through the Chief Engineer,
PWD Estate, Chepauk,
Chennai -600 005.
Ph. No. 044-2841 0402
E-mail Id: eicwrtdn@gmail.com
3. Tamil Nadu Pollution Control Board,
Through the Chairman,
76, Mount Salai,



Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

Guindy, Chennai -600 032.
Ph. No. 044-2235 3134 - 139
E-mail Id: tnpceb-chn@tn.gov.in

4. Chennai Metropolitan Water Supply and Sewerage Board,
Through the Chairman,
No.75, Santhome High Road,
MRC Nagar,
R.A Puram, Chennai - 600 028.
Ph. No. 044-2845 9000
E-mail Id: md@cmwssb.in

5. The District Collector, Chennai District
Rajaji Salai, Fourth Floor, 62, Beach Rd,
George Town,
Chennai – 600 001.
Ph. No. 044- 2522 8025

...Respondent(s)

INDEPENDENT REPORT SUBMITTED BY THE 4TH RESPONDENT
(CMWSSB):

I, A. MALAICHAMY, S/o. M. ARUMUGAM, Hindu, aged about 58 years now working as Superintending Engineer (North) in the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) having office at 2nd floor Urban Administrative Building, MRC Nagar, Chennai 600 028 do hereby solemnly affirm and sincerely state as follows:

- 1) I am the Superintending Engineer (North) of the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), Chennai and 4th Respondent herein and well acquainted with the facts of the case from the connected files.

Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.


Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

- 2) I am filing the status report on behalf of the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai – 28, as per the orders issued by this Hon'ble Tribunal vide its order dated 22.04.2022.
- 3) The above case has been filed by “Meenava Thanthai” K.R. Selvaraj Kumar, Meenavar Nala Sangam, a society registered under the Tamil Nadu Societies Registration Act, alleging that the Kathivakkam Thamaraiikulam is not being maintained by the authorities resulting in massive and unconcerned encroachment, dumping of solid waste and letting out of untreated sewage. The Applicant has *interalia* stated that there are more than ten sewage channels which are directly connected to and drain the sewage from the surrounding areas into the water body. This Hon'ble Tribunal in its order dated 22.03.2022 had directed the Respondents to file their independent reports in that regard. In compliance with the orders of this Hon'ble Tribunal, necessary independent report has been filed by this Respondent on 18.04.2022.
- 4) Further, the Hon'ble Tribunal in its subsequent order dated 22.04.2022 had directed the Board to complete the underground sewage connections to the eligible households under the UGSS scheme at the earliest as per rules in force, so that the problem of sewage mixing with the water body will be stopped/plugged.



Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

5) In this regard, I humbly submit the report as follows:

(i) Notices have been issued to all the 115 households which have not availed house sewer connection. The process of effecting house sewer connections to all eligible households has been initiated under Illanthorum Inaippu Scheme.

(ii) Meanwhile, in the order of Hon'ble High Court of Madras dated 27.01.2022 in WP (MD) No.22163 of 2018, WP No.19949/2017 and WP No.768 of 2019 and WMP No. 21529 of 2017 has given the following directions with regard to encroachment in water bodies.

(I) "No registering authority under the Registration Act, 1908, shall register any document in respect of any land which has been notified as water body in the revenue records of the state as reflected in the official website, viz., Tamil Nilam, of the Government of Tamil Nadu.

(II) A declaration shall be obtained from every applicant for registration of property or for approval of lay out or building construction or assessment of property tax or electricity or water connection that the concerned property is not located in water body.

(III) It shall be ensured by the concerned authority granting approval for layout or building construction or assessment of property tax

or electricity or water connection that the relevant property has not been notified as water body in the list published in the official website, viz., "TAMIL NILAM" of the Government of Tamil Nadu, and physical inspection of the site shall be made so as to confirm that it is not located in water body and an officer note for the same shall be prepared and placed on records.

(IV) Any public authority, official or other staff concerned, who is found to have granted or aided or abetted in granting approval for layout or building construction or assessment of property tax or electricity or water connection for a property located on water body, or commits dereliction of duty by not protecting a water body from encroachment, shall be liable for disciplinary action under the relevant rules governing their employment, and prosecution for offences relating to encroachment under Criminal Law.

(iii) In this regard, it is submitted that most of the households come under unapproved slum pocket which do not have patta or other land documents. Moreover, the settlement of land survey documents for Kathivakkam area (Depot 1 & 2) is yet to be completed by the Revenue Department and uploaded online.

(iv) It is further submitted that due to the above constraints,

Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

verification of water body encroachment could not be done through Tamil Nilam website. Hence, details of the land covering these slum pockets have been sent to Revenue Department for verification of water body encroachment.

- 6) I humbly submit that necessary action will be initiated to effect house sewer connections immediately to the eligible households as per rules in force after obtaining necessary clearance from the Revenue Department regarding water body encroachment. Also, the existing pipelines provided for letting out sewage from these premises into the side drains will be disconnected after effecting house sewer connections.
- 7) It is therefore humbly prayed that, this Hon'ble Tribunal may be pleased to accept my response on behalf of the CMWSS Board and thus render justice.

Solemnly affirmed at Chennai on this
12th day of July 2022 and signed
his name in my presence



Superintending Engineer (North)

Superintending Engineer (North)
Chennai Metropolitan Water Supply & Sewerage Board
Chintadripet, Chennai-600 002.

I. Pollence Samuel
48/1/2021.

BEFORE ME

Advocate, Chennai

I. Pollence Samuel.
57, LC, MHC, CH - 104

**Before the National Green
Tribunal (Southern Zone)**

Chennai,

O.A.No.36 of 2022 (SZ)

BETWEEN:

“MEENAVA THANTHAI”
K.R.SELVARAJ KUMAR,
MEENAVAR NALA SANGAM
(Registered under section 10 of the
Tamil Nadu
Societies Act, in SI.No.205 of 2015
dated 26.06.2015)
Represented by its President,
M.R.Thiyagarajan,
S/o. Late C. Rajalingam,
Office at No.48, East Madha Church
Street,
Royapuram, Chennai - 600 013.
Ph. No. 9841590984
E-mail Id: krtkarjun@gmail.com
: Applicant

Vs.

State of Tamil Nadu,
Through the Chief Secretary
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009, Tamil Nadu and
4 others.
: Respondent

**INDEPENDENT REPORT
FILED BY 4TH
RESPONDENT**

GAUTAM S. RAMAN
Counsel for 4th Respondent