

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

**ORIGINAL APPLICATION NO. 40 of 2020 (SZ)
& I.A. No.131 of 2021 (SZ)**

**With
Original Application No. 93 of 2020 (SZ)**

Tribunal on its own motion Suo Motu
initiated proceedings based on the News
item published in The Time of India,
Chennai edition dt.17.02.2020 under the
caption "Sewage flows into surplus channel
in Kovilambakkam"

Versus

The District Collector,
Chengalpattu District and Ors.

...Applicant(s)

With

...Respondent(s)

Tribunal on its own motion SUO MOTU
Based on the News Item in the Dinamalar
Tamil Newspaper dated 29.06.2020,
"When will Kovilambakkam lake be restored?" .

Versus

The Principal Secretary to Government,
Public Works Department,
Secretariat, Fort St. George,
Chennai and Ors.

..Applicant(s)

...Respondent(s)

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**Filed by
Thiru. Sai Sathyajith,
Advocate, Chennai.**

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The Principal Secretary to Government,
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Secretariat, Fort St. George,
Chennai and Ors.

...Respondent(s)

REPORT FILED ON BEHALF OF THE RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, J. Josephine Sahayarani, D/o. Thiru.Jesu Rajan, Chritian, aged
about 57 years, having my office at No. 76, Mount Salai, Guindy,
Chennai -600032, do hereby solemnly affirm and sincerely state as
follows:-

J. Josephine Sahayarani
27/11/2022

JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing the Report on behalf of 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 in due compliance to the Hon'ble NGT(SZ) order dated 01.09.2021, the said area in question was inspected by the officials of the DEE, TNPCB, Maraimalai Nagar on 25.10.2021 and reported the following:

i. The surplus channel in Kovilambakkam is the carrier of surplus water from Putheri Eri of Pallavaram Municipality, Nanmangalam Eri, Kelkattalai Eri and Kovilambakkam Eri traverse through Boopathy Nagar, Engineers Avenue of Kovilambakkam, Sunnambu Kolathur area and Narayanapuram area and then reaches Pallikaranai Marsh land.

ii. Sewage from Nanmangalam, Moovarasampet, Kovilambakkam village Panchayat area of St. Thomas Mount Panchayat Union, some areas of Kelkattakalai of Pallavaram Municipality and from some areas of Madipakkam of Zone XII of Greater Chennai Corporation flows into the said surplus channel.

iii. Nanmangalam, Moovarasampet, Kovilambakkam village Panchayat area of St. Thomas Mount Panchayat Union are not having any solid waste processing facility for handling the solid waste generated from its local body area.

iv. PWD has completed major portion of construction of retaining walls all along the said surplus channel for strengthening

J. for 2008/7/11/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
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the bund and to avoid the flow of sewage into the said channel which also includes cut and cover channel from Narayanapuram Eri to Pallikaranai Marsh land and also noticed that the remaining portion of the construction of the said retaining wall is under progress.

v. Thiru J Sankar, Coordinator of Federation of Sunnambu Kolathur Residents Welfare Association was contacted in person and he has stated that the sewage is being disposed through overflow arrangement in the conveyance main from the pumping station at Keelkattalai by the Pallavaram municipality into the said surplus channel. However during the time of inspection it was noticed that there is no such sewage overflow from the said overflow arrangement.

vi. Kovilambakkam Eri was found filled with water hyacinth indicating the contamination of the water with sewage.

vii. The said village panchayat was found dumping of solid wastes in the solid waste dumping yard near the Kovilambakkam Village Panchayat Office and the same is being transported to Solid waste dump site at Appur village of Kattankulathur Block. The said village panchayat is yet to establish micro composting centre within the village panchayat area to compost the Biodegradable wastes.

3. It is respectfully submitted that, the Compliance report on the recommendations mentioned in the Joint Committee submitted in OA No.40 of 2020 is as follows:

S.No	Recommendations mentioned in the Joint Committee	Compliance status
1.	The Block development officer, St. Thomas Mount Panchayat Union shall prepare action plan to intercept, transport, treat and disposal of the sewage generated from its local body area of Nanmangalam, Moovarasanpattu, Kovilambakkam village Panchayat within three months and shall implement the same within one year.	No action plan was submitted by the local body to the Board.
2.	The Commissioner, Pallavaram Municipality shall stop the overflow of sewage from the underground sewer network in the Kelkattalai area into the surplus channel immediately.	It was informed by the residents that the sewage overflows from the underground sewer network in the Keelkattalai area into the surplus channel, however during the time of inspection the same was not noticed.
3.	The Zonal Officer, Zone XII, Greater Chennai Corporation shall prepare action plan to intercept, transport, treat and disposal of the sewage generated from some areas in Madipakkam of Zone XII within three months and shall implement the same within six months.	No action plan was submitted to the Board.
4.	The Block development officer, St. Thomas Mount Panchayat Union shall prepare action plan for treatment and disposal of Solid waste as per the provisions of Solid Waste Management Rules, 2016 from its local body area of Nanmangalam, Moovarasanpattu, Kovilambakkam village Panchayat within three months and shall implement the same within six months	No action plan was submitted by the local body for treatment and disposal of Solid waste as per the provisions of Solid Waste Management Rules, 2016.
5.	PWD shall expedite and complete the construction of retaining walls all along the said surplus channel for strengthening the bund and to avoid the flow of sewage into the said channel within six months	PWD has completed major portion of construction of retaining walls all along the said surplus channel for strengthening the bund and to avoid the flow of sewage into the said channel which also includes cut and cover channel from Narayanapuram Eri to Pallikaranai Marsh land and also noticed that the remaining portion of the construction of the said retaining wall is under progress.

4. It is respectfully submitted that, the Compliance report on the recommendations mentioned in the Joint Committee submitted in OA No.93 of 2020

S.No	Recommendations mentioned in the Joint Committee	Compliance status
1	The Village Panchayat shall ensure 100% collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the provisions of the Solid Waste Management Rules 2016 within six months time.	The Kovilambakkam Village Panchayat collects 100% of solid wastes generated in their panchayat area through door to door mechanism
2	The Village Panchayat shall not dump solid waste under any circumstances in the said area in question i.e. at Kovilambakkam Lake of Kovilambakkam Village	The said village panchayat was found dumping of solid wastes in the solid waste dumping yard near the Kovilambakkam Village Panchayat Office and the same is being transported to Solid waste dump site at Appur village of Kattankulathur Block.
3	The Village Panchayat shall establish Micro composting centre within six months within the village panchayat area to compost the segregated Biodegradable wastes and to take steps to dispose the non degradable waste including plastic waste to the recycling facility complying with the provisions of the Solid Waste Management Rules, 2016	The said village panchayat is yet to establish micro composting centre within the village panchayat area to compost the Biodegradable wastes.
4	The Village Panchayat shall take steps to carry out Bio-Mining of the legacy waste dumped in the Kovilambakkam Village Panchayat dumping facility within six months	The said village panchayat was found dumping of solid wastes in the solid waste dumping yard near the Kovilambakkam Village Panchayat Office and the same is being transported to Solid waste dump site at Appur village of Kattankulathur Block.
5	The Village panchayat shall identify and provide decentralized community soak pit arrangement at vulnerable locations within three months time to prevent the entry of sewage/sullage to the Kovilambakkam tank through storm water drain.	The said village panchayat is yet to provide decentralized community soak pit arrangement at vulnerable locations.

6	The Village panchayat shall provide a treatment system to intercept sewage entering the lake and to treat the same within six months.	The village panchayat is yet to provide system to intercept sewage entering the lake and to treat the same
7	The Village panchayat shall levy fine on the violators found dumping solid waste and disposing sewage into the water body under Local body Acts.	The village panchayat has ensured to comply with.
8	The Village panchayat shall create awareness among the public with the help of associations in the local body area for proper segregation of solid waste.	The village panchayat has ensured to comply with.
9	The PWD with the help of Revenue Authorities shall make fresh survey to identify the exact number of encroachment and to evict them within six months	The PWD has ensured to comply with.

5. It is respectfully submitted that therefore, it is evident that the Kovilambakkam Village Panchayat of St.Thomas Mount Panchayat Union is not properly implementing the Solid Waste Management Rules, 2016, not removing the legacy waste dumped at the Kovilambakkam Lake and has not complied with the recommendations of the Joint committee.

6. It is respectfully submitted that as per the Hon'ble NGT orders dated 28.02.2020 & 02.07.2020 in O.A.No.606 of 2018 the TNPCB has assessed an Interim Environmental Compensation of Rs.38 Lakhs to the Kovilambakkam Village Panchayat of St.Thomas Mount Panchayat for not segregating and properly disposing the solid wastes generated from the said panchayat area and for not removing the legacy waste dumped at the Kovilambakkam Lake.

In this regard, the Board has issued show cause notice under Section 5 of the Environment (Protection) Act, 1986 vide Proceeding dated

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JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

03.12.2021 to the Kovilambakkam Village Panchayat, as to why the Board shall not levy an Interim Environmental Compensation of Rs.38 Lakhs (from April, 2020 to October, 2021) for non compliance of the Hon'ble NGT orders and not complying with the provisions of the Solid Waste Management Rules, 2016. Further the Board has issued directions under Section 5 of the Environment (Protection) Act, 1986 vide Board Proceeding dated 03.12.2021 for strict compliance of certain conditions.

7. It is further submitted that the Tamil Nadu Pollution Control Board has issued directions under Section 33A of the Water (P&CP) Act, 1974 to the Block Development Officer, St. Thomas Mount Panchayat Union to comply with the following vide proceeding dated 03.12.2021:

i. The local body shall plug the sewage inflow from the Municipal area i.e., from Nanmanglam, Moovarasanpattu and Kovilambakkam Village Panchayat area into Kovilambakkam Surplus Channel.

ii. The local body shall ensure that the sewage from the municipal area does not reach the storm water drain leading to Kovilambakkam Surplus channel.

8. It is respectfully submitted that the Tamil Nadu Pollution Control Board has issued directions under Section 33A of the Water (P&CP) Act, 1974 to the Pallavaram Municipality to comply with the following vide proceeding dated 03.12.2021:

i. The Pallavaram Municipality shall stop the overflow of sewage from the underground sewer network from the Keelkatalai area into the Kovilambakkam Surplus Channel.

J. A. Kumar 8/11/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

9. It is respectfully submitted that the Tamil Nadu Pollution Control Board has issued direction under Section 33A of the Water (P&CP) Act, 1974 to the Zonal Officer, Zone-XII, Greater Chennai Corporation, Alandur to comply with the following vide proceeding dated 03.12.2021:

i. The Greater Chennai Corporation shall intercept the flow of sewage from the Madipakkam area into Kovilambakkam Surplus channel, transport and make arrangement for the treatment of sewage in the CMWSSB Sewage treatment plant at Perungudi.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) 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.

J. Sr 2008 88
7/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, Josephine Sahayarani, D/o. Thiru.Jesu Rajan, 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.

J. Sr 2008 88
7/1/2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
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**REPORT FILED ON BEHALF OF THE
RESPONDENT – TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru. Sai Sathyajith
BSC, Chennai.

Date: 12.01.2022

Date of hearing: 03.02.2022