

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

(Southern Zone)

Original Application No.50 of 2017 (SZ)

(W.P.No.43839 of 2016 transferred to the National Green Tribunal from the file of the Hon'ble High Court of Judicature at Madras)

IN THE MATTER OF

Arappor Iyakkam
Represented by Jayaram Venkatesan,
Managing Trustee
140 A, Rukmini Laksmipathy Salai,
Egmore, Chennai.

... Applicant(s)

Versus

1. Government of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Secretariat, Chennai - 600009.
& 5 others.

... Respondents

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DEPONENT

Place : Chennai

Date :

REPORT OF THE JOINT COMMITTEE

(As per Hon'ble National Green Tribunal, Southern Zone, Chennai Order dated 03.12.2020 in the matter of O.A.No.50 of 2017)

BACKGROUND

The Hon'ble High Court of Judicature at Madras transferred the Writ Petition in W.P.No.43839 of 2016 to the National Green Tribunal Southern Zone, Chennai and renumbered as O.A.No.50 of 2017 and the Hon'ble National Green Tribunal directed on 03.12.2020 as follows;

"...9. However, we feel that one more opportunity can be given to the committee as well as to the authorities to submit the report as directed by this Tribunal by order dated 06.01.2021, otherwise they will have to appear before this Tribunal and explain as to why action should not be taken against them for non-compliance of the directions issued by this Tribunal as contemplated under Section 25 & 26 of the National Green Tribunal Act, 2010.

10. The committee as well as the authorities mentioned above are directed to submit the respective reports to this Tribunal on or before 18.01.2021 by e-filing along with necessary hardcopies to be produced as per Rules.

11. The Registry is directed to communicate this order to the Chief Secretary, Government of Tamil Nadu, Principle Secretary for Irrigation and Public Works Department (PWD) and Water Resource Organization (WRO), members of the committee as well as to the Greater Chennai Corporation and also to the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) by e-mail immediately so as to enable them to comply with the direction.

12. For consideration of report, post on 18.01.2021....."

Pursuant to the above orders the Commissioner, Greater Chennai Corporation has appointed the Regional Deputy Commissioner (Central), Greater Chennai Corporation to head the joint inspection carried out by the joint committee members constituted by this Hon'ble Tribunal. Further the Joint Committee consists of the following members.

1. P.N.Sridhar, I.A.S., Regional Deputy Commissioner (Central), Greater Chennai Corporation.
2. Dr.T.Prabhushankar, I.A.S., Executive Director, CMWSSB.
3. Dr.B.M.Senthil Kumar Zonal Officer, Zone - VIII, GCC.
4. Th.B.R.Saravanamurthy, Executive Engineer, GCC.
5. R.A.Muthaiah, B.E, Superintending Engineer, Palar Circle PWD.
6. V.G.Ramasamy, Superintending Engineer, CMWSSB, Central.
7. Tmt.A.N.Lavanya, Revenue Divisional Officer, Central.

JOINT INSPECTION OF THE COMMITTEE:

The joint committee had fixed the date of joint inspection on 16.10.2020 and the following officials have assisted the joint committee as the time of inspection.

1. K.Sundararajan, Zonal Officer, Zone - VIII i/c, GCC.
2. B.R.Saravanamurthi, Executive Engineer, BRR Department, GCC.
3. R.Sivamurugan, Superintending Engineer, (WT&T), CMWSSB.
4. G.B.Vaidehi, Executive Engineer/Area 8, CMWSSB.
5. M.Ravikumar, DAE-21/Area 8, CMWSSB.
6. M.Shankar, R.C. O/o. Revenue Divisional Officer, South.

It is submitted that at the time of inspection it was noted that out of 27.5 acres hand over to Greater Chennai Corporation, 24.64 acres is under rejuvenation and restoration work of Villivakkam Lake and remaining land is encroached by tenements for 2.5 acres (10200 sq.ft.).

HISTORY OF THE LAKE:

It is submitted that originally the Villivakkam Lake measuring an extent of 126.12 Acres situated in SF.No.335/2 (44.11 Acres) Konnur Village and SF.No.249/31A1A3B (82.01 Acres) in Villivakkam Village, Permabur-Purasawakkam Taluk, was handed over to the Tamil Nadu Housing Board in the year 1984 for development of MUDP-I site and services scheme of the Madras Metropolitan Development Authority by the Government of Tamil Nadu vide Government Order in G.O.Ms.No.1759 Revenue Department dated 25.10.1984.

Further the Tamil Nadu Housing Board (TNHB) in turn allots to SIDCO industrial estate and SIDCO residential blocks and 39 acres land to CMWSSB (T.S.No.1, Block 35, 11.5 acres/T.S.No.6, Block I, 27.5 acres). During the year 2016, Government of Tamil Nadu instructed CMWSSB to hand over to Greater Chennai Corporation 27.5 acres of land and out of 27.5 acres hand over to Greater Chennai Corporation, 24.64 acres is under rejuvenation and restoration work.

COMPLAINT AND WRIT PETITION:

It submitted that complaints were received from the general public requesting to remove the debris and to restore the Villivakkam Lake.

It is submitted that while so the petitioner herein had filed a Writ Petition bearing W.P.No.43839 of 2016 praying to issue of Writ of Mandamus to direct the Secretary to Government Public Works Department, (Respondent 1) and Principal Secretary Municipal Administration and Water Supply Department (Respondent 2) to restore the entire remaining 39 acres Villivakkam Konnur Lake

along with its inlets and outlets with the assistance of Chennai River Restoration Trust or any other specialized authority in a time-bound manner and consequently ensure that the Villivakkam Konnur Lake is restored to its original state as a clean water body by removal of debris dumped by the Chennai Metro Rail Limited (Respondent 5) and pollutants discharged by Chennai Metro Water Supply and Sewerage Board (Respondent 3).

It is submitted that the Hon'ble High Court has transferred the above to the National Green Tribunal, Southern Zone by order dated 13.02.2017 and renumbered as O.A.No.50 of 2017.

REPORT SUBMITTED BY THE CMWSSB (Annexure I):

It is submitted that the Area Engineer, VIII, Chennai Metro Water Supply and Sewerage Board has submitted their report dated 10.12.2020 vide Lr.No.CMWSSB/Area-VIII/3768/2020 as follows;-

- a) Villivakkam Konnur Lake is situated in the North West of Chennai consist of 214 acres.
- b) Public Works Department has handed over the Villivakkam Lake to Tamil Nadu Housing Board.
- c) Tamil Nadu Housing Board (TNHB) in turn allotted to SIDCO industrial estate and SIDCO residential blocks and 39 acres land to CMWSSB (T.S.No.1, Block 35, 11.5 acres/T.S.No.6, Block I, 27.5 acres).
- d)1. In the year 1991, TNHB handed over only 39 acres of land to CMWSSB.
2. In the year 2016, Government of Tamil Nadu instructed CMWSSB to hand over 27.5 acres of land to Greater Chennai Corporation (GCC).
3. Out of 27.5 acres handed over to GCC, 24.64 acres is under rejuvenation and restoration work of Villivakkam Lake and remaining 2.5 acres is encroached by tenements.

Further it has been stated that only 11.5 acres of land is under the control of the CMWSSB. And as of now, there is no oxidation pond functional at the above location and sewage from North Jaganatha Pumping Station, Villivakkam sector 'B' Pumping Station. Villivakkam Phase I Pumping Station, Villivakkam Phase II Pumping Station receives 12 MLD of sewage which is further pumped to Kodungaiyur Sewage Treatment Plant. Further CMWSSB has obtained administrative approval vide G.O.No.107 dated 20.08.2019 for setting up a 10 MLD Tertiary Treatment Ultra Filtration Plant. The effluent water from this plant shall be supplied to the adjoining industries and for rejuvenation of nearby water bodies, as the product water shall be devoid of nutrients.

REPORT SUBMITTED BY THE PWD (Annexure II):

It is submitted that the Executive Engineer, Public Works Department has submitted their report dated 11.12.2020 vide Lr.No. F DB/JDO-1/OA.50/2017/2020 as follows;-

Originally the surplus water from Ambattur Tank feeds the Villivakkam Tank through the surplus channel near Wheels India Company Limited. Since the Villivakkam Tank was handed over to Tamil Nadu Housing Board and the surplus channel has been diverted at the inlet point and runs along the Koyambedu to Madhavaram Highway and confluence into Otteri Nullah Channel. Now the Greater Chennai Corporation is developing a pond in the subject area. It is suggested that if the inlet provision is made as earlier the surplus water from Ambattur Tank can be let into this Villivakkam pond. By this arrangements the inundation occurred in North Avenue, DTP Colony of Korattur can be avoided during the monsoon season and also can conserve the rain water effectively.

ACTION TAKEN BY THE GCC (Annexure III):

It is submitted that the Executive Engineer, Storm Water Drain Department, Greater Chennai Corporation has submitted the details of the restoration works being carried out at Villivakkam Tank as follows:-

The restoration work is being carried under the Smart City Fund the details which are tabulated below for sake of convenience;

Sl. No.	Nature of Work	Estimate Amount in Crores	Remarks
1	ECO Restoration of Villivakkam tank.	11.59	Letter of Acceptance issued on 11.4.2018 work will be completed by the end of March 2021
2	Construction of compound wall	7.39	Letter of Acceptance issued on 11.4.2018 work will be completed by the end of March 2021
3	Construction of sub structure for Suspension Bridge	2.587	Letter of Acceptance issued on 11.4.2018 work will be completed by the end of March 2021
4	Construction of Suspension Bridge Superstructure Structural works (Steel works)	4.69	Letter of Acceptance issued on 21.1.2021 work will be completed by the end of March 2021
5	Supply, fabrication and fixing of stainless steel fencing with cast iron leg along the water boundary of Villivakkam tank	1.465	Tender due on 26.2.2021 work will be completed one month from the date of issue of Letter of Acceptance.
6	Supply, installation, testing and commissioning of dynamic lighting proposal for Villivakkam suspension glass bridge and high mast and pathway lighting	2.02	Re-Tender Opened on 2.2.2021 work will be completed one month from the date of issue of Letter of Acceptance
7	Rehabilitation and Resettlement of 268 nos. of	15.32	Cheque received from smart city project and

	Encroached slum families near Villivakkam tank		remitted to TNSCB on 17.12.2020 for 15.22 Crore. After getting allotment from TNSCB resettlement will taken up immediately. The work will be completed by the end of March 2021.
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Apart from this, it is proposed for further development of Amusement park inside the Villivakkam tank by Service Provider to design, build, finance and operate and maintain the restored Villivakkam Tank under PPP mode (Public Private Partnership) along with the developed infrastructures for a period of 25 years. The service provider has to invest a minimum amount of Rs.10.00 crores for the above work. The letter of acceptance has been issued for this work.

It is respectfully submit that the restoration work is being carried out for total cost of Rs.55.06 Crores under Smart City fund.

SUGGESTIONS:

For Greater Chennai Corporation:

The Greater Chennai Corporation is suggested to speed up the process for completing the restoration of the lake as early as possible.

To ensure that the other works viz., construction of compound wall etc., within the time limit stipulated as mentioned in the work order given to the successful bidder.

To follow-up with the Tamil Nadu Slum Clearance for allotment of tenements to the encroachers as early as possible.

To take necessary steps to avoid any encroachments in the future.

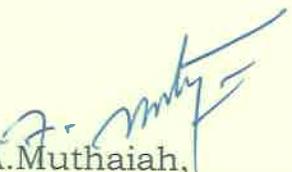
For CMWSSB:

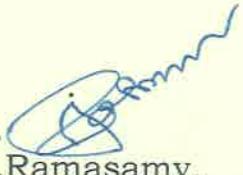
To speed up the process for construction of proposed 10MLD sewage treatment plant.

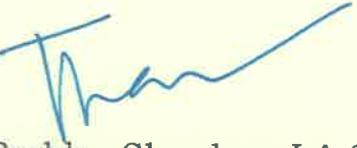
X 
B.R. Saravanamurthy
Executive Engineer/BRR/GCC

(on leave)
A.N. Lavanya,
Revenue Divisional Officer,
Central.


Dr. B.M. Senthilkumar,
Zonal Officer/Zone 8 GCC


A. Muthaiah,
Superintending Engineer
Palar Circle, PWD.

X 
V.G. Ramasamy,
Superintending Engineer,
CMWSSB.


Dr. T. Prabhu Shankar, I.A.S.,
Executive Director, CMWSSB.


P.N. Sridhar, I.A.S.,
Regional Joint Commissioner (Central),
Greater Chennai Corporation.

BEFORE THE HONOURABLE
NATIONAL GREEN TRIBUNAL

(Southern Zone)

Original Application No.50 of 2017 (SZ)

JOINT INSPECTION REPORT FILED
ON BEHALF OF
GREATER CHENNAI CORPORATION

P.T.RAMADEVI
Counsel for Chennai Corporation



CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE BOARD

No. 1, Pumping Station Road, Chintadripet, Chennai-600 002.

AREA ENGINEER-VIII

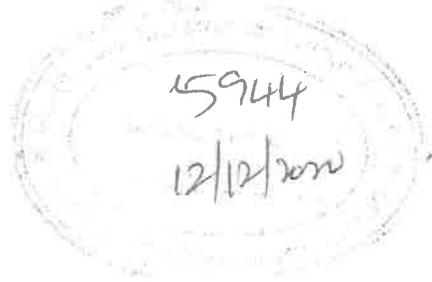
New No.227, II Avenue, Near 12th Main Road,
Anna Nagar, Chennai-40.

Lr.No.CMWSSB/Area-VIII/ 3768/2020,

Dated : 10.12.2020

To

Zonal Officer,
Zone-VIII,
Greater Chennai Corporation,
Np.36, B Pulla Avenue,
Shenoy Nagar, Chennai- 600 030.



Sir,

Sub: CMWSSB – Area-VIII – National Green Tribunal for the Case No.O.A.
No.50/2017 – Status report on Eco Restoration of Villivakkam tank – submitted
– Reg.

Ref: Z.O.8.C.No.A1/4134/2020 Dated:28.10.2020.

With reference to the above, the following report on Eco restoration of Villivakkam tank is submitted for kind perusal as follows:

- Villivakkam Konnur Lake is situated in the North West of Chennai consist of 214 acres.
- Public Work Department has handed over the Villivakkam Lake to Tamil Nadu Housing Board.
- Tamil Nadu Housing Board (TNHB) in turn allots to SIDCO industrial estate and SIDCO residential blocks and 39 acres land to CMWSSB.(T.S.No.1, Block 35, 11.5 acres / T.S.No.6, Block I, 27.5 acres).
- 1) In the year 1991, TNHB hands over only 39 acres of land to CMWSSB.
2) During the year 2016, Government of Tamil Nadu instructed CMWSSB to hand over to Greater Chennai Corporation (GCOC) 27.5 acres of land.
3) Out of 27.5 acres hand over to Greater Chennai Corporation, 24.64 acres is under rejuvenation and restoration work of Villivakkam Lake and remaining land is encroached by tenements for 2.5 acres (10200 sq.ft).
4) GCOC identified in coordination with the Tamil Nadu Slum Clearance Board (TNSCB) totally 265 encroached tenements and for which 57 tenements biometric enumeration has been completed and the remaining tenements biometric enumeration work has to be taken up by TNSCB.

- e) Now only 11.5 acres of land is under the control of SE(N) / STP/CMWSSB and part of land is having a pumping station.
- f) The questionnaire in page no.12 in the case O.A.50 of 2017 is replied as follows:

1.What is the total extent of Lake as per revenue record?

As ascertained in case O.A.No.50, extent of Lake is 214 acres. Records not available in this office. Will coordinate from Revenue Department. (T.S.No.1, Block 35, 11.5 acres / T.S.No.6, Block I, 27.5 acres).

2 .What is the extent of land given to CMWSSB and SIDCO and Housing Board?

The extent of land given to CMWSSB is 39 acres and the extent of land given to SIDCO and Housing Board should be addressed to TNHB.

3. What is the extent covered by the oxidation pond?

As of now, there is no oxidation pond functional at the above location and sewage from North Jaganatha Pumping station, Villivakkam sector 'B' Pumping station, Villivakkam phase I Pumping station, Villivakkam phase II Pumping station is received 12 MLD is pumped to Kodungaiyur sewage treatment plant.

4. What is the remaining area available for Rejuvenation and restoration?

The area of 24.64 acres is available for Rejuvenation and restoration by GCOC.

5. What are the steps taken by the authorities to preserve and restore the lake at least to the extent whatever is now available to preserve, conserve and protect the water body so as to improve the ground water recharge system.

The steps has been taken by GCOC to preserve and restore the lake to the extent of 24.64 acres by the work of Rejuvenation and restoration of Villivakkam pond. The work of Eco restoration and protection of Villivakkam Lake at a cost of 16 crores such as Open air theatre, pond, and children play area, Parking, restaurants, food stalls, landscaping, walkways, subways and gym is under progress by GCOC.

- g) CMWSSB has obtained administrative approval vide G.O No.107/20.08.2019 for proposed 30MLD tertiary treated ultra filtration sewage treatment plant in the available area of 11.5 acres and feasible study of requirement of treated sewage from the nearby industries is under progress.


10/12/20
Area Engineer-VIII

PUBLIC WORKS DEPARTMENT
WATER RESOURCES DEPARTMENT



From
Er. C. PODHUPANITHILAGAM, M.E.,
Executive Engineer, PWD.,
Kosasthalaiyar Basin Division, WRD.,
Thiruvallur.

To
The Regional Deputy Commissioner,
Central, Greater Chennai Corporation,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 040.

Lr.No : F DB / JDO-1 / NGT/OA. 50/2017 / 2020/ Dated : 11.12.2020

Sir,

Sub : PWD- WRD - Orders of the Hon'ble National Green Tribunal in O.A. No.50/2017 - Joint inspection on 16.10.2020 - Remarks - submitted - regarding.

Ref : 1) Order of the National Green Tribunal (SZ) in OA No. 50/2017 dated:20.02.2020.
2)G.O.Ms.No.1759 Revenue Department Dated: 25-10-1984.

With reference to the Hon'ble National Green Tribunal 1st cited, the subject area has been inspected jointly on 16-10-2020. Based on the inspection and perusal of records I herewith submit the following points to be submitted before the Hon'ble National Green Tribunal while submitting the status report.

With reference to the Government Order 2nd cited, the land measuring 126.12 Acres in SF.No.335/2 (44.11 Acres) Konnur Village and SF.No.249/3A1A3B (82.01 Acres) in Villivakkam Village, Perambur-Purasawakkam Taluk, Madras District was handed over to Tamilnadu Housing Board for MUDP-I sites and services scheme of the Madras Metropolitan Development Authority by the Madras Collector on 25-08-1977 on collection of land value at the rate of Rs.5000/- per acre together with 9% compound interest from 25.08.1977, the date of entering upon the land, till the date of payment.

Further submit that originally the surplus water from Ambattur Tank feeds the Villivakkam Tank through the surplus channel near Wheels India Company

Limited. Since the Villivakkam Tank was handed over to Tamilnadu Housing Board the surplus channel had been diverted at the inlet point and runs along the Koyambedu to Madhavaram Highway and confluence into Otteri Nullah channel. Now the Greater Chennai Corporation is developing a pond in the subject area. It is suggested that if the inlet provision is made as earlier the surplus water from Ambathur Tank can be let into this Villivakkam pond. By this arrangements the inundation occurred in North avenue, DTP Colony of Korattur can be avoided during the monsoon season and also can conserve the rain water effectively.

The above observations & recommendations may be incorporated in the inspection report to be filed before the Hon'ble Tribunal. This is for your further action please.

- Encl: 1) Copy of G.O. 2nd cited.
2) Copy of 'A' Register.
3) Copy of FMB Sketch in SF.No.249,335.


**Executive Engineer, PWD,
Kosasthalaiyar Basin Division, WRD,
Tiruvallur.**



16 Oct 2020 10:05:48



16 Oct 2020 10:10:13