

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

Original Application No. 50 / 2017 (S.Z.)

Arapporlyakkam
Represented by Jayaram Venkatesan,
Chennai

...Applicant(s)

Versus

The Secretary to Government
Public Works Department & 5 Others

...Respondent(s)

REPLY AFFIDAVIT ON BEHALF OF THE
GREATER CHENNAI CORPORATION

I, Gagandeep Singh Bedi, S/o Dr.T.S.Bedi, Sikh, aged about 54 years, Greater Chennai Corporation having an office at Ripon Building, Chennai - 600003, do hereby solemnly affirm and sincerely submit as follows.

1. I am working as the Commissioner in the Greater Chennai Corporation, and hence I am well acquainted with the facts and circumstances of the case. I am filing this additional affidavit on behalf of the Greater Chennai Corporation.

2. I respectfully submit that Arappor Iyyakam, represented by Thiru. Jayaram Venkatesan filed the above application before the National Green Tribunal in O.A. No. 50 of 2017 with the prayer concerning the environment, existence of Villivakkam/Konnur Lake, flooding and dumping of Metro Rail debris and claiming the area of the lake is 214 acres and such.

3. I respectfully submit that Greater Chennai Corporation and Chennai Metropolitan Water Supply and Sewage Board both are the civic

administrative bodies of Chennai under the administrative control of the Municipal Administration and Water Supply Department. As the civic body, it is pertinent to inform the Hon'ble National Green Tribunal transactions as per records available since the year 1984 pertaining to the area. The status of the land in question is as follows.

4. I respectfully submit that, from the records that could be accessed from the year 1984, the land initially belonged to the Government, and it was handed over to the Tamil Nadu Housing Board (TNHB) by the Government after collecting a land value of Rs. 5000/- per acre. An area of 126.12 acres of land was handed over to the TNHB by Government vide G. O. Ms. No. 1759 of the Revenue Department dated 25.10.1984. As far as the Greater Chennai Corporation is concerned, it is illogical to consider the lands owned, developed, and enjoyed by the Tamil Nadu Housing Board for over seven years as a waterbody. I further reiterate that once the land ownership came to the TNHB, they had all the rights to develop it as per their needs. It is only incidental that the TNHB chose to use the particular area in question to manage the sewage from the rest of the area developed out of the 126.12 acres that were transferred. And this was how these artificial oxidation ponds were set up. It is submitted that these were artificial bodies created to manage the raw sewage coming from the rest of the development, and they should not be considered as natural water bodies.

5. In the year 1991, the Tamil Nadu Housing Board transferred lands measuring an extent of 39 acres along with the buildings, structures, and equipment of a functioning sewage treatment plant (STP) to the

Chennai Metro Water Supply and Sewerage Board (CMWSSB). After that, the land was maintained as an oxidation pond and sewage treatment plant by CMWSSB. The oxidation pond and the land belonging to the CMWSSB had a limited water holding capacity of 20,000 cum, and it used to cause water stagnation during heavy rains.

6. I respectfully submit that CMWSSB has been functioning in Villivakkam for the last 30 years or so, having possession of 39 acres. This place was used to collect raw sewage from surrounding areas of Villivakkam and Sidco Nagar. These were three open oxidation ponds where this sewage was left for natural drying or evaporation. Later after the Kodunguiyur STP plant was developed, the collected sewage was pumped to Kodunguiyur STP for treatment. The original oxidation ponds went into disuse, and it became a flatland with rank vegetation, partly and wholly decomposed organic matter, and silt.

7. Afterwards, to the extent of close to 27.5 acres, the parcel of land was handed over to the GCC. It is pertinent to note that the entire land was not consisting of only open oxidation ponds. The land comprised the open oxidation ponds, the buffer areas between them, and the flatlands around the oxidation ponds. The land handed over had a sewage holding capacity of 20,000 cum, and the water spread area was less than 4 acres (approximately 3.7 acres). After the Greater Chennai Corporation took possession of the land in 2016, the old shallow oxidation pond was developed into a deeper artificial pond to the extent of 17.5 acres to increase its water holding capacity. The water holding capacity was increased over 14 times more than the original oxidation pond capacity to

2,90,000 cum. The water holding area was increased four times by the development done by the GCC. The supporting documents for the same have been filed in detail along with this affidavit.

8. I respectfully submit that the GCC firmly believes that the water bodies can be protected from encroachments and diversion of purpose only if the citizens are engaged with it. A model of that was already set up eight years back at Chetpet lake. This is why, on a pilot basis, another unique model was developed in Villivakkam to create an artificial lake with recreational opportunities to keep it a thriving water body under public purview. We believe that revenues have to be generated for the proper operations and maintenance of water bodies, necessary civic repairs, etc. This is a unique model where the concessionaire will pay the GCC an annuity in lieu of whatever expenses we have incurred in the development of the water body. The concessionaire will further develop recreational activities as well as biodiversity in the tank at his own cost. The project has a positive internal rate of return for both the GCC and the concessionaire. If this model succeeds, waterbodies can be developed on any available lands with the Government or local authorities, where loans can even finance the development of water bodies. New water bodies can even be developed on a PPP (public-private partnership) basis on available lands.

9. I respectfully submit that the Villivakkam SIDCO Nagar is a thickly populated area with industries around it. Villivakkam and Sidco Nagar have many low-income households that stand to benefit from the project. The Villivakkam Tank eco-development project will provide a huge

environment-friendly lake to walk around, use as a recreational spot, act as a massive water storage body, and provide direct employment for over 300 persons in the neighbourhood. This will create vested interests for the local community in protecting the newly created water body. This PPP project is a landmark eco-recreational project in Chennai city that ensures development by protecting the environment. Over forty thousand residents and their welfare associations have welcomed the project, and there were no objections from the residents around the area. Six different native fish species have also been seeded in the developed pond, of which two of them are endangered. We are giving special care to native conservation and conservation of inland native fish species for procreation.

10. I respectfully submit that the innovative Villivakkam lake development project has multiple objectives of flood mitigation, groundwater recharge, biodiversity improvements and recreational purposes. Out of 27.5 acres, 17.5 acres is a created lake. As already stated, the water holding capacity is increased from 20,000 cum to 2,90,000 cum. We have followed all standard norms, and we have given a 6-10m buffer zone depending on the strength requirements of the bund. Retention walls and revetments are provided wherever added support is required. We have created a footpath around the lake area, allowing the citizens to walk around and enjoy nature. The bund, along with the walkway over it, is the buffer zone of the artificial lake. All recreation and entertainment activities are being executed beyond the buffer zone of the artificial tank.

11. It is submitted that during monsoon 2021, the newly created water body mitigated flood hazard in the surrounding area. There are inlet


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shutters provided at two places, and there is one outlet. During flood season, part of the water is emptied through the outlet in anticipation of inflows so that sufficient buffer volume is available to accommodate the influx of stormwater. Inlet shutters are also opened whenever there is a requirement to fill up the water in the artificial tank during rainy seasons. The GCC will strive to optimise these shutter operations for flood mitigation as well as maximum water storage.

12. There is a further proposal from CMWSSB to transfer another 8 acres of the land to Greater Chennai Corporation (GCC). After formally taking possession of that land, the GCC plans to develop another similar water body. Both the water bodies will be connected through balancing culverts or a small bridge. We will also examine the technical feasibility of having a moat. The new tank will have an additional water holding capacity of 50,000 cum by following all standard norms. Thereafter the water storage capacity will be raised to 2,90,000 cum + 50,000 cum = 3.40 lakh cum. The entire area transferred to the GCC will be made into a water-holding area except for whatever land is required for bund formation. The GCC also undertake that no structures for recreational activities will be placed on the newly developed lake, except for the walking track and pedestrian lights on the bund.

13. I respectfully submit that the pond also serves the purpose of replenishing the aquifers in and around the area. The lake acts as a percolation pond where the water percolates to the ground and rejuvenates the groundwater table. As more and more groundwater is extracted by households and institutions in the nearby areas, water from the lake will

percolate, further replenishing the groundwater table. This means that the water levels in the lake will have significant percolation losses in addition to the evaporation losses, and the average evaporation loss per day will be 25,000 litres to a maximum of 35,000 litres, and if the surrounding groundwater level decreases, the pond will be the sole resource to feed and maintain the groundwater for surrounding 2-3 km radius.

14. I respectfully submit that there must be adequate water in the pond throughout the year to maintain flora and fauna consistently. At this stage, it is pertinent to point out that even for Chetpet lake, the water level in the lake is maintained by treating the sewage water in the vicinity and replenishing the reduced water with adequately treated water. Similarly, over here, a water inflow close to 0.25 to 0.30 MLD per day is required for the survival of flora and fauna, and there has to be some source of water other than the runoff during the rainy season. It is humbly submitted that setting up a Tertiary Treatment Ultra Filtration Plant is the only option available to ensure that the water levels are maintained throughout the year in the pond. This will also ensure that the groundwater table in the area is replenished throughout the year through gravitational pressure due to the height of the water maintained in the pond.

15. I respectfully submit that the petitioner has filed the objections stating the developed Villivakkam Tank as a natural lake and pointed out the objection that structures are built in the lake. I humbly submit that these objections will apply only to water reservoirs and natural lakes and will not apply to the developed artificial water bodies such as Villivakkam Tank. In any case, the structures are being executed outside the buffer


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WATER SUPPLY DEPARTMENT

zone of this artificial water body. Moreover, the land in question is classified as an "Institutional Zone" and not a water body. It is reiterated that the title of land in question was with Tamil Nadu Housing Board and CMWSSB for over 37 years, and they used the land to treat sewage. Hence, the land in question cannot be considered a water body. However, it is further reassured that all the developments and recreational facilities by the concessionaire will happen beyond the buffer zone of the artificial water body.

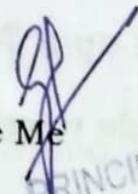
It is therefore prayed that this Hon'ble Tribunal may be pleased to pass suitable orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirm that Chennai

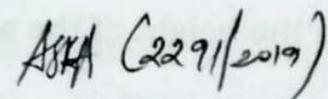
On this the day 29th of April 2022

And signed his name in my presence

Before Me


PRINCIPAL SECRETARY /
COMMISSIONER
GREATER CHENNAI CORPORATION

Advocate::Chennai


119 Addl law chamber,
High Court, Ch-104.

NATIONAL GREEN TRIBUNAL

(SOUTHERN ZONE)

O. A. No. 50 of 2017

STATUS REPORT

Enroll No.1732/2000

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M/s. P.T. Ramadevi

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