

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

Original Application No. 06 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU
Based on The News item in the Hindu
Newspaper Edition Dated:21.12.2020,
"Vilinjambakkam Lake shrunk due to
Encroachment


.... Applicant(s)

Versus

1. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu – 600009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu – 600009.
3. The Additional Chief Secretary to Govt. of Tamil Nadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu – 600009.
4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600032.
5. The District Collector,
Thiruvallur District,
First Floor, Collectorate,
Thiruvallur – 602001.
6. The Corporation Commissioner,
Avadi Municipal Corporation Office,
391, New Military Rd. Thirumalai Rajapuram,
NHB Mig V Block, Avadi, Tamil Nadu – 600071. ...Respondents.

REPORT FILED ON BEHALF OF THE 1ST RESPONDENT

1. I, C.Podupanithilagam.son of Chinnathambi aged about 48 years,
residing at No.47/6, Breeze Apartment, TNHB, Near Velammal Main
School, Mogappair East, Chennai-37 do, solemnly affirm and sincerely
state as follows:
2. I state that, I am the Executive Engineer, Public Works Department /
Water Resources Department, Kosasthalaiyar Basin Division,
Thiruvallur file the report on behalf of the 1st respondent herein and I
am well acquainted with the facts of the case from records.


 Executive Engineer, P.W.D.,
 Kosasthalaiyar Basin Division, W.R.D.,
 Thiruvallur.

3. It is submitted that, the above case has been Suo Motu registered basis of the newspaper report published in the Hindu Tamil Thisal, newspaper, Chennai, Edition, dated 21.12.2020 under the caption "ஆக்கிரமிப்பால் சுருங்கிய ஆவடி விளிஞ்சியம்பாக்கம் ஏரி மழைநீரை சேமித்து வைக்க முடியாத அவலம்" (Vilinjambakkam Lake Shrunk due to encroachment, shame of not being able to store rain water)

4. The Honourable National Green Tribunal, Southern Zone, Chennai, in the matter of OA No. 06 of 2021 directed on 10.06.2021, this Tribunal had considered the Joint Committee report dated 25.03.2021, which was extracted in Para 6 of the order and then, passed the following order:-

"7. It is mentioned in the report that sewage/sullage that flows through open drains confluences into Vilinjiambakkam from the areas of Sri Devi Nagar & Bharathidasan Nagar and Foreshore encroachment areas of Vilinjiambakkam Lake, Sekkadu and kavrapalayam surplus feeding channel leading to Vilinjiambakkam Lake and these areas fall under the jurisdiction of Avadi City Municipal Corporation.

8. It is also mentioned in the report that the Avadi City Municipal Corporation has not implemented full-fledged Under Ground Sewerage System (UGSS) for the above said area.

9. It is also mentioned in the report that the authorities of the Avadi City Municipal Corporation had told them that Under Ground Sewage System (UGSS) is in progress to connect these areas as well and it will take a longer time. But they will take some short term measures within a period of six months to avoid the sullage water reaching the lake.

10. It is also mentioned in the report that though a request was made to the Tahsildar conduct the survey to fix the tank boundaries and inlet and outlet channels to identify the encroachment by their letter dated 15.05.2019 the steps taken by the Tahsildar are not clear from the report. In the restoration action plan provided by the committee, it was mentioned that the connections to Under Ground Sewerage System (UGSS) to all household in Sri Devi Nagar & Bharathidasan Nagar has to be completed within a period of six months, to survey the lake area and demarcating the boundary and assessment of identifying encroachment has to be completed within two months and the construction of Under Ground Sewerage System (UGSS) on either side of Kavrapalayam channel and Sekkadu surplus channel in residential area in Avadi has to be completed within 5 years.

11. It may be mentioned here that allowing the sewage reach the water body for such a long period will only affect the health of the people.

12. It is seen from the report that water samples were taken and without getting the report of the water samples, it may not be possible to State whether the water in the particular lake has been contaminated or not and what is the reason for the contamination.

13. Further though it was mentioned in the report that they have not found discharge of industrial effluents. However they have not mentioned about as to whether there are any industries situated near the lake and what is the mode of discharge of effluents adopted by them to ascertain as to whether there is any possibility of discharge of effluents from the industrial area as well.

14. Further they have are not taken the sediment samples from the lake, so as to ascertain as to whether there was presence of any heavy metals or presence of any industrial pollutants and without taking the soil sediments may not be possible to ascertain as to whether there is any clandestine method of discharging effluents by the industries into the lake.

15. They are also directed to take the sediment samples, and conduct analysis to ascertain the above facts as well.

16. The committee is also directed to file a further report if any, contamination is caused to the water quality in the lake then ascertain the source of contamination and suggest the remedial measures to rectify the same as well.

17. They are directed to file a further report regarding the progress of the compliance of the recommendations given by the committee in order to meet this situation.

18. The Avadi City Municipal Corporation is also directed to file a detailed action plan as to how they are going to resolve the issue of sullage water reaching the particular lake to avoid pollution being caused to the lake.

19. They are not expected to just submit a plan with long term measures which will require 5 years period for completing the Under Ground Sewerage System (UGSS) instead they will have to come with a shorter time line plan also for implementing the same apart from providing short term measures for diverting the sewage water collected in the drains to the existing sewage treatment plants to avoid untreated sullage water reaching the lake, so as to prevent further damage to the lake.

20. The District Collector, Tiruvallur District is directed to constitute a committee headed by him and include all the stake holders who are expected to deal with these issues and prepare an action plan for protecting all the water bodies in Avadi City Municipal Corporation with short term and long term measures and for provide a supervisory mechanism also under his leadership to see that the action plan is implemented within a short time by coordinating with all the stake holder departments who are involved in this, so that the water bodies in Avadi City Municipal Corporation can be protected against pollution and encroachment and that will improve the water quality and availability of water in that area.

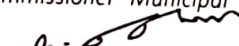
21. The District Collector, Tiruvallur District is also directed to submit a detailed report as mentioned above for this purpose.

22. The District Collector, Tiruvallur District, Avadi Municipal Corporation and the Tamil Nadu Pollution Control Board (TNPCB) are also expected to file an independent report regarding the implementation of the Solid Waste Management Rules, 2016 which includes the management of sullage water that is being generated in that area and if any violation is found, what is the nature of action taken by them and such a proactive role is not being done by the Tamil Nadu Pollution Control Board (TNPCB) in all the cases where such issues are projected before the Tribunal.

23. The above official respondents are directed to submit the respective reports to this Tribunal on or before 20.08.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.

24. The Registry is directed to communicate this order to the members of the committee, District Collector, Tiruvallur District, Chairman, Tamil Nadu Pollution Control Board (TNPCB), also the Chief Secretary and Secretary of local administration, Commissioner Municipal

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Executive Engineer, P.W.D.,
Kosasthalaiyar Basin Division, W.R.D.,
Thiruvallur.

Administration for their information and for taking steps at higher level if any assistance required for this purpose and also for filing the respective reports as directed."

5. It is respectfully submitted that, the survey has been carried out by the Revenue department nearly about 248 encroachments were identified (23 Houses, One Church and one pump house at Tank, 223 Houses at Eri Ulvoy) and Form I and II notices to be issued to the encroachers by the Revenue department. Form III notice to be issued to the encroachers by Assistant Engineer WRD, St.Thomas Mount.

The Assistant Engineer WRD, will remove the encroachments by abiding law procedures and eviction will be completed. The restoration work of construction of boundary wall around the Vilinjiambakkam Tank to protect from encroachments will be executed within two years. For construction of boundary wall the estimate has been prepared for a tune of 2.50 Crore. The proposal has to be sent to the competent authority for obtaining necessary approval. Thereafter the boundary wall work will be commenced.

It is for kind information submitted before the Hon'ble National Green Tribunal (South).

Dated at Chennai on this the 15th day of December, 2021.


Executive Engineer, P.W.D.,
Kosasthalaiyar Basin Division, W.R.O.,
Thiruvallur

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MOTU

.... Applicant

VERSUS

The Principal Secretary to Government
Public Works Department,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu and others

.. Respondents

REPORT FILED BY THE
EXECUTIVE ENGINEER, PWD/WRD
KOSASTHALAIYAR BASIN
DIVISION, THIRUVALUUR.

GOVERNMENT PLEADER