

**BEFORE THE NATIONAL GREEN TRIBUNAL****SOUTHERN ZONE, CHENNAI****O.A.No. 69 of 2021 (SZ)**

IN THE MATTER OF:

Tribunal on its own motion suo motu based on  
The news item in 'Dinamalar' , Newspaper, dated  
14.05.2020, Chennai, supplementary  
"Encroachment of Nemilicherry Lake"

.. Applicant

AND

The Chief Secretary to Government of Tamil Nadu  
Government Secretariat, Fort St. George, Chennai  
and others

.. Respondents

**STATUS REPORT FILED BY THE SUPERINTENDING ENGINEER,  
WATER RESOURCES ORGNAIZATION, CHENNAI**

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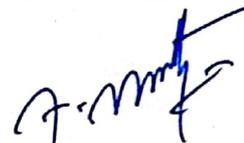
I, A. Muthiah, s/o. Asokan, aged about 58 years residing at  
"C" Block, 207, Casagrand Aristo Apartments, Nobel Street,  
Nanganallur, Chennai-61, do, hereby, solemnly affirm and sincerely  
state as follows:

2. I am the Superintending Engineer, WRD, Palar Basin Circle,  
Chennai-5 and the administrative control of the Nemilicherry lake  
lies within my control.

  
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Chepauk, Chennai - 600 005.

3. It is stated that the Hon'ble Tribunal by the order dated 26.03.2021 and 13.09.2021 has observed *inter alia* as follows:

*"4. The report submitted is of general in nature. They have only recommended certain things to be done by Pallavaram Municipality and also PWD. As regards encroachment, they did not mention anything about the number of encroachments and what is the nature of encroachment etc. They have also not mentioned as to what is the quantum of legacy waste that is lying in the water body and the time limit required for the purpose of removing the same from that area to the designated dump site. No environmental compensation has been assessed and no time limit has been given within which these things will have to be complied with except in respect of PWD in dealing with the encroachment. The water analysis report shows that the presence of Total Coliform and Faecal Coliform is high which is due to unauthorised discharge of sewage into the lake. What is the nature of action taken by the local body to arrest the same is also not clear from the report. The Pollution Control Board also had not come with any*



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*independent report regarding the steps taken by them for non implementation of the Solid Waste Management Rules, 2016 in the area as directed by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 for non compliance of the directions issued. The District Collector is a Member of the Committee. But inspite of that what was mentioned in the report is that PWD with the help of Revenue Department shall undertake to carry out survey to identify encroachment in Nemilicherry Lake within six months and take necessary steps to evict the encroachers. There is a duty cast on the District Administration even to take immediate steps, directing their subordinate officers to initiate proceedings under the respective Act to evict the encroachers from the public premises.”*

4. It is stated that this Hon'ble Tribunal by the order dated 29.04.2022 has made the following observation:

*“2. There was a joint inspection by the Joint Committee members and their observations were also given in the Joint Committee report. Based on the observations, the Joint Committee had given recommendations directing the*

  
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*Tambaram Municipal Corporation and the Public Works Department to carry out the certain activities to restore the lake. Now, it is more than one year after the said recommendations were given by the Joint Committee”.*

5. It is stated that the recommendation Nos. 8 and 9 are pertaining to the Water Resources Department and the status of the action taken for implementation of the same is stated as follows:

(i) Regarding the encroachments, the Nemilicherry tank in S.F.No. 164/3 in Alandurvillage of Pallavaram Taluk in Chengalpattu District was surveyed by the survey staff of the revenue department and as many as 528 encroachments were identified and particulars thereon were sent by the Tahsildar concerned to the Assistant Engineer, WRD, Irrigation Section, Padappai in Form I and II. The encroachers were served with show cause notice as to why the encroachments should not be evicted in terms of the Tamil Nadu Protection of Tank and Eviction of Encroachments Act and Rules, 2007. All the encroachers have filed the representations with credentials available on hand with them for the occupation of the land to the Assistant Engineer who in turn



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has sent the representations and other documents relied on by the encroachers to the Tahsildar for verification of the proprietary right of the land. If the encroachments are confirmed by the Tahsildar after verification of the records produced by the encroachers, the Assistant Engineer, will issue the statutory notice under rule 6 of the Rules *ibid* in Form III and eviction would be carried out in accordance with law.

(ii) As regards the rehabilitation of the tank, a comprehensive plan for rehabilitation and restoration of all tanks in overall Kovalam basin (comes under Chengalpatu and Chennai District) under Comprehensive Flood Mitigation Project with an amount of Rs.2000 crore which also involves creating biodiversity parks/ tree-planting around the banks of the water body protecting the lake against the future encroachment. Detailed Project Report has been sent to Government and the Nemilicherry Tank in S.F.No. 164/3 in Alandur village of Pallavaram Taluk in Chengalpattu District is one of the tanks included in the proposals and when the financial sanction is accorded for the proposal, the encroachments will be removed and further guarded against new encroachments besides



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all other component works included in the proposals under the plan.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the report filed herewith and pass appropriate further orders as deemed fit in the facts and circumstances of the case and thus render justice.

  
Superintending Engineer, WRD  
Palar Basin Circle, Chennai-5

#### VERIFICATION

I, A. Muthiah, s/o. Asokan, officiating as Superintending Engineer, WRD, Palar Basin Circle, Chennai-5, do verify that the submissions made from paragraphs 1 to 4 are true and correct to the best of my knowledge and from records and I signed this on this.....<sup>5<sup>th</sup></sup>.....Day of May, 2022 at Chennai.

  
Superintending Engineer, WRD  
Palar Basin Circle, Chennai-5