

BEFORE THE NATIONAL GREEN
TRIBUNALS SOUTHERN ZONE, CHENNAI
Original Application No. 84 of 2022

East kamaraj Nagar
Residents Welfare Association
Represented by its Secretary N. Mahendar,
No 14, First East Street, kamaraj Nagar,
Thiruvanmiyur,
Chennai -600041.

: Petitioner

The Greater Chennai Corporation
Rep by its Commissioner,
Rippon Building, Chennai-600003.
and 3 others:: Respondents

-Versus-

COUNTER FILED BY GREATER CHENNAI CORPORATION

I, N. Thirumurugan, son of Late K. Natarajan Hindu, aged about 54 years, Zonal Officer Zone - XIII, Greater Chennai Corporation, having office at No. 115, Dr. Muthulakshmi Salai, Adyar, Chennai 600 020, do here by solemnly and sincerely affirm as follows:-

1. I am the Zonal Officer Zone-XIII in the Greater Chennai Corporation and filing this counter affidavit, on behalf of the Commissioner, Greater Chennai Corporation, based on the facts derived from the records and hence I am well acquainted with the facts and circumstances of the case.

2. I most humbly submit that earlier the applicant herein had filed a Writ Petition in W.P.No.4291 of 2022, before the Hon'ble High Court of Madras praying to issue a Writ of Mandamus, directing the Respondent No.1 and Respondent


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No.2 to immediately reconstruct the CMWSSB Mains Chamber in 1st to 4th East Kamaraj Nagar and Siva Sunder Avenue 1st and 2nd Street in Kamaraj Nagar and direct the Respondent No.3 and 4 to verify the construction of the storm water Drain in 2nd and 3rd Street in East Kamaraj nagar and take immediate steps to prevent mixture of the storm water drain and the sewage lines in the East kamaraj Nagar (North).

3. I most humbly submit that the above Writ Petition was disposed by the Hon'ble Madras High Court by its order dated 13.06.2022 as follows:-

"...4. There are several disputed question of fact and it is best left to be decided by appropriate forum which can deal with the same. Therefore, the petitioner should perhaps approach the Green Tribunal where the officers from the various departments will be present before the Tribunal to explain the exact situation. Considering the same, I am inclined to close this Writ Petition by giving liberty to the petitioner to approach Green Tribunal for appropriate orders.

5. This Writ Petition stands closed with the above observations...."

4. I most humbly submitted that as per the directions of the Hon'ble High Court the applicant herein has filed the above Original Application praying:-

a. To Direct the Respondents to take immediate action to prevent mixture of raw sewage from the Sewage Mains to the Storm Water Drain in East Kamaraj Nagar (North) area.

b. To Direct the Respondent No 2 and 4 to

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immediately reconstruct the CMWSSB Mains Chamber in 1st to 4th East Kamaraj Nagar and Siva Sunder Avenue 1st and 2nd Street in Kamaraj Nagar

c. To Direct the Respondent No 1 and 3 to reconstruct the Storm Water Drain in 2nd and 3rd Street in East Kamaraj Nagar.

d. To pass any such other order as this Honorable Tribunal may deem fit and proper in the interest of justice.

It is submitted that when the above Original Application came up for hearing on 30.09.2022 this Hon'ble Tribunal has passed an order as follows:-

- "...8. The Learned Counsel appearing for the applicant would submit that the BSNL cables are still in the same place and are not removed. If so, the GCC has to address to the BSNL Authorities to reroute the cabling in the said area so as to enable free flow of sewage water in the chambers. As BSNL is also not made a party, we suo motu implead the Chief General Manager, Chennai Telephones, BSNL as respondent no. 6.
9. Let notice be issued to the Learned Counsel for the Pollution Control Board as well as Learned Counsel for BSNL, if any, representing in National Green Tribunal or issue notice to the BSNL through the Tribunal as well as privately.
10. In view of the above, the Greater Chennai


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Corporation, Pollution Control Board and BSNL are directed to file their respective reply in this regard before the next date of hearing...."

4. I most humbly submitted that the collected rain water in the area of the East Kamaraj Nagar has to flow only through Thiruvalluvar Salai, Thiruvanmiyur L.B. Road signal then through West Avenue and finally disposing into South B- Canal.

5. I most humbly submitted that due to the geographical conditions the road in the Kamaraj Nagar are lower than that of the L.B. Road, hence during the rainy seasons the water collected in the L.B. Road reverse flow in the storm water drain of the Kamaraj Nagar. It is further submitted that in order stop the excess flow of storm water in the Kamaraj Nagar a curve has been constructed in the connecting point of the Kamaraj Nagar and L.B. Road junction which reduce the reverse flow of the storm water in the Kamaraj Nagar.

6. I most humbly submitted that a letter dated 22.08.2022 has been addressed to the Deputy General Manager (DGM), BSNL, Adyar, Chennai informing that there are unused/left over BSNL cables are blocking the free flow of rain water in the storm water drain crossing the L.B. Road and the Graeter Chennai Corporation is planning to open the storm water drain to facilitate the BSNL to remove the unused cable which is blocking the free flow of rain water. But, till date no reply was received from the Deputy General Manager (DGM), BSNL, Adyar, Chennai.


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7. I most humbly submitted that with respect to the allegations of flowing of the sewer water in the storm water drain, it is informed that an inspection was made in the presence of the members of the applicant's association and during that inspection manhole doors were opened and shown to the members of the applicant's association and no sewer water is flowing/mixed in the storm water drain. Further, the photographs were taken at the time of inspection.

8. I most humbly submitted that the Greater Chennai Corporation is awaiting the response from the Deputy General Manager (DGM), BSNL, Adyar, Chennai and after getting concurrence the officials of Greater Chennai Corporation will remove the unused/left over BSNL cables will be removed with the help of the BSNL employees.

For the foregoing reasons, it is most humbly prayed that this Hon'ble Tribunal may be pleased to pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirm at Chennai
on this 9th day of January -
2023 and signed his name
In my presence.

Before Me,

Advocate, Chennai.

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M. S. Senthil
M/S 5445/2
No 25 New Add Law
Chamber Madras High
Court
Chennai - 600 014

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