

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 90 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion *suomotu*

Based on the News Item in the Dinamalar

Chennai edition dated 24.06.2020,

"When will there be a New dawn for Kadapperi Lake"?

...Applicant(s)

With

1. The Principal Secretary to Government
, Public Works Department, Chennai- 600 009.
2. The Secretary to Government of Tamil Nadu,\
Department of Environment,
Government Secretariat, Fort St. George Chennai, Tamil Nadu –
600 009.
3. Additional Chief Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department
Government Secretariat, Fort St. George
Chennai, Tamil Nadu – 600 009.
4. The Chairman,
Tamil Nadu Pollution control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu – 600 032.
5. The District Collector,
Chengalpattu District, Collector Office,
GST Road, Chengalpattu- 603 001.
6. Tambaram Municipality,
Rep. by its Municipal Commissioner,
28, Muthuranga Mudali Steet,
Tambaram West, Chennai – 600 045.

...Respondent(s)

REPORT FILED BY THE EXECUTIVE ENGINEER, WRD, LOWER PALAR BASIN
DIVISION, KANCHIPURAM

I, **R.Ramesh** son of K.Ramamoorthy aged about 55 years officiating as Executive Engineer, Water Resources Department (WRD) of the Public Works Department, Lower Palar Basin Division having my office at the Collectorate campus, Kanchipuram submit my report as follows:

2. I am the Executive Engineer having maintenance control over the water bodies under the control of WRD in Kanchipuram, Chengalpattu, part of Tiruvallur and Chennai Districts and as such I am filing this report affidavit on behalf of the Superintending Engineer, WRD, Palar Basin Circle, Chennai-5 appointed as the Nodal Agency by this Hon'ble Tribunal in the Original Application herein.

3. It is submitted that the above case has been registered by this Hon'ble Tribunal on the basis of the paper report published in Dinamalar – Newspaper Chennai edition dated 24.06.2020 where in it has been alleged that there was a proposal for rejuvenating and maintaining the Kadapperi Lake in West Tambaram by the official respondents including the Public Works Department and the Tambaram Municipality. But later the work was stopped in the mid-way which resulted in the lake being further polluted. The lake is also known as Potheri Lake according to Government Documents. The lake was originally having an extent of 65 acres which has been reduced to 40 acres due to encroachment. Due to mixing of sewage and plastic wastes, the water in the lake has turned green in colour. The Public Works Department turned a blind eye towards the restoration of Kadapperi Lake from the Residents Association of that area. Thereafter, at the instance of some of the well-wisher and non-Governmental Organisation, some permission was granted to repair the same and the steps were also taken to plug the sewage into the lake and some amounts were allotted for the purpose of the beautification of the lake as well. But due to North-east monsoon during last year, the restoration work had been stopped in the halfway, even before the wastage and garbage were removed completely. A proposal was submitted by the Tambaram Municipality for desilting of the lake at an estimate of Rs. 3.50 crores to the office of the Municipal Commissioner and it is pending. Now, the sewage from the Tambaram Municipal area and Tambaram Railway Colony and MTC workshop gets mixed into the lake and changed the colour of the water into green due to mixing up of waste and sewage water. Heavy foul and pungent smell is emanating from the lake resembling the Cooum, which deters people from going to the lake. Though this was brought to the notice of authorities, no action has been taken so far.

4. It is submitted further that this Hon'ble Tribunal in the order dated 30.06.2020, in order to ascertain the present status of the lake including the nature of encroachments, steps taken to remove the encroachment and any scheme for protecting the water bodies in that area

and its stage, appointed a joint committee comprising of the District Collector, Chengalpattu District, Senior Officer from Tamil Nadu Pollution Control Board and the Superintending Engineer of Public Works Department and Water Resources Organisation, the Joint Director of Panchayat, or any Senior Officer deputed by him to inspect the lake in question and submit a factual and action taken report, if there is any violation found to this Tribunal. The committee was directed to consider the question of the extent or value mentioned in the revenue records, unauthorised trespass into the water bodies, discharge of untreated sewage and other effluents into this water body, the water quality in the lake showing all necessary criteria including total Coli Form and Faecal Coli Form and steps taken for removal of encroachment and if there is any scheme launched by the Government to protect the water bodies and what is its stage of implementation. If there is any encroachment they are directed to prepare an action plan, long term as well as short term, for removal of encroachment and steps to be taken for protecting the water body and also include in the action plan regarding possibility and feasibility of creating biodiversity Park around the lake, so as to protect the lake against encroachment. The Committee can also ascertain the existence of any canal discharge water to this water body for Nanmangalam Lake as alleged in the paper report and possibility or feasibility of restoring the same if it is closed by an encroachment or otherwise.

(ii) The Committee was directed further that since monsoon is approaching, if any immediate maintenance work is required for the purpose of increasing the storing capacity of the lake to collect the excess rain water during monsoon, necessary directions can be given by the committee to the concerned departments to undertake that work immediately.

(iii) The Public Works Department was designated as the nodal agency for coordination and for providing all necessary logistics for this purpose.

5. REPORT OF THE WATER RESOURCES DEPARTMENT:

(i) Kadapperi Tank in Tambaram Taluk of Chengalpattu District is under the control of the Water Resources Department since its original ayacut was 44.25 Ha with the storage capacity of 0.04 M.cum and in the water spread area of 3.68 Sq.Km. Since, the Superintending Engineer, WRD, Palar Basin Circle, Chennai has been designated as the one of the members of the Joint Committee as per the order of the Hon'ble Tribunal supra, the tank was inspected and it was seen that sewage and waste water from PTC Bus Depot

as the main source of pollution to the tank and from the residences of adjoining housing colonies and apartments.

(ii) This Hon'ble Tribunal by the order dated 30.06.2020 has directed the Joint Committee to consider the question of the extent or value mentioned in the revenue records, unauthorised trespass into the water bodies, discharge of untreated sewage and other effluents into this water body, the water quality in the lake showing all necessary criteria including total Coli Form and Faecal Coli Form and steps taken for removal of encroachment and if there is any scheme launched by the Government to protect the water bodies and what is its stage of implementation. If there is any encroachment they are directed to prepare an action plan, long term as well as short term, for removal of encroachment and steps to be taken for protecting the water body and also include in the action plan regarding possibility and feasibility of creating biodiversity Park around the lake, so as to protect the lake against encroachment. The Committee can also ascertain the existence of any canal discharge water to this water body for Nanmangalam Lake as alleged in the paper report and possibility or feasibility of restoring the same if it is closed by an encroachment or otherwise.

(iii) Hence, it is submitted that the survey officials have to measure the impugned lake and identify the encroachments and forward the particulars in Form I and II of the Tamil Nadu Protection of Tank and Eviction of Encroachments Act and Rules, 2007 for issue of notices to the encroachers in Form III for taking up eviction process under the due process of law.

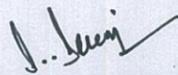
(iv) Similarly, the Tamil Nadu Pollution Control Board has to take water samples from the lake for analysis of the pollutant factors into the lake from outside sources unlawfully into the lake.

6. It is submitted that the Joint Inspection could not be arranged in view of the lock down due to COVID 19 pandemic during the period when the orders were passed by the Hon'ble Tribunal. In view of some relaxations were made only from January, 2020, the officials of the line departments appointed by this Hon'ble Tribunal could be requested to attend the Joint Inspection and in this process about 4 to 5 lakes which were suomotu registered by this Hon'ble Tribunal were inspected and the officials of the line department are in the process of preparation and finalization of the report for filing before this Hon'ble Tribunal.

7. Hence, it is submitted that in order to make the survey of the impugned eri in this Original Application and to test the water samples, further time is inevitably required.

8. As regards the plans for restoration and rehabilitation of the water bodies under the Control of WRD, there are proposals for rehabilitation and restoration of all tanks in overall Kovalam basin (comes under Chengalpattu 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 and pollution. Detailed Project Report has been sent to Government and after approval from the World Bank, the said project scheme will be executed. The Kadapperi is one of the tanks included in the comprehensive proposal.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the submissions made above and to grant further time to submit the inspection report of the Joint Committee and pass appropriate further orders as deemed fit in the circumstances of the case and thus render justice.


**Executive Engineer W.R.D. P.W.D
Lower Palar Basin Division,
Kancheepuram.**