

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

Original Application No. 90 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu based on the news item in Dinamalar, Chennai Edition dt. 24.06.2020 "When will there be a new dawn for Kadapperi Lake?

-versus-

The Principal Secretary to Government
Public Works Department,
Govt. secretariat, Fort St. George,
Chennai and Ors.
...Respondent(s)

**REPORT OF THE WATER RESOURCES DEPARTMENT AND THE
DISTRICT COLLECTOR, CHENGALPATTU IN RESPECT OF O.A NO.90 of
2020 (SZ) SUOMOTU ON THE BASIS OF THE NEWS PAPER REPORT
PUBLISHED IN BASED ON THE NEWS ITEM IN THE DINAMALAR
CHENNAI EDITION DATED 24.06.2020, "WHEN WILL THERE BE A NEW
DAWN TO KADAPPERI LAKE?"**

I. ORDERS OF THE HON'BLE TRIBUNAL:

"2. It is alleged in the paper report 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.

3. 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 of 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.

4. 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. 3.5 crores to the office of the Municipal Commissioner and it is pending.

5. 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.

6. Though this was brought to the notice of authorities, no action has been taken so far.

II. DIRECTIONS ISSUED:

"8. On going through the allegations in the report, we are satisfied that there arises a substantial question of environment for consideration by this Tribunal. The Hon'ble Apex Court as well as National Green Tribunal has time and again through several orders reiterated that there is a constitutional responsibility cast on the State Government and the local authorities to protect water bodies as they play a greater role in protecting environment, apart from caters the need of the people for drinking and irrigation purpose. It also acts as a water recharge system to improve the ground water

level in the area to increase the quantity of ground water to meet the needs of the people.

9. It is also reiterated by the decisions of the Hon'ble Supreme Court that there is a duty cast on the local bodies and the State Government to protect the lakes and water bodies in their States against the encroachment and pollution and providing clean water is part of right to life as enshrined under Article 21 of Constitution of India.

10. In order to ascertain the real state of affairs, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai, the District Collector, Chengalpet District, the Superintending Engineer of Public Works Department and Water Resources Organisation who is in charge of such water body, the Commissioner, Thambaram Municipality and a Senior Officer from Tamil Nadu Pollution Control Board of that locality as 6 nominated by the Chairman of the Tamil Nadu Pollution Control Board to inspect the lake in question and submit the factual and action taken report, if there is any violation found including unauthorised trespass and if it is found that untreated sewage is being discharged as mentioned in the paper report, they are directed to trace out violators and take steps to prevent such discharges into the lake to protect the lake against the pollution.

11. The Public Works Department, Water Resources Organisation will act as nodal agency for co-ordination and for providing all necessary logistics for this purpose.

12. The committee is also directed to assess the environmental compensation for the damage caused on account of any such illegal activities and fix the responsibility on the persons responsible for the same.

13. The committee is also directed to prepare an action plan long term as well as short term with shorter time line for the steps to be

taken for protecting the water body against trespass and pollution and restore the water body to its original position.

14. If any maintenance work is required, the 6th respondent is directed to take necessary steps to maintain the water body before the monsoon so that the water storage capacity of the lake can be increased.

15. The committee is directed to submit the report to this Tribunal within a period of three months i.e. on or before 05- 10-2020 through e-mail or e-filing at ngtszfiling@gmail.com".

III. When the matter was listed for enquiry by this Hon'ble Tribunal on 15.07.2022/03.06.2021, this Hon'ble Tribunal was pleased to direct the Water Resources Deptment for filing individual report on the eviction of encroachments in the impugned tank.

IV. REPORT OF THE WATER RESOURCES DEPARTMENT:

(1) It is stated that Kadapperi Tank in S.F.No.154/1 of Kadapperi Village in Tambaram Municipal Corporation of Chengalpetu District is having the water spread area in an extent of 24.26 Ha and its original ayacut is 44.25 Ha. This tank has lost its irrigation potential long back due to agglomeration of the Chennai City Corporation and serves only as an acquifer.

(2) It is a tank maintained by the Public Works Department. During the survey made in the year 2009 and fresh survey is being undertaken by the survey official and the survey of the tank by the Surveyor and identification of encroachments is in progress by the Revenue Officials in coordination with the Water Resources department officials . It is stated that with regard to the process of eviction of encroachments, as per the Tamil Nadu Protection of

Tank and Eviction of Encroachment Act, 2007 and rules made there under, the Tahsildar of the Taluk concerned has to send the particulars of encroachments in Form I and II and after which the Assistant Engineer, WRD, Irrigation Section, who is the authorized Officer, has to issue form No. III to the encroachers and take eviction proceedings as per law. The photographs taken during the survey of the tank are filed herein. Once the demarcation is made by the survey officials and the particulars of encroachments are sent to WRD as stated above, action will be taken by the WRD under the due process of law.



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.

*Anandh
20/07/2019*

Revenue Divisional
Officer, Tambaram,
Chengalpet District

*[Signature]
20/07/2019*

Executive Engineer, WRD.,
Lower Palar Basin division,
Kancheepuram

[Signature]

District Collector,
Chengalpattu
District