

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.**

**Original Application No.92 of 2017 (SZ) &  
M.A.No. 03 of 2020 (SZ)**

**With**

**Original Application No. 23 of 2018 (SZ)**

Punganur Consumer  
Protection Council

...Applicant(s)

**Vs**

The State of Tamil Nadu  
and Ors.

....Respondent(s)

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**Filed by  
Thiru. C. Kasirajan,  
Advocate, Chennai.**



**REPORT IN CONNECTION WITH NGT ORDER DATED 06.10.2020 IN  
O.A NO. 92 OF 2017 & 23 OF 2018 FILED BY PUNGANUR CONSUMER  
PROTECTION COUNCIL**

It is submitted that the Punganur Consumer Protection Council, Mayiladuthurai has filed an application vide O.A.No,92/2017 & O.A.No.23/2018 before Hon'ble NGT(SZ), Chennai and Hon'ble NGT in its order dated 06.10.2020 has directed the TNPCB as follows;

***“8. The Tamil Nadu State pollution Control Board as well as Mayiladuthurai Municipality are directed to implement recommendation made by the committee regarding the short falls found on their side and submit a compliance report in this regard.***

***9. the Pollution control Board is also directed to submit an independent report regarding the action taken against the Mayiladuthurai Municipality for not complying with the Solid Waste Management Rules, 2016 and the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 6036 of 2018 in its regard.”***

The matter is posted for hearing on 08.02.2021. Copy of order is enclosed vide **Annexure 1.**

Based on the above order, the Joint committee along with Commissioner, Mayiladuthurai Municipality met on 22.01.2020 and discussed about the progress of action taken by the WRD, PWD Mayiladuthurai and also Mayiladuthurai Municipality.

Record of meeting of joint committee is enclosed vide **Annexure 2**. Subsequently the Joint Committee met District Collector, Mayiladuthurai and briefed the Hon'ble NGT order, discussions held with the respective departments regarding progress made in compliance with the Hon'ble NGT order.

**As directed by the Hon'ble NGT, Compliance of recommendations made by the Joint Committee is submitted as below:**

1. ***"To take regular maintenance of Pazhancauvery and Pattamangalam Channel by desilting and renovating the side walls of channels."***

**WRD, PWD Mayiladuthurai:** 12.4 km stretch of the river Cauvery, 3.2 km stretch of Pazhancauvery channel and 5.00 km stretch of Pattamangalam channel has been desilted. It was reported that desilting works were completed in the month of September 2020.

2. ***"To take steps to rejuvenate these channels by evacuating the encroachments (the stretches in which illegal settlement exist) as per the Re-survey Records of Tamilnadu Government."***

**WRD, PWD Mayiladuthurai:**

As informed by the WRD, 112 Nos. of encroachments were identified along the water bodies; in which 71 is located in Mayiladuthurai Town and 41 in Moovalur village. Eviction process started on 16.11.2020. Out of 112 notified encroachments, 22 encroachments (other than houses) were removed in Phase-I. Photographs showing desilting and removal encroachments are enclosed in **Annexure -3**.

**Mayiladuthurai Municipality:**

It is reported that 84 tanks are existing within the Mayiladuthurai Municipal limit. All the 84 tanks were surveyed by the municipality and the following 5 tanks were taken for improvement works at the estimated cost of Rs. 800 lakhs for which detailed project report has to be submitted by the Municipality to CMA, Chennai for approval.

- i. senkulnirkulam in No. 2 Kumbakonam road
- ii. Angalamkulam in No.1 Kumbakonam road
- iii. Mattakulam in Chinnakadi street
- iv. Akkanamkulam in town station road
- v. Ayyankulam in Mayuranathur Kovil east street.

The following improvement works are included in the DPR ;

1. Construction of retaining wall around the tank.
2. Desilting of tank and inlet channels.
3. Providing foot path around the bund of tank.
4. Fencing work.

3. ***“To install Under Ground Drainage system to collect domestic effluent and to install STP to treat the same and not to allow any effluent into Cauvery, Pazhancauvery and water tanks.”***

**Mayiladuthurai Municipality:**

**Under Ground Sewerage System (UGSS):** Out of 36 wards in Mayiladuthurai Municipality, Under Ground Sewerage System (UGSS) completed in 35 wards. Installation of UGSS in left out areas and extended areas is under progress.

**Sewage Treatment Plant (STP):** 5.85 MLD capacity STP is existing in Mayiladuthurai Municipality to treat the sewage generated from the municipality. Municipality has already obtained consent from the Board for treatment of 5.0 MLD of sewage. STP was inspected by the officials of TNPCB on 21.01.2021 and noticed that it was in operation and treated sewage is being utilized for irrigation purpose within their premises. Municipality has been instructed to operate the STP efficiently so as to achieve the standards prescribed by the Board. Also, one more STP is proposed with new technology (Sequence bath reactor) for design period of 20 years.

4. ***“To direct the municipal authority to take steps to divert the drains carrying domestic effluent into either downstream of Pazhancauvery or to nearby STP till installation of adequate STP.”***

Mayiladuthurai Municipality informed that there is no drain carrying domestic effluent. As a short term measures, Municipality proposed to take steps to identify the households which are not connected to UGD system and ensure that same will be connected to UGD so that sewage from domestic/ commercial activity will not enter into water bodies.

5. ***“To ensure the proper collection of solid waste from residential areas and not to allow any public to throw any solid wastes into any nearby water bodies toss throw.”***

Municipality reported that they have achieved 100% door to door collection. However small quantity of solid wastes is found dumped along road side and near water bodies. In this regard, it is reported that municipality has formed

special teams to prevent throwing of garbages by public into water bodies mainly in Pazhancauvery and Pattamangalam channel.

6. ***“To direct all commercial activities located around the water bodies not to discharge any waste and not to throw any wastes into water tanks.”***

Municipality has formed special teams in 36 wards to identify & prevent illegal discharge of sewage into water bodies like Cauvery, Pazhancauvery channel, Pattamangalam channel and tanks. Also special teams were formed to prevent the throwing of garbages by public into water bodies.

7. ***“To take periodical maintenance of all water tanks by removing silt and water weeds to increase water storage capacities of water tanks since all water tanks are either rain fed or filled through feeder canal during rainy days”***

**WRD, PWD Mayiladuthurai:**

It is reported that all the 84 tanks and their feeder channels mentioned in the court order are not coming under the purview of PWD.

**Mayiladuthurai Municipality:**

Handing over of water tanks by the Revenue department to Mayiladuthurai Municipality has not completed. No maintenance is carried out in the water tanks due to issues related to ownership of water tanks. However, the Municipality has proposed to take steps to remove water weeds from all 84 tanks as a short term measures.

8. *“To take proper maintenance of all feeder canals of water tanks and to make clear ways to carry the water from river Cauvery to respective tanks so that to make live appearance of water tanks.”*

No maintenance is carried out in the feeder channels due to issues related to ownership of feeder channels. As a long term measures, WRD informed that continuous maintenance of Cauvery river, PazhanCauvery and Pattmanglam channel will be carried out by removing weeds to make free flow.

9. *“To delineate the water tank area and to construct the proper bund with fence to protect these water bodies from human inception since these water bodies serve the purpose of improving ground water in the surrounding area.”*

**WRD, PWD Mayiladuthurai:**

As long term measure, WRD proposed to provide wire fencing along the stretches of Cauvery, Pazhan Cauvery and Pattamanglam channel which are passing through Municipal limit to avoid public inception and also to provide stone pitching to side walls of PazhanCauvery and Pattamangalam channel for rejuvenation of tributaries of Cauvery

**Mayiladuthurai Municipality:**

As long term measure, Municipality proposed to identify the water bodies which are having area more than 1.5 hectares or based on any other suitable criteria to develop green belt and Bio-diversity Park around the water bodies to avoid further encroachment as well as to improve the aesthetic view of water bodies.

**10. "To take steps to restore the water quality of water tanks by removing the unwanted substances from water tanks and to avoid the mosquito breeding and odour nuisance."**

Mayiladuthurai Municipality has proposed to take steps to remove water weeds from all 84 tanks as a short term measures.

**COMPLIANCE OF SOLID WASTE MANAGEMENT, RULES 2016 & NGT ORDER IN O.A.NO. 606/2018 BY MAYILADUTHURAI MUNICIPALITY:**

It is submitted that , Mayiladuthurai Municipality generates 32 MT/Day of solid waste. Mayiladuthurai Municipality has Micro Compost Centre (MCC)with capacity of 5 MT at T.S.No. 855/1, Mayiladuthurai Town, Mayiladuthurai Taluk & District for which authorization under Solid Waste Management Rules, 2016 has been already obtained for processing, recycling , treatment and disposal of Municipal Solid Waste of 12 MT/Day vide JCEE's Proceeding Dated : 20/04/2019 with validity upto 31/03/2020.

In addition to above, Municipality has provided two more MCCs with capacity of 5 MT each within the municipal limit. One is located at T.S.No. 173, 174, Mayiladuthurai Town & Taluk, Mayiladuthurai District and another one is located at T.S.No. 184/1C, Mayiladuthurai Town & Taluk, Mayiladuthurai District.

Now Mayiladuthurai Municipality has applied for authorization under Solid Waste Management Rules, 2016 for all the three MCCs on 21/01/2021 and all the MCC's were inspected on 27/01/2021. All MCC's are under operation. The segregated compostable waste of 15 MT is processed in the MCCs. Non-recyclable Plastic wastes are disposed to the cement industries for Co-processing. Issue of

authorization is under process by TNPC Board. Also existing accumulated waste in the MCC-I is being processed by Biomining technology. Out of 32,500 Cum of existing quantity, 12,500 Cum is processed and disposed scientifically.

It is submitted that, Municipality reported that they have achieved 100% door to door collection. However small quantity of mixed solid wastes is found dumped along road side and near water bodies. It is also reported that municipality has formed special teams to prevent throwing of garbages by public into water bodies mainly in Pazhancauvery and Pattamangalam channel. Municipality has instructed to comply Solid Waste Management Rules, 2016 and Hon'ble NGT order in O.A.No. 606/2018.

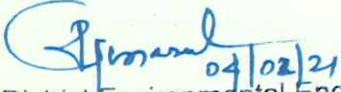
#### **STATUS OF CONSENT FOR SEWAGE TREATMENT PLANT:**

It is submitted that, Earlier show cause notice was issued to Mayiladuthurai Municipality for non payment of consent fee and for operating the STP without valid consent of the Board. Now Municipality has remitted the consent fee and assured to apply for renewal of consent within two days. Earlier leakage of sewage in to the pazhencauvery channel near Railway cross bridge was noticed and the above location was inspected on 21/01/2021 and noticed that the leakage of sewage from the pipeline was arrested. However, desilting in the oxidation pond in the STP has not carried out so for.

#### **PAYMENT OF ENVIRONMENTAL COMPENSATION:**

It is submitted that, Earlier, Board has raised Environmental Compensation of Rs.9,00,000/- to Mayiladuthurai Municipality vide Board's letter dated 23/12/2019 for

entry of sewage into the pazhencauvery channel through leakage in the pipeline. But Municipality has not yet remitted the Environmental compensation to the Board.

  
04/02/21  
District Environmental Engineer(i/c)  
TamilNadu Pollution Control Board  
04/02/21 Nagapattinam

Photographs taken at Pazhencauvery during inspection on 21.01.2021



Photographs taken during inspection on 27.01.2021

Inspection of MCC



Collection of Manure at MCC



Inspection of Biomining at MCC-I





**Item No.8 & 9:**

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

**Original Application No. 92 of 2017 (SZ) &  
M.A. No.03 of 2020 (SZ)**

***With***

**Original Application No.23 of 2018 (SZ)**

**IN THE MATTER OF**

Punganur Consumer  
Protection Council

...Applicant(s)

***Versus***

The State of Tamil Nadu  
and Ors.

...Respondent(s)

**Date of hearing: 06.10.2020.**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

**O.A. No. 92 of 2017:**

**For Applicant(s):**

Mr. S. Vijaya Kumar (*Party in Person*)

**For Respondent(s):**

Mr. S.V. Vijay Prashanth, Spl. Govt. Pleader  
for R1 to R7.

M/s. Purushothaman represented

M/s. P. Srinivas for R8.

M/s. C. Kasirajan through

Mr. Ajith Kumar for R10.

**For Applicant(s):**

Mr. S. Vijaya Kumar (*Party in Person*)

**For Respondent(s):**

Mr. S.V. Vijay Prashanth, Spl. Govt. Pleader  
for R1 to R3 & R6 to R8.

M/s. C. Kasirajan through

Mr. Ajith Kumar for R4.

M/s. Purushothaman represented

M/s. P. Srinivas for R9.

**ORDER**

1. When the matter came up for hearing today through Video Conference, Sri. Vijay Kumar applicant appeared in person in both the cases. Sri. S.V. Vijay Prashanth, Special Government Pleader represented respondents 1 to 7 in O.A. No. 92 of 2017 and respondents 1 to 3 & 6 to 8 in O.A. 23 of 2018, Sri. Purushothaman represented Sri. P. Srinivas, the learned counsel appearing for 8<sup>th</sup> respondent in O.A. No. 92 of 2017 and 9<sup>th</sup> respondent in O.A. No. 23 of 2018, Sri. C. Kasirajan through Sri. Ajith Kumar represented 10<sup>th</sup> respondent in O.A. No. 92 of 2018 and 4<sup>th</sup> respondent in O.A. No. 23 of 2018.
2. As per order dated 19.06.2020, this Tribunal had considered the interim report submitted by the committee and passed the following order:

*"7. It is also mentioned in the report that some portion of some of the water tanks have been encroached upon but it is not mentioned as to what are all the steps that they have taken for*

removing the same and restore the water bodies to its original position.

8. We have also directed the committee to consider the question as to whether there was any environmental impact on account of making some concretised work in the area and if so what is the remedial measures to be done but that aspect has also not been considered.

9. We also directed the committee to consider the environmental impact of these activities and then assess the environmental compensation if there is any damage has been caused including the remedial measures to restore the damage caused to the environment and assessment of environment compensation.

10. But the authorities who are expected to take the action though made as party to the committee, have not proposed action that they are going to take to remedy the situation on the basis of the observations and conclusions arrived by them.

11. Further, the applicant has filed some objection to the report. We direct the committee to consider the same as well and make necessary further report in this regard after considering the observations made by this Tribunal regarding the lack of materials mentioned above and submit a further report to this Tribunal within a period of two months.”

3. The case was posted to 04.09.2020 for consideration of report and on 04.09.2020, the matter was adjourned to 24.09.2020 and on 24.09.2020, the case was adjourned to today by successive notifications.

4. We have received the Joint Committee report which reads as follows:

**“2.1 Findings of committee on Thula Kattam:**

As per the direction given in Para 38 of Hon'ble NGT order, the Committee inspected the newly constructed Thula Kattam in Cauvery river and submitted committee report as preliminary report on 02.12.2019 (**Annexure - 2**), the extracted part of the preliminary report is as below;

**A. Field observations of Committee :**

- i. During committee visit, water was flowing in the river Cauvery, people were taking bath in newly constructed Thula kattam and few people washing the cloth in the bank where old structure was renovated.
- ii. Due to ongoing monsoon and flow in the river, only one well was visible above the water level (Theertha Keni).
- iii. The average depth of the water flowing observed was only the height less than the waist of man i.e. less than 3 feet.
- iv. The committee observed free flow in the river where Thula kattam constructed and no obstruction of flow was observed.
- v. The committee studied the photographs taken before constructing the Thula kattam, it was observed that the river was found filled with sand and shrubs, both side of river banks were found encroached by local people and no proper side walls existed which indicates that unsafe condition for taking mass bath in the river during Maha Pushkaram.
- vi. The photographs taken during execution of work and as per drawing of longitudinal section, the boundary wall of the bathing ghat was constructed for depth of 2.80 m below the river bed level. To make bathing ghat, the river bed between boundary wall of size 115 m length and 16 m width was excavated for 2.0 m and made two layer of concrete bed of depth 10 cm & 25 cm above that sand filling of 90cm and provided only 75 cm clear depth for filling water to take holy dip during Maha Pushkaram.
- vii. As per the photo graphs taken during excavation , Nine theertha Keni were found filled with sand and all nine were renovated by providing 0.75 m clear water depth and holes around the wall of Keni to facilitate the movement of water into Keni which can be seen from the photographs taken during inspection of District

Collector, Nagapattinam on 10.07.2019, when there was no water flow in the river Cauvery.

- viii. Apart from construction of Thula kattam, committee observed works related to reconstruction of retaining wall, steps, revetment of left bank and steel grill fencing in the right bank for the purpose of strengthening of the river bank, facilitate the safety of public and to prevent encroachments.
- ix. As per the photographs taken after final construction of bathing ghat, the river bed and bathing ghat walls are in the same level and no difference observed. The water flow in the river during committee visit also confirms that no obstruction due to construction of bathing ghat.
- x. The present features of Thula Kattam were found to serve the purpose of mass bath during maha pushkaram and side fencing along the river is protecting from encroachment and other activities which may lead to pollution.

**B. Conclusions of committee:**

Following conclusions were drawn based on the field visit and documents provided by concerned departments.

- i. The structure constructed in the Cauvery River for the purpose of mass Bath during Maha Pushkaram i.e. 115m x 16m x 0.75 m is not obstructing the flow in river Cauvery which was witnessed by the committee since the water was flowing in the river due to prevailing monsoon.
- ii. As per the design drawing, 115m x 16m was provided with two layers of concrete bed which was necessity for safety of people to take mass bath. Due to this impervious platform, in this area only obstructing the recharge of ground water. However, the nine wells act as infiltration wells as they don't have any impervious base and facilitate the recharging of ground water.
- iii. Due to renovation of side walls of river Cauvery at Thula kattam aesthetic appearance has found enhanced and providing additional safety to public.
- iv. The construction of fence along the river bank protecting from encroachment and other activities which may lead to pollution.

- v. **The committee noticed no impact on the environment due to construction of Thula kattam and felt that this structure was necessary for the safety of people during mass bath.**

**2.2 Committee Report on quality of water in Cauvery, Pazhancauvery rivers and its tributaries and the Water tanks and other bodies :** As per the direction given in Para 39 of Hon'ble NGT order, the Committee inspected and monitored the 3 stretches of Cauvery river, Pazhancauvery river and its tributaries and 89 water tanks of Mayalduthurai town and submitted the report on 22.05.2020 (**Annexure - 3**), the extracted part of the Committee report on quality of water is as below;

**A. Observations and Discussion :**

Following are the salient observations made during Field visit;

**a. Observations w.r.t River Cauvery and its Tributaries :**

- ❖ In Upstream of the Cauvery river, no drains were found joining , the analysis report of samples taken from up stream of river Cauvery indicates that (BOD – 2.4 mg/L, DO of 8.1 mg/L and TC of 11 MPN/100 ml) meeting with Class B criteria (Outdoor bathing) designated best uses of water.
- ❖ The quality of river Cauvery at newly constructed Thula Kattam (Bathing Ghat) found slightly polluted (BOD – 5.4 mg/L, DO of 3.3 mg/L and TC of 25 MPN/100ml) in spite of continuous rain on the day of monitoring due to washing cloth, bathing and surface runoff from nearby residential as well as commercial activities.
- ❖ The water quality of river Cauvery at downstream of the Mayiladuthurai town ( near Mankudi village) found improved (BOD – 2.8 mg/L, DO of 5.1 mg/L and TC of 17 MPN/100ml) and meeting with Class B criteria (Outdoor bathing) designated best uses of water due to non inception of human activity and continues rain in the area.
- ❖ The water quality Pazhancauvery at upstream found (BOD – 2.2 mg/L, DO of 5.5 mg/L and TC of 12 MPN/100ml) meeting with

Class B criteria (Outdoor bathing) designated best uses of water and found no drains joining the tributary.

- ❖ The water quality at downstream of Pazhancauvery and Pattamangal Channel found (BOD – 4.4 mg/L, DO of 1.3- 2.9 mg/L and TC of 20 - 32 MPN/100ml) polluted due to discharge of domestic waste and inception of solid waste into these channels. Downstream of Pazhancauvery regulator, both channels (Pazhan Cauvery as well as Pattamangala Channel) carrying domestic effluent mixed with rain water, no flow was observed due to closing of regulator in Pazhancauvery.

**b. Observations w.r.t 84 water tanks of Mayiladuthurai Municipality:**

- Out of 89 tanks, presently 84 tanks information's were available in the records of Mayiladuthurai Municipality
- As per the information provided by the officials of Mayiladuthurai Municipality one Odai (Natural Storm water drain) and 4 water tanks were not exist, these were encroached while constructing road, railway and other public activities.
- Present status of 84 existing water bodies are depicted in Table 3;

**Table : Physical Status of 84 water tanks of Mayiladuthurai Municipality**

<b>Number of Water tanks fully encroached</b>	<b>Number of Water tanks partially encroached and partially filled with earth and plants</b>	<b>Number of water tanks existing and serving the purpose of Ground water recharge only</b>	<b>Number of Water tanks existing and serving the purpose of Ground water recharge and Fisheries</b>	<b>Number of Water tanks used for irrigation purpose in past, presently these tanks are serving the purpose of ground water</b>	<b>Number of Water tanks belongs to Temple premises</b>

				<b>recharge due to urbanization</b>	
6 ( Tank no. 12,20,62,63, 64 &80)	14 (Tank no.11,17,18, 19,24,26,35, 36,40,41,54, 58,79&81)	46 ( Tank no. 3,4,6,7,14, 16, 21,22,23,25, 27,28,29,30, 32,33,34,37, 38,39,42,43, 44,45,46,47, 48,49,50,51, 52, 53,55,56,57, 60,61,65,66, 67,68,69,72, 78,82 &83	12 ( Tank no. 1,2,5,9,10,13 ,15,59,73,74, 77 & 84)	3 ( Tank no. 31,75 & 76)	3 (Tank no. 8, 70 &71 )

- *Most of the tanks were found filled with silt/ earth and water weeds, water tanks bunds are not maintained properly, all are covered by wild plants and trees.*
- *Maintenance of tanks were found very poor, most of the tanks were found with floating of plastic materials and other used wastes.*
- *Through physical observation, the committee felt that the area of the tank mentioned in the records is not matching with the existing area of the tank.*
- *Open defecation was still observed near the tanks.*
- *The house keeping at tanks used for fishing activity were found moderately good.*
- *Out of 84 tanks, only 64 (62 +2 tanks merged with neighbour one) tanks were found partially/ fully filled with water. In this 36 tanks water quality meets with C class criteria w.r.t DO*

level, only 8 tanks water quality meets the Class A w.r.t DO concentration as per BOD concentration the water quality meets the criteria of class B. As per the analysis report of samples taken, details of water quality is depicted in the Table ;

**Table : The water quality status of 64 water tanks of Mayiladuthurai Municipality**

<b>Number of water tank meeting water quality criteria of Class A &amp; B w.r.t DO &gt;6.0 mg/L &amp; BOD (2-3 mg/L) concentration</b>	<b>Number of water tank having nil DO and high BOD</b>	<b>Number of water tank having DO in the range of 1-4 mg/L</b>	<b>Number of water tank having moderate DO (&gt;4 &amp; &lt;6 mg/L)</b>
8	12	8	36
(Tank no.3,4,5,6,9,34,49 & 57)	(Tank no. 8,13,27,28,39,48,51,53,55,59,66&78	(Tank no. 14,15,16,44,45,50,52 &84)	(1,2,7,10,21,22,23,25,29,30,31,32,33,37,38,42,43,46,47,56,60,61,65,67,68,69,70 &71,72,73,74,75,76,77,82 &83)

**Note :** As per best designated use classification, Class A is suitable for Drinking water source without conventional treatment but with chlorination, Class B is suitable for Outdoor bathing, Class C is suitable for Drinking water source with conventional treatment, Class D is suitable for Propagation of wild life and fisheries and Class E is suitable for Irrigation, industrial, cooling and controlled discharge.

- In only three tanks viz. Tank no. 10,28,76, Total Coliform was found more than 500 MPN/100ml which indicates the inception of domestic wastes from near by residential areas. In 33 water tanks (Tank no. 8,13,14,16,21,22,23,29,32,37,38,39,42,44,45,46, 47,48,50, 51,52, 53,55,59,60,66,67, 70&71, 73,75,77 &78) Total coli form was found > 50 & < 500 MPN/100 ml which confirms less inception of domestic waste and human activities. In remaining 28 water tanks Total coli form was found less than 50 MPN/100 ml.
- In all water tanks Nitrate & Nitrite concentration found less than 1 mg/L.
- Over all maintenance of water tank was found poor and not desilted since long period.

**B. Conclusions of Committee :**

After detail monitoring, field observation and analysis report of samples taken, the Committee concluding as below;

**River Cauvery and its Tributaries:**

- The upstream and Downstream Stretches of Cauvery River was found meeting with Class B criteria of Designated Best Uses of Water.
- The Water quality at Thulakattam (bathing ghat) was found poor due to inception of human activity like taking bath, washing cloth etc.,
- The water quality in upstream of Pazhancauvery stretch was found meeting with Class B criteria of Designated Best Uses of Water. In other two stretches of Pazhancauvery (downstream) as well as Pattamangal Channel (branch of Pazhancauvery), the water quality was found poor due to discharge of domestic effluent from nearby residential area and inception of solid waste into these channels.
- The maintenance of Pazhancauvery and Pattamangala channels found very poor and not desilted since long period, by physical appearance these channels look like drains meant for carrying sewage.

### **Water Tanks of Mayiladuthurai Municipality**

- Out of 64 water tanks only 8 water tanks, water quality was found good and meeting with Class A w.r.t DO and Class B w.r.t BOD criteria of Best Designated use of water. In 12 water tanks, water quality was found very poor due to direct inception of domestic waste and other domestic solid wastes. Eight water tanks found meeting with Class D criteria of Designated Best use of water. Remaining 36 water tanks found meeting with class B criteria w.r.t DO.
- Except 12 water tanks which are used for ground water recharge & fishing activity other water tanks maintenance was found very poor.
- Wherever UGD does not exist, nearby dwellers were found discharging their sewage into nearest water tanks.
- Most of the water tanks found covered with water weeds and shrubs which confirm the poor maintenance of water tank.
- The tanks located in between residential areas were found floating with solid wastes, plastic waste and the same causing very unhygienic and breeding place of mosquitoes and also causing odour nuisance.

### **C. Suggestion of Committee to improve the Water Quality of Tributaries of Cauvery and Water Tanks of Mayiladuthurai Municipality:**

To protect water quality of Cauvery, Pazhancavery and water tanks of Mayiladuthurai Municipality, it is suggested to take following measures;

- i. To take regular maintenance of Pazhancavery and Pattamangal Channel by desilting and renovating the side walls of channels.
- ii. To take steps to rejuvenate these channels by evacuating the encroachments (the stretches in which illegal settlement exist) as per the Re-survey Records of Tamilnadu Government.
- iii. To install Under Ground Drainage system to collect domestic effluent and to install STP to treat the same and not to allow any effluent into Cauvery, Pazhancavery and water tanks.

- iv. To direct the municipal authority to take steps to divert the drains carrying domestic effluent into either downstream of Pazhancauvery or to nearby STP till installation of adequate STP.
- v. To ensure the proper collection of solid waste from residential areas and not to allow any public to throw any solid wastes into any nearby water bodies toss throw
- vi. To direct all commercial activities located around the water bodies not to discharge any waste and not to throw any wastes into water tanks.
- vii. To take periodical maintenance of all water tanks by removing silt and water weeds to increase water storage capacities of water tanks since all water tanks are either rain fed or filled through feeder canal during rainy days.
- viii. To take proper maintenance of all feeder canals of water tanks and to make clear ways to carry the water from river Cauvery to respective tanks so that to make live appearance of water thanks.
- ix. To delineate the water tank area and to construct the proper bund with fence to protect these water bodies from human inception since these water bodies serve the purpose of improving ground water in the surrounding area.
- x. To take steps to restore the water quality of water tanks by removing the unwanted substances from water tanks and to avoid the mosquito breeding and odour nuisance.

**3.0 Objections filed by the applicant :** Copy of the objection is enclosed at **Annexure - 4**, Para wise reply on the said objections are as below;

*Para 1 : That this para about General information about river Cauvery, water tanks of Mayiladuthurai, hence no comments to offer from this committee.*

*Para 2 : That this para about historical functions and construction of Thula Kattam, the committee noticed no impact on the environment due to construction of Thula Kattam and felt that this structure was necessary for the safety of people during*

mass bath. The Committee submitted the detailed report on 02.12.2019 before the Hon'ble Tribunal.

Para 3 : That this para about local administration procedures, hence no comments to offer from this committee

Para 4 : That this para about Hon'ble NGT orders, the committee constituted w.r.t OA No. 23 of 2018 completed the work in compliance of NGT order and submitted the two reports.

Para 5 to 8 : That this para about Respondent No. 1, COVID- 19 situation and alteration in local administration, hence no comments to offer from this committee.

Para 9 to 15 : That this para about encroachment of water tanks, the Hon'ble NGT passed an order dated 28.08.2019 and directed to constitute a committee and also given direction to District Collector, Nagapattinam to coordinate with committee as Nodal Officer, hence no comments to offer from this committee.

Para 16 : That this para about difficulties faced by applicant for appearing in Hon'ble NGT due to ongoing COVID - 19 pandemic situation in Chennai, hence no comments to offer from this committee.

Para 17 : That this para about construction of Thula Kattam by utilising various fund and pumping of water from Cauvery basin, in this regard applicant stated that the issue was discussed and the court fined the past District Collector as Penalty, hence no comments to offer from this committee.

Para 18 : That this para about death of student in the Cauvery River due to illegal construction, the committee had meeting through Video conference on 17.08.2020, discussed the issue with respective department viz WRD, Cauvery Basin Division (E). It is informed that for creating awareness among the public, caution boards were placed in the river as well as on the bank of the river to alert about depth and also steel pipe with ropes around the Thulakaattam was provided to restrict the public movement. In spite of that, the deceased boy family took their own risk to perform the Thithi Pooja in the river during maximum flow, the water current might have been caused for imbalance to boy and results into unfortunate death. The

WRD, Cauvery Basin Division (E), made submission to committee that the unfortunate incident happened due to over enthusiasm & negligence of family and not due to the Thulakattam structure constructed over there. The note along with photographs submitted by WRD, Cauvery Basin Division is enclosed as **Annexure - 5**.

As per the evidences (photographs) provided by the responsible department, committee felt that, the unfortunate incident might be happened due to lack of awareness about water current during maximum flow in the river and lack of importance about public notices & restrictions.

Para 19 & 20 : That these paras about submission of preliminary report by CPCB and postponement of case to 27.05.2020, hence no comments to offer from this committee.

Para 21 : That this para about demolition of one bridge in the Cauvery river near Moovalur, this issue pertains to local administration, hence no comments to offer from this committee.

Para 22 & 23 : That these paras about applicant expression regarding committees constituted by Hon'ble NGT and submission of preliminary report by committee in which CPCB is nodal agency.

Para 24 & 25 : That these paras about discussion held in the Hon'ble NGT in the matter of O.A No. 92 of 2017 and directions given to District Collector desilting and encroachment of water bodies. Regarding this issue, Hon'ble NGT directed to constitute committee and appointed the district collector as Nodal officer, hence no comments to offer from this committee.

#### **4.0 Submission of the Committee w.r.t issues raised in the Hon'ble NGT order dated 18.06.2020:**

- i. **Survey and steps to remove the Encroachment:** The Hon'ble NGT constituted two Separate Committees viz. (1) To ascertain as to whether the present concrete structure constructed as detailed in the inspection report by the District collector, Nagapattinam will

affect the flow of water..... in the matter of O. No. 23 of 2018, **which is headed by CPCB** and (2) To conduct necessary survey, to take steps to remove the encroachment and protect the water bodies by taking appropriate measures to prevent encroachment over that area in the matter of O.A. 92 of 2017, **which is headed by District Collector. Hence, it is submitted that Survey of encroachment and steps to remove encroachment pertains to Second Committee and this activity is not pertains to the Committee headed by CPCB.**

- ii. **Regarding environmental impact on account of making concretized work in the area:** The committee headed by CPCB studied in detail and elaborated the committee findings and conclusion in **Para 2.1** and concluded that no impact on the environment due to construction of Thula kattam and felt that this structure was necessary for the safety of people during mass bath.
- iii. **Environmental damages / remedial measures :** As per the monitoring conducted by the committee, two stretches of Cauvery river was found meeting with Class B criteria and water quality at bathing ghat of Cauvery river was found slightly polluted due to bathing, cloth washing and surface runoff. Similarly, tributaries of Cauvery viz. Pazhancauvery and Pattmangala Channel also found slight pollution (meeting with Class B & E) due to inception of domestic sewage from nearby houses.

Out of 89 water tanks, presently 84 tanks information's are available in the records of Mayiladuthurai Municipality, in which 6 water tanks were found fully encroached and no sign of existence of water tank, 14 water tanks found partially encroached & partially filled with earth. During committee visit, water was available only in 64 water tanks, as per the monitoring conducted by the committee, the water quality of 20 water tanks were found very poor quality and meeting the Class E criteria, 36 water tanks meeting with Class C criteria and 8 water tanks were meeting partially with Class A and B. The degradation of water quality in the water tanks is due to lack of protection from public inception

and not due to any discharge of trade effluent. Hence the Committee suggested the sets of remedial measures in **para 2.2 (C)** to improve the water quality as well as to protect from public inception.

- iv. **Since there is no adverse impact on recharge of water in the Cauvery river and no adverse impact on environment or quality of water in the Cauvery was observed by the committee and degradation of water quality in the water tanks are due to public inception and no traces of toxic pollutants observed in these tanks, the assessment of quantum of damage caused to the environment could not arise.**
- v. **The objections filed by the Applicant :** Para wise reply is given in **Para 3.0**, most of the objections are w.r.t Encroachment of water bodies, fund utilized for constructing the Thula kattam and other administration issues viz. demolishing of bridge, death of student in Cauvery river, transfer of officials in local administration, PWD etc.

**However the para 18 of the objection was about** death of student in the Cauvery River due to illegal construction, the committee had meeting with responsible department viz WRD, Cauvery Basin Division (E) on 17.08.2020 through Video Conference, the officials of responsible department submitted the report along with photographs showing safety measures and informed that the unfortunate incident happened due to over enthusiasm & negligence of family and not due to the Thulakattam structure constructed over there. The committee examined the documents provided and observed the photographs showing the existence of caution board regarding depth and steel pipe with ropes around the Thulakaattam to restrict the public movement. Hence, the committee felt that, the unfortunate incident might be happened due to lack of awareness about water current during maximum flow & its consequences in the river and lack of importance about public notices & restrictions.”

5. We have also received a letter dated 05.10.2020 said to have been sent by the District Environmental Engineer to the Member Secretary, Tamil Nadu Pollution Control Board which reads as follows:

<p>“From Er. V. Dhanaraj M.E., District Environmental Engineer, Tamil Nadu Pollution control Board, District Collectorte, Master Plan Complex, Nagapattinam – 611 002</p>	<p>To The Member Secretary, Tamil Nadu Pollution Control Board, No. 76, Mount Salai, Guindy, Chennai 32.</p>
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Lr. No.DEE/TNPCB/NPM/NGT/O.A.No.23/2018/2020 Dated:  
05/10/2020

Sir,

Sub: TNPC Board-Nagapattinam-NGT- O.A. No. 23 of 2018 filed by Punganur Consumer Protection Council- Present status- Submitted – Reg.

Ref: 1. This Office Lr. No. DEE/TNPCB/NPM/NGT/O.A. No. 23 of 2018/2020. Dated: 28/08/2020.  
2. Hon'ble NGT order Dated 19.06.2020 in O.A. No. 23 of 2018 filed by the Punganur Consumer Protection Council.

\*\*\*\*\*

With references to the above, I submit herewith the updated status of implementation of Solid Waste Management Rules, 2016 and status of Sewage Treatment Plant pertaining to Mayiladuthurai Municipality, Mayiladuthurai and the following details may also be added in the affidavit to be submitted before Hon'ble NGT at Board's level in O.A. No. 23 of 2018.

“Mayiladuthurai Municipality has obtained authorization for the Solid Waste Management Processing facility located at T.S.No. 855/1, at Mayiladuthurai Town, Mayiladuthurai Taluk, Nagapattinam District under Solid Waste Management Rules, 2016 for processing, recycling, treatment and disposal of municipal solid wastes of 12.0 MT Day vide Authorization No. 037 Dated: 20.04.2019, Proceeding's No. JCEE/TNPCB TRY/F.MSW – 037/RS/NPM/2019 dated: 20.04.2019 with validity up to 30.09.2020 Bio mining and Micro Composing Centre (MCC) activities are carrying out in the facility.

One of the condition imposed in the authorization is “The

Municipality shall apply and obtain amendment for the inclusion of Site-II located at T.S. No. 173, 174 Mayiladuthurai Town & Taluk, Nagapattinam District and Site- III located at T.S. No. 184 1C, Mayiladuthurai Town & Taluk, Nagapattinam District in the authorization after commissioning of the facility at Sit-II and Site-III.

At present, MCC facility located at Site II & III are under completion. The unit has yet to obtain amendment of authorization under Solid Waste Management Rules, 2016. In this regard, letter was addressed to the Commissioner, Mayiladuthurai Municipality to apply for amendment of authorization under Solid Waste Management Rules, vide this office letter dated 23/06/2020. "The unit has not submitted application for renewal of authorization under Solid Waste Management Rules, 2016 so far.

The Commissioner, Mayiladuthurai Municipality has submitted action plan on implementation of Solid Waste Management Rules, 2016 and status of Sewage Treatment Plant pertaining to Mayiladuthurai, Municipality vide letter dated 21.08.2020 and the same was submitted to the Board vide reference 1<sup>st</sup> cited.

Mayiladuthurai Municipality has provided underground sewerage system covers 87.34 km against their total length of 117.20 km. Municipality has provided Sewage Treatment Plant with treatment capacity of 5.00 MLD and obtained consent under Water Act vide this office proceedings was issued to the unit vide this office proceedings dated 01.08.2019 for non payment of consent fee and operation of the STP without obtaining valid consent to operate from the Board. Subsequently show cause notice was again issued t the unit for discharge of sewage from Mayiladuthurai Municipality UGDSS (Under Round Drainage Sewerage System) pipe line into the pazhan Cauvery channel near railway cross road bridge vide this office proceedings dated 17.12.2019. In this regard, Board has issued Environmental Compensation of Rs.9,00,000/- to the M/s. Mayiladuthurai Municipality vide Board's letter dated 23.12.2019. Municipality has not yet remitted the Environmental Compensation amount to the Board so far. The Commissioner, Mayiladuthurai Municipality has reported that they have received tender for removal of silt from the Sewage treatment pond on 20.08.2020 and complete the work before 30.09.2020. During inspection on 29.09.2020, it was noticed that the Municipality has not started the said work so far.

This is submitted for kind information and necessary action please.

District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Nagapattinam

Copy Submitted to:

The Joint Chief Environmental Engineer (M),  
TNPCB, Trichy for kind information please."

6. The applicant also filed some objections to the committee report. The District Collector has filed M.A. No. 03 of 2020 stating that some steps have been taken for the purpose of identifying the encroachments into the water bodies, after conducting land survey and some more steps will have to be taken for identifying some more encroachments and they require time till May 2021 for completion of the same.
7. We have perused the nature of steps taken by the District Collector on the basis of the findings and observations made by the joint committee regarding the encroachment into the water bodies in that area but the time till May 2021 will be a longer time for the purpose completion of process of removal of encroachments and submit the further action report. So, we feel that four months time can be granted to the District Collector to complete the exercise in accordance with law to remove the encroachment and to save the water bodies and submit the further action taken report. With the above directions and observations, M.A. No. 03 of 2020 is disposed of.
8. The Tamil Nadu State Pollution Control Board as well as Mayiladuthurai Municipality are directed to implement the recommendations made by the committee regarding the short

falls found on their side and submit a compliance report in this regard.

9. The Pollution Control Board is also directed to submit an independent report regarding the action taken against the Mayiladuthurai Municipality for not complying with the Solid Waste Management Rules, 2016 and the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No. 606 of 2018 in this regard.

10. The committee is also directed to suggest the remedial measures to improve the water quality in the water bodies including the water tank and the Cauvery River to make it uniform level of Category A.

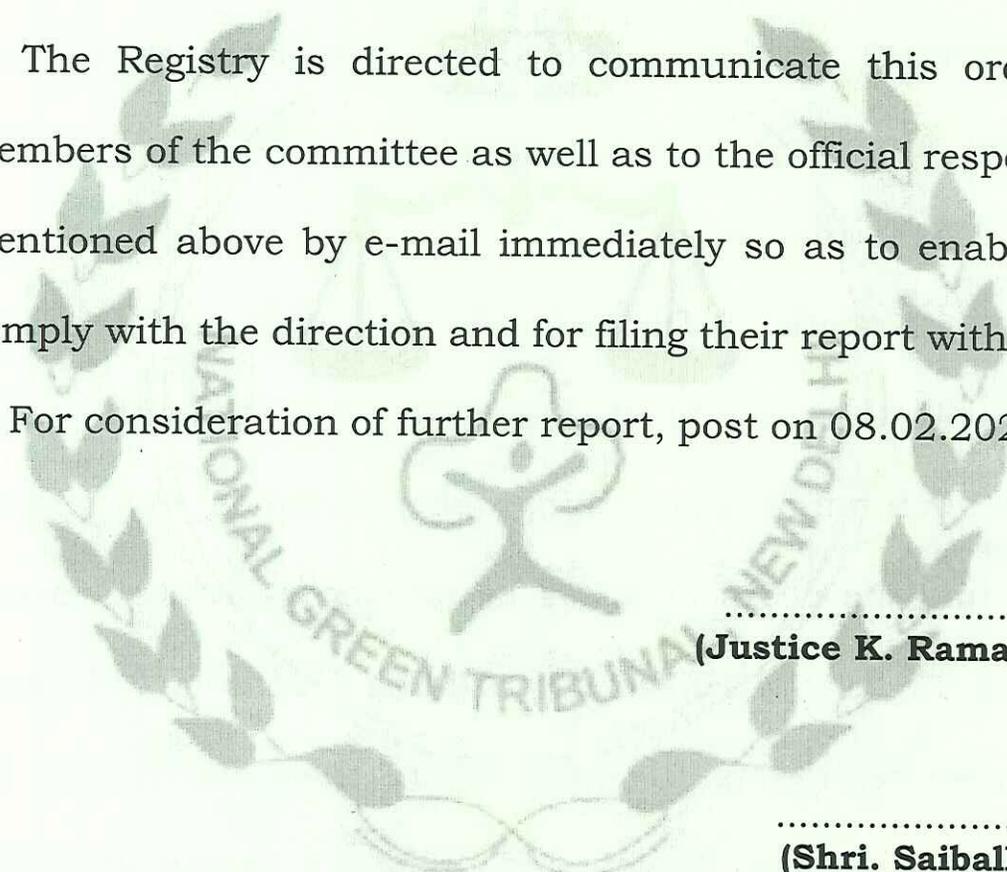
11. The committee is also directed to submit an action plan with longer as well as short term measures with specific time lines with which the same will have to be completed and implemented by the Municipality as well.

12. The committee is also directed to consider the question of providing Green Belt or Bio-diversity Park around the water bodies and the tanks to avoid further encroachment in this regard.

13. The District Administration as well as Municipality and the Irrigation Department are directed to come with a proper action plan regarding the measures taken by them to protect the Cauvery River and the water bodies which are under their control against encroachment and pollution. The committee as well as the district administration, Municipality and irrigation department are also directed to consider the objections raised by the applicant to the committee report and submit their responses to the same as well.

14. The Irrigation Department as well as the District Administration are directed to take precautionary measures to avoid such unfortunate things as mentioned by the applicant regarding the death of a boy by drowning in the Cauvery River during the festival season by providing necessary warning boards and also restricting the area where the bathing can be done during the festival season and other life saving methods while such rituals are being conducted during festival season. They can also make some restrictions regarding the use of detergent and other polluting activities while engaged in washing and bathing in the river area so as to avoid the quality of the water being contaminated on account of such activities.

15. The committee as well as the regulating authorities are directed to submit their respective independent reports, on the basis of the observations made on or before 08.02.2021 by e-filing along with required hard copies to be produced as per Rules.
16. They are directed to serve the copy of the report to the applicant and other counsels as well.
17. The Registry is directed to communicate this order to the members of the committee as well as to the official respondents as mentioned above by e-mail immediately so as to enable them to comply with the direction and for filing their report without delay.
18. For consideration of further report, post on 08.02.2021.



.....J.M.  
**(Justice K. Ramakrishnan)**

.....E.M.  
**(Shri. SaibalDasgupta)**

**O.A. No. 92/2017 &  
O.A. No.23/2018,  
06th October, 2020. Sr.**

**RECORD OF MEETING OF JOINT COMMITTEE IN CONNECTION WITH HON'BLE NGT ORDER  
DATED 06.10.2020 IN THE MATTER OF O.A. NO. 92 OF 2017 & O.A.NO. 23 OF 2018 FILED BY  
PUNGANUR CONSUMER PROTECTION COUNCIL**

**Background:**

1. In view of the compliance of Hon'ble n NGT order dated 06.10.2020, the Committee met on 22.01.2021. During the meeting, officers from the different departments are present. List of officials present are enclosed as Annexure I.

**2. Discussion of the committee:**

Tmt.H.D.Varalakshmi RD-Chennai, CPCB (Nodal Agency) welcomed all the committee members and briefed about the court order and in compliance of the court order reviewed the action taken by the respective department.

**(a) Progress of action taken by WRD, PWD department**

- (i) It is informed that, 113 encroachments were identified and evacuated 23 encroachments. Regarding this, the committee requested to provide the detailed action taken by the WRD, PWD.
- (ii) It is also informed that desilting of Pazhancauvery and Pattamangalam Channel was completed in the month of September 2020. Regarding this committee requested to furnish the brief note along with the evidences .
- (iii) Regarding the protection of water bodies such as River Cauvery, Pazhancauvery and Pattamangalam Channel, they agreed to submit the time bound action plan for protection of water body to avoid public inception on or before January 25<sup>th</sup> 2021.
- (iv) Maintenance of Class A & B Channel pertains to EE, WRD irrigation department and other feeder channels pertain to Revenue department. The progress made on above activity to be provided to the committee on or before January 25<sup>th</sup> 2021.
- (v) It is also informed that all the 84 tanks is under the purview of Revenue department at present.



**BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.**

**Original Application No.92 of 2017 (SZ) &  
M.A.No. 03 of 2020 (SZ)  
With  
Original Application No. 23 of 2018 (SZ)**

Punganur Consumer  
Protection Council.

...Applicants

**Vs**

The State of Tamil Nadu  
and Ors.

...Respondents

**Report in connection with NGT Order  
dated 06.10.2020 in O.A.No. 92 of 2017  
& 23 of 2018 filed by Punganur  
Consumer Protection Council.**

Advocate for Respondent: TNPCB  
Thiru. Kasirajan  
Advocate, Chennai.

Date: 05.02.2021

