

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

**APPLICATION NO. 92 OF 2017 &
APPLICATION NO. 21 OF 2018**

Punganur Consumer Protection Council (Regd No.32/92P)
Represented by its Adviser S. Vijayakumar,
28/8 ChinnaKannara Street,
Mayiladuthurai ,
Nagapattinam district,
Tamil Nadu 609 001

Applicant.

-VS-

1. The State of Tamil Nadu Represented By its
Secretary Department of Revenue (Land Development)
StGeorgeFort
Chennai - 600 009 and others.

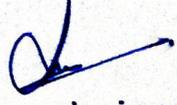
Respondents.

REPORT FILED BY THE EIGHTH RESPONDENT

I,K. Balu, son of Kanaga Sabapathi, Hindu, aged about 34 years, working as Commissioner, Mayiladuthurai Municipality, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Commissioner of the Mayiladuthurai Municipality, the 8th respondent herein and I am well conversant with the facts of the case from the connected files.

2. I Submit that this Hon'ble Tribunal by its order dated 17-11-2021 has issued directions to file individual report and the detailed action taken report. The action taken by this respondent are as follows.


Commissioner,
Mayiladuthurai Municipality.

3. NGT ORDER

- 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. 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 its regard.

4. Mayiladuthurai Municipal office Action

- Mayiladuthurai Municipality Public Health Department implemented solid Waste management scheme by the rules of 2016. Mayiladuthurai Municipal Administration takes Bio-degradable waste and Non-Bio-degradable waste from the public everyday, Bio-degradable waste send to 6-OCC centers Micro-Bio-farm for making manure (MMC) not less than 15 metric tone(MT) every day.

Non- Biodegradable waste like plastics send to Ariyalur cement factory fortnightly. Solid waste has been cleared Around Mayiladuthurai Municipal area limit especially ponds, tanks Pazhang Cauvery, Pattamangala canal and the bankes of cauvery river, solid waste brought by water bodies has been cleared now and then.

In order to make awareness among the people, Mayiladuthurai Municipality has arranged a vehicle and announces the people to classify the waste and advertise not to poured the waste into water


Commissioner,
Mayiladuthurai Municipality.

bodies. violating the instructions, they will be penalized. Municipal officials are monitoring the water bodies constantly.

5. NGT ORDER

- 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.

6. Mayiladuthurai Municipal office Action

- In the Municipal limit, there is effective monitoring and it has been ensured that there will not be any mixing of the drainage water from homes in the nearby Water bodies. At present, there is no drainage water that reaches the water bodies.

- Initially, there are 33 ponds water collected and send to Tamil Nadu water and Drainage board (TWAD) laboratory for examining for quality of water. After examining the water, the report has stated that the quality of water is normal. The report has been annexed herewith.

7. NGT ORDER

- It is reported that 84 tanks tanks are existing within the Mayiladuthurai Municipal Limit.

- All the 84 tanks were surveyed by the Municipality and the following 5 tanks were taken up 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.


Commissioner,
Mayiladuthurai Municipality,

- i. Senkulnirkulam in No.2 Kumabakonam road.
- ii. Angalamankulam in No.1 Kumbakonam road.
- iii. Mattakulam in Chinnakadai street.
- iv. Akkanamkulam in town station road.
- v. Ayyankulam in Mayuranathur Kovil east street.

The following improvement works are included in the DPR:

- Construction of retaining wall around the tank.
- Desilting of tank and inlet channels.
- Providing foot path around the bund of tank.
- Fencing work.

8. Mayiladuthurai Municipal office Action

- **Improvement of Ponds:**

Initially, the Ponds without encroachment numbering 5 have been selected under the scheme of "Kalainger Urban development 2021-2022 and allotted Rs.452.00 lakhs and the Estimates have been approved by the Director of Municipal Adiministration by letter R.No.20543/2021/T.2 dated 02.12.2021 ward No.4 Vannan Kulam Rs.148.30 lakhs, ward No.5. Senthankudi kulam Rs.113.50 lakhs development of two ponds Rs.261.180 lakhs estimates have been sent. After getting the approval, the work will be started.

Also Under the scheme of KFW:

- Angalammal kulam – Rs.160 lakhs.
- Azhwar kulam – Rs.140.00 lakhs
- **and Jal-Jeevan mission scheme**
- G.H. kulam- Rs.42.50 lakhs,
- Mamarathu Medai – Rs.63.00 lakhs,
- Akkanankulam – Rs.110.00 lakhs,
- Ayyan kulam – 103.50 lakhs.



Commissioner,
Mayiladuthurai Municipality.

Above mentioned six ponds are proposed to be developed at an estimate of Rs.619.00 lakhs to develop the same and the DPR has been submitted. Financial Sanction is awaited and after getting the permission the work will be started. Also under the scheme of 'Namakku Namey plan' Municipal area Ward No: 28 Undertaking of "Mattakulam development cost has been estimated at Rs.160.00 lakhs and the DPR has been prepared.

A letter has been sent to the Branch manager the City Union Bank, Kumbakonam to donate Rs.60 lakhs as it needs to be done under the public contribution program, The Bank Manager has sent a positive response to us. Soon the Municipality will get financial Assistance and the work will be started.

Remaining 28 ponds that are not encroached in any manner, will be maintained by erecting iron fence to prevent public trespassing into the said Tanks. For that plan, Municipality requires Rs.6.00 lakhs for the estimated cost. After Receiving the tenders for erecting iron fence around the ponds the work will be finalised and work order will be issued.

9. NGT ORDER

4. "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".


Commissioner,
Mayiladuthurai Municipality,

To Direct the Municipal authority to take steps to divert the drains carrying domestic effluent into either downstream of Pazhancavery or to nearby STP till installation of adequate STP”.

10. Mayiladuthurai Municipal office Action.

Underground drainage plan development:

Underground drainage system has been working since 2008 in Mayiladuthurai Municipal area limit for public. As the Underground drainage system have completed 13 years, the working conditions of Electric Motor, Panel Board etc have depreciated and they are unable to work properly under the underground drainage system. The last two years, in 14 places, of the road has suffered damages due to leakages and subsided and the said leakages have been repaired and rectified and the roads have been relaid and the Lines are properly maintained till date.

Mean while, due to Continuous rain the Main pipeline of the drainage network had broken near the pumping station to Ward No.8 PS4-STP-pump-600mm PSC pipe – and the same was repaired and brought back to use and the same is continuing to work properly.

The Nagapattinam District Collector has personally visited and inspected the repaired underground drainage scheme on 7.11.2019 and sent a letter to Commissioner of Municipal Administrative (letter No.6067/2018/RD.10.dated 12.11.2019). As per the instructions of Municipal Administrative Commissioner and Superintending engineer from the office of the Commissioner of Municipal Administration(Chennai) inspected and advised regarding the newly laid drainage pipe lines from the lifting station from IV to VIII for 2150 metres.


Commissioner,
Mayiladuthurai Municipality.

As per the above mentioned instructions, for laying the main drainage pipe, the estimated cost is Rs.2.75 crore under the central grand fund scheme of allocation ROC.No.10568/2019/E1 dated on 03.02.2020 was given and got Technical permission and after receiving Tenders on 27-03-2020 from the qualified contractors, the contractor was issued the Work Order on 28.09.2020, the work of laying the main pumping pipe line have been completed & all drainage lifting station are continuously working.

Also under the plan, left out area will be covered under the underground drainage scheme implemented and the elaborate plan for repairing the Sewage Treatment plant(STP) by new Technological system has taken. Also, a special Advisor was appointed for making a draft of Tamil Nadu urban infrastructure financial System Limited (TNUIFSL) at an estimated cost Rs.103.51 crore and the same is under consideration.

Also PS-2/PS-3/PS4/PS5/PS6/PS7/PS8/PS8.8A the above mentioned sewage pumping station motors have lost its capacity for working, all the motors will be replaced by newly purchasing and would be fitted in the 15th financial Commission year 2021-2022 from the capital grant fund Rs.52.0 lakhs submitted to Municipal commissioner (RO.NO.31115/21-22/Amruth-2 dated 06.12.2021) and receiving Tender on 31.12.2021 for the following work.

Details of work:

- 20 HP and 10HP Motors-1 No.
- 4 HP and 2HP Motors-1 No.
- 10 HP and 2HP Motors-1 No.


Commissioner,
Mayiladuthurai Municipality.

Also, Testing is going on in Aarupathi sewage water plant Stations incoming and outgoing drainage water samples has been taken and are being sent for testing Periodically. Also Testing of sewage water has been taken by Tamil Nadu pollution control board, on the following dates 19.11.2020, 17.12.2021, 23.03.2021, 26.04.2021, 23.07.2021, 03.08.2021 and it has been submitted.

11. NGT ORDER

5.“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”.

Handling over of water tanks by the Revenue department to Mayiladuthurai Municipality has not been 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 short term measures.

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

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


**Commissioner,
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.

“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”.

Compliance of Solid Waste Management, Rules 2016 & NGT Order in O.A.No.606/2018 By Mayiladuthurai Municipality.

Mayiladuthurai Municipal office Action

83 ponds out of 84(Kulangal) belong to Mayiladuthurai Municipal area handed over Mayiladuthurai Municipality and (its handed over copy letter annexed herewith).

Among the annexed 84 ponds (kulangal), 38 ponds are without encroachment, for these ponds, Iron-fence will be erected through Mayiladuthurai Municipal engineering sections. Remaining 45 ponds (kulangal) (Details annexed).

The following 489 encroachments have been identified so far. In encroachments of 45 ponds (kulangal) only Two ponds were cleared off encroachments at present, and its photos were published in national Newspapers on 09.12.2021 Newspaper photocopy were annexed herewith.


**Commissioner,
Mayiladuthurai Municipality.**

- Pond- Town Survey No.959/2, Ward-6 Block:26, 3-encroachment 498.sqm compound wall and fences were evicted.
- Tamarai kulam – Survey No:861, Ward No.861, Ward 6, in Block-23 1 encroachment (72.scm area) Banana garden and fence were evicted.

Action plan has been prepared to evict the encroachments on the remaining part of the 43 ponds in time schedule as follows.

- Within 18.12.2021, Rajakulam Survey No.834, Ward-7; Block 28-3 encroachment (with fence) 91.19sqm will be evicted.
- Pond (kuttai) Survey No:172; Ward:2, Block 6-1 encroachment- (Fish rearing) 253.50sqm would be evicted.
- Kulam Survey No.7; Ward:3, Block:27-1; encroachment (Play ground)=440.50sqm 8 would be evicted.

Estimated Working Plan within the date on 25.12.2021:

- Kuttai-Survey No 703; Ward-7, Block 23-1; encroachment (Compound wall Iron fence) 1094.5sqm would be evicted.
- Kuttai Survey No.852-A, Ward-4, Block 18-2; encroachment (Compound wall-iron fence) 81sqm would be evicted.
- Kuttai-Survey No.874, Ward-3; Block 21-1 encroachment (School play ground, St.pauls High School) 752 sqm would be evicted.

Estimated Working plan Within date 01.01.2022:

- Kuttai: Survey No.261; Ward-1, Block:2(4) encroachment (Path compound fence) 706sqm would be evicted.


 Commissioner,
 Mayiladuthurai Municipality.

- Isthana Kulam: Survey No.193/B; Ward.1, Block 9-(3) encroachment (fenced) 62sqm would be evicted.
- Kulam (Thaniyar-Kudiyiruppu): Survey No.1159, Ward.4, Block 24-(1) encroachment (fenced) 96sqm would be evicted.

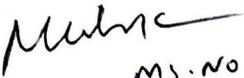
There have been 465 encroachments including 329 fenced established in remaining parts of 35 ponds for more than 40 years approximately. For this, a letter has been sent to revenue department to allot the alternative location to the encroachers. After, the Revenue department allotted the alternative living place for encroachers, Mayiladuthurai Municipality will take further action and submit its further report before this Hon'ble Tribunal.

In the foregoing circumstances it is prayed that this Honourable Tribunal may be pleased to accept the above report and close the Application No. 92 of 2017 and Application No. 21 of 2018 and thus render Justice.

Solemnly affirmed on
This the 03rd day of
January 2022 and the
Deponent herein has
Affixed his signature
in my presence


Commissioner,
Mayiladuthurai Municipality.

before me,


MS. No. 1068/89
Advocate, Mayiladuthurai.

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