

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI****Original Application No. 99 of 2020 (SZ)****In the matter of:**

Tribunal on its own motion suomotu  
based on the news item in  
THE DINAMALAR CHENNAI edition  
dated 03.07.2020, "when will  
the sluices of mudichur big lake be set right?" ..Applicant (s)

**AND**

1. The Principal Secretary to Government  
Public Works Department, Secretariat  
Fort St. George, Chennai-600 009
2. The Secretary to Government  
Department of Environment  
Govt. Secretariat, Fort St. George  
Chennai-600 009
3. The Additional Chief Secretary to Government  
Municipal Administration and Water Supply Department  
Govt. Secretariat, Fort St. George  
Chennai-600 009
4. The Chairman  
The Tamil Nadu Pollution Control Board  
No.76, Anna Salai, Guindy  
Chennai-600 032
5. The District Collector  
Chengalpet District  
District Collectorate, GST Road  
Chengalpet
6. The Peringalalthur Town Panchayat rep.by  
its President,  
No.20, KamarajarNedunchalai  
Perungalathur, Chennai-600 063

7. St. Thomas Mount Panchayat Union  
Rep. by its Block Development Officer  
20, Chitlapakkam Main Road, Kamaraj Colony  
Nehur Nagar, Chitlapakkam, Chennai-600 064

8. Mudichur Town Panchayat

Rep. by its Secretary

Mudichur Road, Mudichur Chengalpattu,

.. Respondents

**REPORT FILED BY THE EXECUTIVE ENGINEER. P.W.D., W.R.D., LOWER PALAR  
BASIN DIVISION, KANCHIPURAM**

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I, R. Ramesh son of. R. Ramamoorthy aged about 55 years officiating as Executive Engineer, Water Resources Department (WRD) of the Public Works Department having my office at the PWD Campus, Chepauk, Chennai-5 submit my report as follows:

2. I submit that taking cognizance of the News item in the Dinamalar daily dated 03.07.2020 this Hon'ble Tribunal had made the following orders on 07.07.2020 :

*"1. It is alleged in the news paper report that Mudichur Lake is situated in Tambaram was spread over an extent of 112 acres having a water storing capacity 17 Million Cubic Feet capacity. Due to the formation of Vandalur – Meenjur outer ring on the Western side of the lake, 20 per cent of the water catchment area has been reduced.*

*2. According to the report, during 2014-2015, desilting work in the lake to the extent of 8 feet depth was done by the Public Works Department. But thereafter no further maintenance or desilting work was done.*

*3. The lake's surplus weirs and sluices are in damaged condition thereby inflow and out flow from the lake were not properly maintained. Though lot of demands were made for maintaining the lake by the local people, no action was taken.*

4. The dumping of waste from Perungalathur Town Panchayat has affected the lake in question and it has caused damage to the lake. During the heavy rainfall in the year 2015, excess water from the lake came through the surplus water canals which were blocked by the public by putting up large sand bags.

5. Apart from these, sewage water is being mixed with the water causing pollution to the water as well. This is being done by the Perungalathur Town Panchayat people. Steps must be taken to prevent the discharge of untreated sewage into the lake and excess water from the Perungalathur Lake during the rainy season has to be channelized to the Mudichur big lake on the Eastern side by cleaning the canals, so as to maintain the water storage system to avoid flood in future. Necessary sewage treatment plants have to be established in an environmental friendly manner without affecting or encroaching into the lake to treat the sewage water before it is being discharged into the lake to protect the quality of the water in the lake. Though requests have been made for maintaining the lake and also the weirs and sluices, no steps have been taken by the authorities to rectify the same”.

6. On going through the allegations in the report, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. Time and again it has been reiterated by the Hon'ble Apex Court and also by the National Green Tribunal in several cases, the responsibility of the State in protecting the water bodies which play a great role in protecting environment not only as a rain water harvesting centre, but also helps to improve ground water recharging to increase the ground water level in that area. It also helps in maintaining ecological balance apart from protecting aquatic life in the water body.

7. There is a responsibility cast on the authorities to protect the lake against encroachment and pollution. In order to ascertain the real state of affairs, we feel it appropriate to appoint a Joint committee comprising of the District Collector, Chengalpattu District, a Senior Officer from the office of the Director of Panchayat, who is in charge of maintenance of the water bodies in the area, a Senior Officer from the Tamil Nadu Pollution Control Board nominated by the Chairman, Block Development Officer, St. Thomas Mount Panchayat Union, a Senior Officer not below the rank of

*the Superintending Engineer of Public Works Department and Water Resources Organisation to inspect the area in question and submit a factual well as action taken report, if there is any violation found to this Tribunal.*

*8. The committee is directed to go into the question regarding the verification of original extent of the lake as per the revenue records and nature of unauthorised encroachments and if so, what is the action taken and also any pollution is being caused to the lake by discharging untreated effluents or sewage into the lake from that area.*

*9. The committee is also directed to conduct water analysis test to assess the quality of the water and if it is contaminated, find out the sources of contamination and suggest steps to be taken to restore the same to its original position.*

*10. The committee is also directed to mention as to whether there is any scheme launched by the Government or the local authorities for maintaining this water body and if so, its stage of implementation.*

*11. The committee is also directed to assess the environmental compensation if any damage caused to the lake on account of unauthorised encroachment or by causing pollution to the water in the lake.*

*12. The committee is also directed to ascertain the existence of the inflow and out flow canals and drains which act as a storm water drain to carry excess rain water into the lake and if there is any encroachment or any closure of the same which affects the inflow and outflow, then what are all the steps to be taken to restore the same to its original position and its feasibility.*

*13. The committee is also directed to suggest a long term as well as short term plan to protect the lake from further encroachment and pollution by establishing bio-diversity parks/tree plantation around the lake and construction of any compound wall or other protecting method to avoid*

*future encroachment and the responsibility of the person who has to carry out the same as well.*

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

*15. The committee is directed to submit the report to this Tribunal within a period of three months i.e. on or before 14.10.2020 through e-mail @ ngtszfilng@gmail.com or by e-filing.*

*16. The Registry is directed to communicate this order to the members of the committee as well as the official respondents along with the copy of the order and the paper report and the gist of the Suo-Motu proceedings with cause title immediately by e-mail so as to enable them to comply with the direction”.*

3. It is submitted that the Mudichur Lake in S.F.No. 342 of Mudichur Village in Tamabaram Taluk of Chengalpattu District is under the control of Public Works Department. It has water spread area in an extent of 44.90.0 Ha and is intended to feed ayacut of 80.16.0 Ha. It receives water from its catchment and upland drainages mostly from the rains of North East Monsoon. It has two Nos. of sluices for irrigating the ayacuts once fed by the tank. In view of agglomeration of the Chennai city in the periphery over the period of years, (it is now feeding an extent of only 15.00 Ha ayacut is now fed by the tank as at present). There is two surplus weir to drain the water above FTL at times of heavy monsoonal rains. During the survey made in the year 2009, 86 Nos. of encroachments were identified by the survey officials.

4. It is submitted that there are plans 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. Detailed Project Report has been sent to Government and after approval from the World Bank, the said project scheme will be executed and the repairs/renewal of shutters and all other component works to rehabilitate the Mudichur lake will be taken up including eviction of encroachments in the manner known to law.

5. As regards the taking up of joint inspection by the Committee constituted by this Hon'ble Tribunal in the order supra, it is submitted that the Joint inspection of the tank could not be made in view of the torrential and intermittent and heavy rains in the month of November and December 2020 that lashed Chennai, Chengalpat, Kanchipuram and Tiruvallur Districts when the District Administration and other officials of the Departments were fully engaged in taking up relief measures besides the preventive measures taken and restrictions imposed due to pandemic of COVID 19. Further the Central Team had also visited the area in Chengalpat, Kanchipuram and adjacent districts to assess the damages caused due to flooding from the natural water bodies and the top officials had to be invariably present during the Central Teams visit. Hence, sufficient time is required to convene the joint inspection of the officials named in the order of this Hon'ble Tribunal dated 07.07.2021.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the submissions made in paragraphs 1 to 5 above and further pleased to grant further time to convene and take up the joint inspection and to submit the report of the Committee to this Hon'ble Tribunal in the circumstances of the case and thus render justice.

  
**EXECUTIVE ENGINEER, W.R.D.,(P.W.D),  
LOWER PALAR BASIN DIVISION,  
KANCHEEPURAM-631 501.**