

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

Original Application No. 25 of 2021 (SZ)

Tribunal on its own motion Suo Motu
Based on the News item in Times of India,
Chennai Edition dated 19.01.2021,
"Private tankers in Chennai brazenly dump
Sewage into storm water drains in broad daylight"

Applicant

Vs.

1. The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Department,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600- 009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St. George
Chennai, Tamil Nadu 600- 009.
3. Additional Secretary to Govt. of Tamil Nadu,
Municipal Administration and Water Supply Department Govt.
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. Chennai Metropolitan Water Supply & Sewerage Board,
Rep. by its Managing Director,
No. 1, Pumping Station Road,
Chintadripet, Chennai – 600 031.
6. The District Collector,
Tiruvallur District, First Floor,
Collectorate, Tiruvallur – 602 001.
7. Greater Chennai Corporation,
Rep. by its Commissioner, Ripon Building,
Chennai 600 003.
- 8) Poonamalle Municipality


Project Director
National Highways Authority of India
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- 9) National Highway Authority of India (NHAI) Project Director,
SRI Tower, 3rd Floor DP-34 (SP),
Industrial Estate, Guindy,
Chennai – 600 032.

Respondents

AFFIDAVIT FILED ON BEHALF OF 9thRESPONDENT

I, P.T. Mohan S/o P. Thenrajan, Hindu aged about 47 years, working as Project Director, having office at National Highways Authority of India, PIU-Kancheepuram, No. 7/16, Govindarajan Street, Tambaram West, Chengalpattu District, Chennai – 600 045, do hereby Solemnly and sincerely affirm and state as follows: -

I am working as Project Director, PIU, NHAI, Kancheepuram and suo moto impleaded by this Hon'ble Tribunal vide order dated 07.06.2021. I am conversant with the facts of the case from records available in the office as such I am competent to swear this affidavit.

1. It is respectfully submitted that the 5threspondent had filed their report and same was taken into consideration by this Hon'ble Tribunal on 07.06.2021. In the said report, few recommendations were made for kind consideration of this Hon'ble Tribunal for implementation of remedial measures at various departments to implement the same to curb illegal discharging of sewage into storm drains / water bodies in future. In their recommendation, the following are pertaining to NHAI:

"The National Highways Authority of India (NHAI) shall take immediate action on the following:-

- (a) *To intensify the patrolling activities especially along the complaint location and other isolated/ vulnerable points along Highways*


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- (b) *To monitor and replace the damaged/mis sing cover slabs of the storm drains on regular basis, which are either damaged or removed by the miscreants along the NHAI stretch from chainage 13/800km to 37/000km of Madhuravoyal — Sriperumpudur section of NH-4*
- (c) *To enforce stringent action on the violators in close coordination with Police and RTO officials. To erect caution boards at all vulnerable locations”.*

2. It is respectfully submitted that other important recommendation pertaining to Police Department is

“The Police Department shall keep a vigil in the area in question and take action on the sewage tanker lorries decanting the sewage other than the Thirumazhisai STP/CMWSSB STP”.

3. Similarly, the recommendation pertaining to Poonamallee Panchayat which read as follows:

“4. The Commissioner, Poonamalle Municipality shall expedite on the followings:-

- (a) *Establishment of Underground sewerage system to handle the sewage generated in the Poonamalle Municipal area*
- (b) *To regulate the sewage tanker Lorries operating in their jurisdiction by properly registering them and streamlining the sewage tanker lorries*


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in co-ordination with Thirumazhisai STP to ensure proper decanting of collect sewage in their Jurisdiction Stringent legal action shall be imposed on erring tanker operators.

(c) *In coordination with the Police & NHAI Officials concerned shall 13 arrange to install and monitor CCTV's along the complaint location and other vulnerable points along the Highways.*

4. In this regard, it is submitted that NHAI is providing Incident Management Services such as Highway Patrol, Ambulance and Tow away Crane through the Operation and Maintenance Contractor as a part of the contract. Highway Patrol is inspecting the entire road stretch on daily basis. Further, it is submitted that sewage was dumped illegally by unknown persons in the storm water drain constructed by NHAI in Poonamallee bypass. On coming to know about the illegal dumping of sewage, a complaint has been lodged to the Assistant Commissioner of Police, Ambattur Traffic Sub Division vide letter dated 01.01.2021 and 02.01.2021 to take necessary action against those who are dumping the garbage and pumping the sewage. Further, the police was requested not to allow the vehicles to park on the cover slab of the drain which are being damaged by them. Further, a complaint has also been lodged by Highway Patrol of NHAI before the Poonamallee Police Station on 04.01.2021 in CSR No. 11/2021 about the illegal pumping of sewage into the drain.

5. It is further submitted that since there was no response, vide letter dated 01.03.2021 requested the District Collector, Thiruvallur to issue suitable instructions to the concerned Department to take action against the persons who are pumping the sewage into the storm water drain constructed by NHAI and


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dumping the garbage on the road side as it is causing health hazard to the general public.

6. It is further submitted that the Inspector of Police, Nazarethpet Police Station was also requested by NHAI vide letter dated 09.04.2021 to take necessary action against the persons who are pumping the sewage into the storm water drain and also dumping the garbage on the road side and the vehicles parked on the drain cover slabs at the earliest to prevent the same.

7. It is submitted that consequent to the receipt of the order of this Hon'ble Tribunal dated 07.06.2021, the Deputy Commissioner of Police, Traffic West, Chennai with a copy to the Assistant Commissioner of Police, Ambattur Traffic Sub Division and Inspector of Police, Poonamallee Traffic Police Station , was requested by NHAI vide letter dated 26.06.2021 to take necessary action against the persons pumping sewage and also the vehicles parked over the drain cover slabs.

8. It is further submitted that a complaint has been once again lodged with the Inspector of Police, T-12, Poonamallee Police Station and the Inspector of Police, T-16, Nazarethpet Police Station vide letter dated 26.06.2021 to take necessary action against the persons who are pumping the sewage into the storm water drain.

9. It is respectfully submitted that the cover slab over the drain in all the locations were completed with a view to prevent the illegal pumping of the sewage


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into the storm water drain by the miscreants during all times. However, the vehicles are being parked over the drain cover slab causing damages to them. Necessary complaints have been lodged before the Police Authorities for the enforcement along with photos.

11. It is submitted that as suggested by the Police Authorities, the sign boards of "No parking" have also been fixed in the identified vulnerable areas where the Heavy Vehicles / sewage tankers are illegally parked on the cover slab of the Drainage causing frequent breakages of the cover slabs in the stretch of Maduravoyal to Sriperumpudur section of NH-4. This will enable the Police authorities to enforce the NO PARKING condition. Photos are filed before the Hon'ble Tribunal.

12. It is respectfully submitted that for enforcement of any regulation, the NHAI largely dependent on Police Department or Municipality Officials of Poonamalle or Revenue Department depending upon the nature of complaint or issue. The issue such as damage being caused to Highways, drainage line or lid etc., and also against dumping of garbage abutting NH, the NHAI is depending on the concerned jurisdictional Police officers to prevent such illegality being perpetuated garbage / sewage tanker lorries and also to take stringent action against the owners of such tanker lorries. The NHAI do not have any independent empowered manpower or authority to curb such illegal activities. It is only the concerned with the Municipal or local body officials, Village Administrative Officers or the Police officials of the concerned jurisdiction, who have to ,either suo moto or on the complaint by NHAI or any other aggrieved persons . take swift action against the violators.


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13. It is respectfully submitted that the 9th respondent has also given instructions to the Field Engineers to monitor such violations as and when such culpable activity takes place and to bring to the notice of this answering respondent so that required follow up action could be taken up with the jurisdictional Police officers. This respondent is ready and willing to abide any directions as may be issued by this Hon'ble Tribunal as may be deemed fit and proper to completely curb such illegal dumping of garbage in NH road sides and disposal of drainage.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to consider this reply and may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case and thus render Justice.

Solemnly affirmed at Chennai this the day of 9th July 2021 and signed his name in my presence.


Project Director
National Highways Authority of India
Project Implementation Unit
Kancheepuram
BEFORE ME


V. Ashta Kumar
ADVOCATE: CHENNAI
No. 95, Adal Lane
MHC, Chennai-104

**BEFORE THE NATIONAL GREEN
TRIBUNAL**

SOUTHERN ZONE, CHENNAI

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And others. Respondents

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9thRESPONDENT

SU.SRINIVASAN

Standing Counsel - NHAI
Counsel for 9th Respondent

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