

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
MA NO 07 of 2024
IN

Original Application No. 55 of 2020 (SZ)

In the matter of:

Pattabiraman. V

... Applicant(s)

Versus

The Secretary to Govt. of TamilNadu
Public Works Department

...Respondent(s)

INDEX

S. No.	Date	Description	Page No.
1.	27.06.2024	Affidavit filed on behalf of the 1 st Respondent-The Secretary to Govt. of Tamil Nadu	1-4
2.	18.11.2023	Communication letter sent to Public Works Department, Chennai	5- 10
3.	06.02.2024	Letter No.56/M2/2024-3 Communication letter from Special Secretary to Government to V. Pattabiraman	11 - 13

(**Note:** The page numbers are at the right bottom of every page)



Through

Dr. D. Shanmuganathan
Standing Counsel of Tamil Nadu
National Green Tribunal
Southern Zone, Chennai
Date: 28.06.2024

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

M.A. No. 07 of 2024

IN

Original Application No.55 of 2020 (SZ)

IN THE MATTER OF:

The Secretary to Government,
Public Works Department,
Government Secretariat,
Chennai-600009 ... Applicant/ 1st Respondent/ Respondent

Vs

Pattabiraman. V
S/o. V. Venupillai
No.39, West Mada Street,
Nandambakkam
Kudiyuruppu S.O.,
Kancheepuram District-600089
E-Mail: Sridhar_sa@yahoo.com
Phone No.9444957920 ... Respondent / Proposed Applicant /
Applicant

AFFIDAVIT FILED ON BEHALF OF THE APPLICANT /
1ST RESPONDENT / RESPONDENT THE PRINCIPAL
SECRETARY TO GOVERNMENT, PUBLIC WORKS
DEPARTMENT, SECRETARIAT, CHENNAI – 600 009.

I, Chandra Mohan. B, S/o Thiru Venkataramanappa,
aged about 54 years, residing at C/04/02, AIS Housing
Complex (TAISHA), Nerkundram, Virugambakkam,
Chennai-92 do hereby solemnly affirm and sincerely state as
follows:-

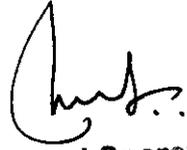
1. I am the Principal Secretary to Government, Public Works Department, Secretariat, Chennai-600 009 and the first respondent herein. I am well acquainted with the facts of the case from the records. I have read the Order Dated 18.07.2022 in the Suo Motu Original Application No. 55 of 2020, wherein the Secretary to Government, Public Works Department has been arrayed as the first respondent.
2. I respectfully submit that, I am not the competent authority to respond to the matter under consideration of the Hon'ble Tribunal, I crave leave of this Hon'ble Tribunal to dispense with my appearance in the above proceedings.
3. I respectfully submit that, in its order dated 18.07.2022, the Hon'ble Tribunal has taken up Suo Motu Original Application No.55 of 2020 (SZ) certain matter regarding the protection and maintenance of Putheri Lake in Pallavaram, leading to large growth of water hyacinth affecting flow of the water and also reducing the oxygen level in the water and among others. It has directed the Public Works Department to provide as many necessary box vents if not provided in the radial road formed dividing the lake so as to ensure free flow of water in the lake on both sides. The subject matter relates to Water Resources Department and Highways and Minor Ports Department.

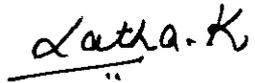
4. I respectfully submit that vide G.O.(Ms).No.55, Personnel & Administrative Reforms (A) Department, dated 07.06.2021, amendments have been issued to the Tamil Nadu Government Business Rules, 1978 wherein the subjects relating to “Water Resources” previously are now looked after by “Water Resources Department”. The Principal Secretary to Government, Public Works Department is looking after only the subjects relating to construction and maintenance of Government buildings and allied matters.
5. I respectfully submit that the direction issued to the Secretary to Government, Public Works Department in the present suo motu Original Application No.55 of 2020 (SZ) to provide as many necessary box vents if not provided in the radial road formed dividing the lake so as to ensure free flow of water in the lake on both sides, is related to Highways and Minor Ports Department and not in the jurisdiction of the Applicant / First Respondent.
6. I submit that in the reply to the Private Notice of the Proposed Applicant / Applicant, in Government Letter No.56/M2/2024-2, Public Works Department, dated 01.03.2024, it was informed that the direction issued at para 33 (xi) pertains to Highways and Minor Ports Department and not to Public Works Department.

7. I submit that I am not the competent authority to respond to the orders of this Hon'ble Tribunal Dated 18.07.2022 in the Suo Motu O.A.No.55 of 2020.
8. For the foregoing reasons, it is prayed that this Hon'ble Tribunal may be pleased to remove the Applicant / First Respondent herein, the Secretary to Government, Public Works Department, Secretariat, Chennai-600009 from the array of parties in the Suo motu Original Application No.55 of 2020 on the ground of mis-joinder of parties and pass appropriate orders and thus render justice.

Solemnly affirmed at Chennai
on this the 27TH day of June, 2024
and signed his name in my presence.

2/2


Principal Secretary to Govt.
Public Works Department,
Secretariat, Chennai - 600 009.
BEFORE ME


Deputy Secretary to Govt.
Public Works Department,
Secretariat, Chennai-600 009

By RPAD

C.No. 56/42/202

18.11.2023 23/01/2

From
 Pattabiraman.V
 S/o. Mr. V.Venupillai
 No. 39, West Mada Street,
 NandambakkamKudiyuruppu S.O.,
 Kancheepuram Dt. 600 089.
 Ct. 9841973064

To
 The Secretary to Govt. of Tamil Nadu
 Public Works Department,
 Govt. Secretariat, Fort St. George,
 Chennai, Tamil Nadu - 600 009.

Sir,

Sub. Notice of contempt under Section 30(1)(b) of the National Green Tribunal Act, 2010 for failure to comply with the Orders of the National Green Tribunal in O.A No 55 of 2020 (SZ) on 18.07.2022- Reg.] A

I, Pattabiraman.V, S/o. Mr. V.Venupillai aged 77 years, residing at No. 39, West Mada Street, NandambakkamKudiyuruppu S.O.,Kancheepuram Dt. 600 089 issue to you the following notice :

1. I submit that I am a senior citizen aged about 77 years. I had been an elected member of the Village Council for two terms and throughout my lifetime, I had worked for the welfare of the general public. I have embarked upon instituting this contempt notice in the capacity of a 'public-spirited person'. Upon meticulous perusal of the judgment dated 18.07.2022 passed by the National Green Tribunal in O.A No 55 of 2020 (SZ) shook my

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conscience and I am causing this contempt notice to be sent to the parties who have not complied with the directions of the Hon'ble Tribunal.

2. O.A No 55 of 2020 (SZ) was Suo Motu registered by the National Green Tribunal (southern zone, Chennai) on the basis of the newspaper report published in Chennai Express Newspaper Chennai Supplementary, dated 03.03.2020 under the caption "Back to the Brink" alleging that though huge amount has been spent by the Government for rejuvenating the Putheri Lake in Pallavaram, due to the negligence and lapses on the part of the local bodies, there was no maintenance for the lakes, leading to large growth of water hyacinth affecting the flow of the water and also reducing the oxygen level in the water.

3. Upon reiterating the responsibility of the Government machinery under Constitution to protect environment under Article 48(A) of the Constitution of India the Hon'ble Tribunal admitted the matter as per order dated 06.03.2020. The Tribunal had appointed a Joint Committee comprising of District Collector, Chengalpattu District, Tamil Nadu Pollution Control Board (TNPCB), Engineer-in Chief, Water Resources Organisation (WRO) and Public Works Department (PWD), the Commissioner, Pallavaram Municipality and a Senior Officer from Chennai Metropolitan Water Supply & Sewerage Board (CMWSSB) to go into the question and submit a factual and action taken report.

4. Upon subsequent hearings and upon filing of the inspection report of the Joint committee on 17.03.2021 with recommendations. The Hon'ble Tribunal observed as there were specific recommendations to the Pallavaram Municipal Corporation but there was no mention of the action taken on the directions issued by the tribunal from time to time. The Hon'ble tribunal directed the Joint committee, Pallavaram municipal corporation and the State pollution control board to file a further inspection report independently. Further the tribunal was also critical on the fact that nothing

Arundhathi

directions of the Hon'ble Tribunal and to implement in its letter spirit, so as to protect the environment which is a primary responsibility of the State. The directions are extracted hereunder: -

- i. *The Tambaram Municipal Corporation and the Greater Chennai Corporation are directed to take appropriate steps to implement the Underground Sewage Scheme of uncovered areas within their respective jurisdiction in a war footing manner, so as to avoid discharge of untreated sewage being let into the Putheri Lake.*
- ii. *The Tambaram Municipal Corporation under whose jurisdiction erstwhile Pallavaram municipal area falls is directed to take steps to implement the Solid Waste Management Rules, 2016 and Other Waste Management Rules, in its letter and spirit and also to implement the directions issued by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 and this Bench in several matters where erstwhile Pallavaram Municipality was a party in respect of implementation of Solid Waste Management and Liquid Waste Management in an effective manner.*
- iii. *The District Collector, Chengalpattu District in coordination with the Water Resources Department and Tambaram Municipal Corporation are directed to conduct the survey of the Putheri Lake and fix the boundaries of the Putheri Lake and if there is any encroachment found, then they are directed to take steps to remove the encroachment and protect the water body against encroachment and pollution.*
- iv. *The Commissioner, Tambaram Municipal Corporation is also directed to implement the recommendations made by the Joint Committee including installation of CCTV Cameras around the Putheri Lake where the possibility of dumping of waste recur, so as to identify the persons who are involving in such illegal activities and to take action against those persons in accordance with law.*
- v. *The Commissioner, Tambaram Municipal Corporation is directed to register the private tanker lorries who have been permitted to collect the untreated sewage from the residential complex or residences and take steps to install GPS in those tanker lorries and maintain a register*

Arun

to track the movement of such tanker lorries from the point of collection till the point of disposal, so as to ascertain as to whether these tanker lorries are involving in illegal decanting of sewage collected into water bodies without taking the same to sewage treatment plant and if such any instance is noted, then take action against them in accordance with law including termination of the contract, licence, seizure of vehicles and other legal action as provided under the Water (Prevention and Control of pollution), Act, 1974 and Air (Prevention Control of Pollution) Act, 1981, Indian Penal Code and Municipal laws, so as to check such illegal activities.

vi. The Commissioner, Tambaram Municipal Corporation in coordination with the Water Resources Department is directed to maintain the Putheri lake and make it a pollution free lake.

vii. The Additional Chief Secretary for Municipal Administration and Water Supply Department and Directorate of Municipal Administration are directed to look in to the proposals if any pending in respect of establishing Underground Sewage Scheme in these areas either from Tambaram Municipal Corporation or from Chennai Metropolitan Water Supply and Sewerage Board, then they are directed to take immediate steps to clear the proposals by providing necessary administrative as well as financial sanction and provide necessary funds for that purpose.

viii. The Chief Secretary to Government, State of Tamil Nadu is also directed to monitor the implementations of the directions issued by this Tribunal and to conduct review meetings with the stake holders department at the higher level, so as to supervise the implementation of directions and if any gap found, then they are directed to take appropriate steps to remove the gap and implement the directions in its letter and spirit. ix. The Chief Secretary to Government, State of Tamil Nadu is directed to carry out the directions issued by this Special Bench of this Tribunal as well as this Bench in similar matters and implementations of directions in O.A. No. 606 of 2018 dealing with Solid Waste Management Rules, 2016 and implement the directions in

Aravind 8

- its letter spirit, so as to protect the environment which is a primary responsibility of the States.

x. The Tamil Nadu Pollution Control Board is directed to monitor the implementation of Solid Waste Management and Liquid Waste Management and the implementation of the directions issued by this Tribunal and also the directions issued by the Principal Bench of National Green Tribunal in O.A. No. 606 of 2018 (PB) by the local bodies and if there is any violation or non compliance found, then they are directed to take appropriate action against the erring municipal bodies including Tambaram Municipal Corporation for their lapses by imposing environmental compensation and other legal action as provided under the respective statutes.

xi. The Public Works Department is directed to provide as many necessary box vents if not provided in the radial road formed dividing this lake so as to ensure free flow of water in the lake on both sides.

xii. The Registry is directed to communicate this order to the official respondents, Block Development Officer- St. Thomas Mount Panchayat Union, Commissioner Tambaram Municipal Corporation, District Collector Chengalpattu District, Chairman-Tamil Nadu Pollution Control Board, Engineer-in-Chief, Water Resources Department, the Additional Chief Secretary to Government for Municipal Administration and Water Supply Department, the Additional Chief Secretary to Government, Environment and Forest Department and also to the Chief Secretary to Government, State of Tamil Nadu for their information and compliance of directions.

6. Despite such detailed directions of the Hon'ble National Green Tribunal, till date the respective departments have not complied with the directions in its entirety. The inaction of the departments even after the passage of a period of one year and four months clearly amounts to wilful disobedience of the Hon'ble Tribunals order. It is my fundamental duty under Article 51-A (g) to ensure that the natural environment is protected from further degradation.

Aravind

In the above circumstances, I put you upon notice and call upon you to take steps and implement the aforesaid directions dated 18.07.2022 passed in O.A No 55 of 2020 (SZ) within a period of 60 days. If you fail to do so, I will be constrained to initiate appropriate legal proceedings against you, including proceedings for contempt of court, holding you liable for the costs and consequences.

Yours truly



(Pattabiraman.V)

Copy to :-

1. The Secretary to Govt. of Tamil Nadu
Department of Environment,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
2. The Secretary to Govt. of Tamil Nadu
Municipal Administration & Water Supply Department
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
3. The Secretary to Govt. of Tamil Nadu Health and
Family Welfare Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu – 600 009.
4. The District Collector Chengalpattu District,
District Collectorate Office, Chengalpattu District,
Tamil Nadu – 603 001.
5. The Chairman Tamil Nadu Pollution Control Board,
Anna Salai, Guindy, Chennai,
Tamil Nadu – 600 032
6. The Managing Director
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road, Chintadripet,
Chennai, Tamil Nadu – 600 002.
7. The Commissioner Pallayaram Municipality,
3rd Main Road, Pallavaram, Shastri Colony,

Chrompet, Chengalpattu District,
Tamil Nadu – 600 044.

8. Engineer in Chief (Water Resources Organisation)
and Chief Engineer (General)
Public Works Department,
Chepauk, Chennai – 600 005.

9. Tambaram Municipal Corporation
Rep. by its Commissioner,
No. 1, Muthuranga Mudali Street,
Tambaram West, Chennai – 600 045.



Public Works Department,
Secretariat, Chennai-9.

Letter No.56/M2/2024 -3, dated.02.02.2024

From
Thiru. K. Thachanamoorthy, M.E., (Struct), FIE.,
Special Secretary to Government

To
Thiru. V.Pattabiraman,
S/o Thiru V.Venupillai,
No.39, West Mada Street,
Nandambakkam kudiyiruppu S.O.,
Kancheepuram District- 600 089.

Sir,

Sub: Petition – Rejuvenation of Putheri Lake in Pallavaram –
Necessary action to ensure free flow of water - Requested
– Regarding.

- Ref: 1. Judgement dated 18.07.2022 in OA.No.55 of 2020
(SZ) filed before the National Green Tribunal,
Southern Zone, Chennai.
2. Your Letter dated.18.11.2023.
3. Government Letter No.56/M1/2024-1, Public Works
Department, dated.02.02.2024.
4. Government Letter No.56/M1/2024-2, Public Works
Department, dated.02.02.2024.

I am directed to inform you that the subject matter involved in the
Judgement dated 18.07.2022 in OA.No.55 of 2020 (SZ) filed before the
National Green Tribunal, Southern Zone, Chennai, regarding fixing the
boundaries of Putheri Lake removal of encroachment and protection of
water body relates to Water Resources Department and the direction
issued at para 31 (k) pertains to Highways and Minor Ports Department.
The subject matter not pertains to Public Works Department.

2. Hence, your letter cited has been forwarded to Water Resources Department and Highways Minor Ports Department for necessary further action.

Yours faithfully,

H.A. Aravind Kumar
6/2/24

for Special Secretary to Government

H.A.
06/02/2024

Copy to

The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai -9.

The Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai-9.