

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No.125 of 2021 (SZ)

R. Balakrishnan, Cuddalore - Applicant

Vs.

1. The District Collector, Cuddalore and Ors. - Respondent(s)

Present status filed by the Applicant

1. The Hon'ble Tribunal though directed and passed several orders for eviction of encroachers, the State Government is taking time for the reasons best known to them. The Applicant is not finding any fault or criticising the functioning of the State. It is only on the best interest of environment and protecting the water bodies from Encroachment and Pollution.

2. The Applicant begs to submit, the present status of the case pursuant to orders passed by this Hon'ble Tribunal, the applicant humbly submits that, referring to page 4 of the Joint Committee report, there were 71 encroachments in Nagacheri Therthawari Kulam. Identified by Tahsildar, Chidambaram. 3rd respondent (Ward 1, Block 10, T.S.No.562) out of which only 67 encroachments were fully demolished by commissioner, Chidambaram Municipality 4th respondent.

For removing the remaining four encroachments 4th respondent Commissioner, Chidambaram Municipality sent various letters to 3rd respondent Tahsildar requesting to arrange a meeting of officials concerned. Recent letter being NA/KA/N/2077/2018/F1 dt: 18-07-2024

The 3rd respondent Tahsildar, Chidambaram to arrange for a meeting of the officials as requested by the 4th respondent Commissioner, Chidambaram Municipality for immediately removing the four remaining encroachments fully.

3. The applicant humbly submits that in page 39, 40 of the Joint Committee report Ward 1, Block 10, T.S.No.566, 5 encroachments identified, only one

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encroachment removed remaining four encroachments to be removed by Commissioner, Chidambaram Municipality, 4th respondent.

4. The applicant humbly submits that 3rd respondent Tahsildar, Chidambaram has to survey the remaining encroachments in following survey Numbers under Chidambaram Municipal limit and issue Form I, to 4th respondent Commissioner, Chidambaram Municipality for removing the Water body encroachments and also to stop grey water pollution.
- i) Ward 6, Block 1, T.S.No.10, 12, 14, 53
 - ii) Ward 6, Block 2, T.S.No.55
 - iii) Ward 4, Block 14, T.S.No.1030, 1031

Regarding T.S.No.1030 inlet to Gnanaprakasam Teppakulam page 5 of the Joint Committee report says,

"There are 22 homes exists adjoining to the inlet channel of the above tank. The occupiers hence made partial encroachments on the bunds of inlet channel and also discharge untreated grey water to the inlet channel, which pollutes the Gnanaprakasam Tank"

5. The applicant humbly submits that the 3rd respondent Tahsildar, Chidambaram identified Three encroachments in Chinna Anna kulam ward 2, Block 3, T.S.No.126 only one encroachment removed by 4th respondent Commissioner, Chidambaram Municipality, remaining Two encroachments to be removed by 4th respondent. The Vaikal connecting China Anna Kulam is Highly Polluted.
6. The applicant humbly submits that 3rd respondent surveyed Muthiya Pillai Vadikal Vaikal (drain canal) Ward 4, Block 17, T.S.No.1140, T.S.No.1142 identified 41 encroachments. Form I was issued to Asst. Engineer Water Resources Department vide letter dt. Na/Ka/A1/1654/2018 dt: 24-08-2023

41 encroachments where partially removed by 5th respondent Executive Engineer Water Resources Department, drain canal encroachments should be

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fully removed by the 5th respondent. Because of drain canal encroachment agriculture lands are flooded during heavy rains.

7. The applicant humbly submits one encroachment still exists in Aye Kulam, Ward No.5, Block 11, T.S.No.860, 4th respondent Commissioner, Chidambaram Municipality has to remove the encroachment in the Water Body which is being rejuvenated under KNMT Scheme.
8. The petitioner humbly submits that following tanks under the Chidambaram Municipal Limit as mentioned in Joint Committee report page 34, 35 to be surveyed by 3rd respondent Tahsildar, Chidambaram and Form I to be issued to 4th respondent Commissioner, Chidambaram Municipality, for eviction of encroachments.
 - i) Chippi Kuttai, Ward No.4, Block 9, 10, S.No.789
 - ii) Easwaran Koil Kulam, Ward 1, Block 2, T.S.No.50
 - iii) yanai Mettu Kulam, Ward 1, Block 2, T.S.No.66
 - iv) Vannan Kulam, Ward 1, Block 2, T.S.No. 38
 - v) Veeranaar Kulam, Ward 3, Block 7, T.S.No.262
 - vi) Kori Kulam, Ward 2, Block 1, T.S.No.4, Canal T.S.No: 2, 7/1

Easwarankoil kulam one of the Theerthavari kulam is polluted by encroachers. Our request is to mandate the TNPCB to find solution to pollution.

9. The applicant humbly submits that Pulichamedu Theerthavari Kulam in Kumarathi Union, Usuppur Village S.No.30/1, 30/3 should be properly surveyed by 3rd respondent Tahsildar, Chidambaram and encroachments removed. Further if any Patta's were issued on the basis of G.O.(MS) No.168, dated 27-03-2000, G.O. NO.75 dated 05-02-2000 in the year 2021, 2022 that Patta's should be cancelled and encroachments removed.

This is very important Theerthavari Kulam of Sabhanayakar Temple (Lord Nataraja's Temple) the main Temple in Chidambaram. The religiously important Theerthavari ritual that takes place during Thai month (January), Amavasya (New Moon Day) is currently being conducted near the steps of the tank and not being able to step into it. It is a pity to note that the ritual is being conducted with water fetched from elsewhere defeating the ritual significance.

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The 8th respondent, Block Development Officer, Kumaratchi Union is quite casual about the pollution issue. Follow up action from the BDO has to been taken in this regard. We request the Honourable Tribunal to take a stern view. We request Tribunal to levy Environmental compensation to the polluters and to file criminal case against Block Development Officer, Kumaratchi Union, Secretary, Usupur Village Panchayat. (Supreme Court of India criminal appeal 1734-1736 of 2019). Our request is to mandate the TNPCB to check the above Theerthavarikulam and find solution to pollution (Photos enclosed)

10. The applicant humbly submits, Director of Municipal Administration in his affidavit in July 2022 has submitted as follows.

"Since the collection of sewerage in old system was discharged to the open drain at 3 pumping stations, necessary arrangements have been made to interlink the sewerage collected in the old system to the new sewerage pumping stations to avoid discharge of sewerage into the open drain. Further sewerage over flow in the old UGS system at 16 locations have been plugged to arrest the flow of sewage in to the SWD.

At present the sewages collected through Old UGSS and New UGSS in Chidambaram town is being pumped from 3 New pumping stations to the sewerage Treatment Plan at Lalpuram and Treated properly then letout as per the pollution Control Board norms. The same is periodically inspected and the discharge parameters are being monitored by an onsite lab operated by the TWAD board, who is carrying out the operations for the First five years. The said discharge is also tested periodically by the Tamilnadu Pollution Control Board.

With respect to the discharge of untreated sewage into the water bodies, 403 houses had been identified and notices were issued to the property owners under public health Rules 34,35,36&41 to arrest discharge of sewage to water bodies. Out of 403 houses, 191 houses were located in the temple land / encroachment / promboke land in which 19 houses in water bodies encroachment have been evicted at the remaining unassessed 172 houses which are not able to get UGS house service connections. Hence, necessary action has been taken to get special permission from the Govt to Provide UGS house service connection to them. Out of 212 property tax assessed houses, 180 houses have been effected with UGS house service connctions and action is being taken to provide house

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service connections the remaining 32 houses on or before 15.07.2022. So that the discharge of untreated sewerage from the property tax assessed building will be completely assessed”

- a) 16 locations have been plugged to arrest the flow of sewerage in to the SWD (storm water drain) in 2021 it was confirmed by TNPCB. Our request is the present status to be checked by TNPCB
- b) Whether special permission from Government to provide UGS house service connection to 172 unassessed houses have been obtained. Whether discharge of untreated sewerage from 172 houses into Water bodies have been stopped. Our request is the present status to be checked by TNPCB.
- c) 32 houses who are paying property tax but without UGS connection have been provided with UGS connection and the discharge of untreated sewerage in to the water bodies stopped is to be checked by TNPCB.

11. Pollution of water bodies by residence of Chidambaram Municipality, C. Thandeswaranallur village, Chidambaram Non municipal Village, Usupoor Village in Kumaratchi union, Pallipadai village in parangipettai union.

Referring to Joint committee report from Page 59 to 87 the residence continue to pollute the tanks and water channels no step taken by the 1st respondent District Collector, Commissioner Chidambaram Municipality (4th respondent), Block Development Officer (8th respondent) Kumaratchi Union. Block Divisional Officer (10th respondent) Parangipettai Union.

The Honourable Tribunal is requested to take a critical view against Chidambaram Municipality Commissioner, Block Development Officer, Kumaratchi Union, Block Development Officer, Parangipettai Union, Secretaries of C. Thandeswaranallur, Chidambaram Non Municipal Village, Usupoor Village, Pallipadai Village involved. Remedial measures are to be taken up by the administration immediately to stop discharge of untreated sewage in and around Chidambaram Water bodies.

Our request is to mandate the TNPCB to check the polluted water bodies and find solution to stop pollution of water bodies in and around Chidambaram.

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12. The applicant humbly submits, Directions from chairman, TNPCB to Chidambaram Municipality. Proceedings No. T6/TNPCB/F5656/STP/2021-2 Dated: 18-06-2021

We request to mandate the TNPCB whether Chairman, TNPCB directions have been complied by Chidambaram Municipality.

It is therefore prayed that this Hon'ble Tribunal may direct the Respondent to comply the directions already issued by this Hon'ble Tribunal and pleased to pass the orders to remove the encroachments in water bodies and to stop grey water, sewage pollution in water bodies and thus render justice.

Dated at Chennai on this ~~18th~~ day of, ~~November~~ ^{December} 2024.



Counsel for the Applicant



Applicant



