

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE, CHENNAI****O.A.No. 69 of 2021 (SZ)**

IN THE MATTER OF:

Tribunal on its own motion suo motu based on
The news item in 'Dinamalar', Newspaper, dated
14.05.2020, Chennai, supplementary
"Encroachment of Nemilicherry Lake"

.. Applicant

AND

The Chief Secretary to Government of Tamil Nadu
Government Secretariat, Fort St. George, Chennai
and others

.. Respondents

**STATUS REPORT FILED BY THE SUPERINTENDING ENGINEER,
WATER RESOURCES ORGNAIZATION, CHENNAI**

I, A. Muthiah, s/o. Asokan, aged about 58 years residing at
"C" Block, 207, Casagrand Aristo Apartments, Nobel Street,
Nanganallur, Chennai-61, do, hereby, solemnly affirm and sincerely
state as follows:

2. I am the Superintending Engineer, WRD, Palar Basin Circle,
Chennai-5 and the administrative control of the Nemilicherry lake
lies within my control. I am filing this report pursuant to the order

dated 06.05.2022 made by this Hon'ble Tribunal in the Original Application herein.

3. It is stated that the Hon'ble Tribunal by the order dated 26.03.2021 and 13.09.2021 has observed *inter alia* as follows:

"4. The report submitted is of general in nature. They have only recommended certain things to be done by Pallavaram Municipality and also PWD. As regards encroachment, they did not mention anything about the number of encroachments and what is the nature of encroachment etc. They have also not mentioned as to what is the quantum of legacy waste that is lying in the water body and the time limit required for the purpose of removing the same from that area to the designated dump site. No environmental compensation has been assessed and no time limit has been given within which these things will have to be complied with except in respect of PWD in dealing with the encroachment. The water analysis report shows that the presence of Total Coliform and Faecal Coliform is high which is due to unauthorised discharge of sewage into the lake. What is the nature of action taken by the local body to

arrest the same is also not clear from the report. The Pollution Control Board also had not come with any independent report regarding the steps taken by them for non implementation of the Solid Waste Management Rules, 2016 in the area as directed by the Principal Bench of the National Green Tribunal in O.A.No.606 of 2018 for non compliance of the directions issued. The District Collector is a Member of the Committee. But inspite of that what was mentioned in the report is that PWD with the help of Revenue Department shall undertake to carry out survey to identify encroachment in Nemilicherry Lake within six months and take necessary steps to evict the encroachers. There is a duty cast on the District Administration even to take immediate steps, directing their subordinate officers to initiate proceedings under the respective Act to evict the encroachers from the public premises.”

4. It is stated that this Hon'ble Tribunal by the order dated 29.04.2022 has made the following observation:

“2. There was a joint inspection by the Joint Committee members and their observations were also given in the

Joint Committee report. Based on the observations, the Joint Committee had given recommendations directing the Tambaram Municipal Corporation and the Public Works Department to carry out the certain activities to restore the lake. Now, it is more than one year after the said recommendations were given by the Joint Committee”.

5. It is stated that the recommendation Nos. 8 and 9 are pertaining to the Water Resources Department and the status of the action taken for implementation of the same is stated as follows:

(i) Regarding the encroachments, the Nemilicherry tank in S.F.No. 164/3 in Alandurvillage of Pallavaram Taluk in Chengalpattu District was surveyed by the survey staff of the revenue department and as many as 528 encroachments were identified and particulars thereon were sent by the Tahsildar concerned to the Assistant Engineer, WRD, Irrigation Section, Padappai in Form I and II. The encroachers were served with show cause notice as to why the encroachments should not be evicted in terms of the Tamil Nadu Protection of Tank and Eviction of Encroachments Act and Rules, 2007. The encroachers have filed

the representations with credentials available on hand with them for the occupation of the land to the Assistant Engineer who in turn has sent the representations and other documents relied on by the encroachers to the Tahsildar for verification of the proprietary right of the land. Now that the Tahsildar has confirmed the encroachments vide Lr. No. Na. Ka. 2070/2021/Aa2 dated 09.05.2022. The Assistant Engineer, WRD, has started issuing the notice in Form III and hence, the eviction process has been started in accordance with law.

(ii) As regards the rehabilitation of the tank, as a latest development, the Government has issued a comprehensive Government order according Administrative Sanction for 9 water bodies in the state at a cost of Rs. 27.19 crore in which the rehabilitation of Nemilicherry tank in Pallavaram Taluk of Chengalpattu District has been sanctioned for Rs. 1.12 crore. The copy of the Government order is filed herein. Tenders will be called for after allocation of fund by the Government.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to take on record the report filed herewith and pass appropriate further orders as deemed fit in the facts and circumstances of the case and thus render justice.


Superintending Engineer, WRD
Palar Basin Circle, Chennai-5

VERIFICATION

I, A. Muthiah, s/o. Asokan, officiating as Superintending Engineer, WRD, Palar Basin Circle, Chennai-5, do verify that the submissions made from paragraphs 1 to 5 are true and correct to the best of my knowledge and from records and I signed this on this...16th.....Day of May, 2022 at Chennai.


Superintending Engineer, WRD
Palar Basin Circle, Chennai-5



ABSTRACT

Water Resources Department - Announcement made by Hon'ble Minister (Water Resources) for 2021-2022 - 9 Nos. of Rehabilitation Works in Chennai Region at an estimated cost of Rs.27.19 Crore- Sanction accorded - Orders issued.

Water Resources (S1) Department

G.O. (4D) No.26

Dated 28.04.2022

சுபகிருது, சித்திரை 15

திருவள்ளூர் ஆண்டு 2053

Read :

1. From the Chief Engineer, Plan Formulation, Water Resources Department Letter No. B4 / 2308 / Anno 21-22/Rehabilitation / AE 1/ AEE2 dated.20.10.2021.
2. Government Letter No. 59284 / Fin(Res-II) / 2021-1, Finance Department dated.15.02.2022.

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ORDER:

During the Demand for Grants for Water Resources Department for the year 2021-2022 held on 23.8.2021, the Hon'ble Minister for Water Resources on the floor of the Assembly has announced that "Based on the types of rehabilitation works for irrigation structures and for new major schemes mentioned in the 'Vision document for a New Dawn' for State and District level programme, 207 tanks, supply channels, ponds and their structures spread over 17 Basins of 31 Districts will be rehabilitated in a phased manner under NABARD assistance"

2. Based on the above announcement, the Chief Engineer, Plan Formulation, Water Resources Department has sent a proposal for 9 Rehabilitation Works in Chennai Region at estimated cost of Rs.63.20 Crore as detailed below :

(I). Renovation of Sevelapurai Anicut across the Varahanathi River in Melmalayanur Taluk of Villupuram District at an estimated cost of Rs.3.00 Crore.

Two arms one from Pakkammalai hills and other from Melmalayanur join together near Thenpalai Village and forms a River namely Varahanadhi. The total length of River is 78.50 Km. It finally confluences in Bay of Bengal. There are 5 anicuts constructed across this River. Sevelapurai Anicut is one among them. A channel offtakes from the left flank of the anicut, runs for a length of 15.92 km and

ends in Nattarmangalam tank. This channel has an aqueduct at LS 400m

(II). Renovation of Seiyampoondi Anicut across the Varahanathi River in Melmalayanur Taluk of Villupuram District at an estimated cost of Rs. 0.75Crore.

Two arms one from Pakkammalai hills and other from Melmalayanur join together near Thenpalai Village and forms a River namely Varaganadhi. The total length of River is 78.50 Km. It finally confluences in Bay of Bengal in Puduchery state. There are 5 anicuts constructed across this River. Seiyampoondi Anicut is one of them. A channel off-takes from the right flank of the anicut, runs for a length of 6.00 km and feeds in Sevelpurai tank.

(III). Renovation of Mandagapattu Anicut across the Chellangal Odai in Mandagapattu Village in Villupuram Taluk and District at an estimated cost of Rs.3.90 Crore.

Chellangal Odai offtakes from Pennaiyar River through Ellis anicut and travels for about 45 Km and confluences in Bay of Bengal near Puduchery State. The Mandagapattu anicut is located across the Chellangal Odai in Mandagapattu Village. The direct irrigation channel namely Alamarathukuppam channel is fed by this anicut.

(IV). Renovation of Sathiyamangalam Anicut across the Varahanathi River in Gingee Taluk of Villupuram District at an estimated cost of Rs.0.85 Crore.

Two arms one from Pakkammalai hills and other from Melmalayanur join together near Thenpalai Village and forms a River namely Varaganadhi. The total length of River is 78.50 Km. It finally confluences in Bay of Bengal in Pondicherry states. There are 5 anicuts constructed across this River. Sathiyamangalam Anicut is one of them. A channel offtakes from the right flank of the anicut, runs for a length of 1.00 km and feeds Sathiyamangalam tank & Alampoondi tank.

(V). Renovation of Rettanai Anicut across the Thondiyar River near Rettanai Village in Tindivanam Taluk of Villupuram District at an estimated cost of Rs.4.05 Crore.

The Thondiyar River originates from Thondur and it merges with Varahanathi at Vidur Reservoir. This anicut was constructed across Thondiyar River to feed 3 tanks, through open offtakes channel.

(VI) Rehabilitation of Nemilichery tank in Pallavaram Taluk of Chengalpattu District at an estimated cost of Rs.6.20 Crore.

Nemilichery tank is one of the Non-system tanks in Adayar sub basin in Chennai basin. It is located near Nemilichery Village in Pallavaram Taluk of Chengalpattu District. This tank gets its supply from the free catchment area. The surplus of the tank flow through the surplus course of Keelkattalai tank and finally drains into Pallikaranai swamp.

(VII) Capacity Enhancement by deepening & rehabilitation of Nandivaram tank, Mannivakkam tank, Kilambakkam tank & Urapakkam big tank in Chengalpattu District at an estimated cost of Rs.26.30 Crore.

i. Nandhivaram Tank:

Nandhivaram tank lies in Adayar sub basin in Chennai basin. It is located near Nandhivaram Village in Vandalur Taluk of Chengalpattu District. This tank gets its supply from the upper tanks namely Kayarambedu tank, Kannivakkam tank, Perumattunallur big tank besides its free catchment area. The surplus of the tank flow through the surplus course finally drains into Adayar River.

ii. Mannivakkam Tank:

Mannivakkam tank is one of the Non-system tanks in Adayar sub basin in Chennai basin. It is located near Mannivakkam Village in Vandalur Taluk of Chengalpattu District. This tank gets its supply from the upper tank such as Nandhivaram tank and local free catchment. The surplus of the tank flow through the surplus course finally drains into Adayar River.

iii. Kilampakkam Tank:

Kilampakkam tank is one of the Non-system tanks in Adayar sub basin in Chennai basin. It is located near Kilampakkam Village in Vandalur Taluk of Chengalpattu District. This tank gets its supply from the upper tank such as Vandalur tank and local free catchment. The surplus of the tank flow through the surplus course finally drains into Adayar River.

iv. Urapakkam Tank:

Urapakkam big tank is one of the Non-system tanks in Adayar sub basin in Chennai basin. It is located near Urapakkam Village in Vandalur Taluk of Chengalpattu District. This tank gets its supply from the upper tank such as Union tank and local free catchment. The surplus of the tank flow through the surplus course finally drains into Adayar River.

(VIII). Capacity Enhancement by deepening & rehabilitation of Thaiyur Tank & Sirudavur tank in Thirupporur Taluk in Chengalpattu District at an estimate cost of Rs.16.80 Crore.

i. Thaiyur Tank:

Thaiyur tank is one of the Non-system tanks in Kovalam sub basin in Chennai basin. It is located near Thaiyur Village in Thirupporur Taluk of Chengalpattu District. It is the terminal tank in this thaiyur tank group. This tank gets its supply from a combined catchment area of 15.72 square miles and surplus into Buckingham canal over a weir No.1 & 2 at the located left flank. Finally the tank surplus confluence into sea.

ii. Sirudavur Tank:

Sirudavur tank is one of the Non-system tanks in Adayar sub basin in Chennai basin. It is located near Sirudavur Village in Thirupporur Taluk of Chengalpattu District. It is the terminal tank in this thaiyur tank group. It receives the drainage from its free basin besides, the surplus of five upper tanks and surplus into the salt marshes adjoining the Buckingham canal over to weirs located in left flank and also over two weirs located in the right flank. Finally the tank surplus confluence into sea.

(IX). Rehabilitation and Modernization of Kondangi tank in Sandropalayam Village of Cuddalore Taluk in Cuddalore District at an estimated cost of Rs.1.35 Crore.

The Kondangi tank is situated in Sandropalayam Village of Cuddalore Taluk in Cuddalore District. This tank receives water from the upper catchment area and also a channel offtake from Thiruvanthipuram anicut and this supply channel runs to a length of 6000m. This tank lies in Gadilam sub basin of Pennaiyar basin.

3. The Chief Engineer, Plan Formulation, Water Resources Department has stated that no land acquisition is involved in these Schemes and the estimates have been prepared based on the Schedule of Rates for 2021- 2022 and requested for administrative sanction for 9 Rehabilitation Works in Chennai Region at estimated cost of Rs.63.20 Crore.

4. In the letter second read above, the proposal of the Chief Engineer, Plan Formulation, Water Resources Department for the above Rehabilitation works has been forwarded to NABARD for loan assistance under RIDF XXVII for the year 2021-2022 at a restricted cost of Rs.27.19 Crore.

5. The Government, after careful examination, have decided to accept the proposal of the Chief Engineer, Plan Formulation, Water Resources Department in anticipation of loan assistance from NABARD under RIDF. Accordingly, administrative sanction is accorded for 9 Rehabilitation Works in Chennai Region at an estimated cost of Rs.27,19,00,000/- (Rupees Twenty seven crore and nineteen lakh only) in anticipation of NABARD loan assistance under RIDF XXVII for 2021-2022 as follows :

Sl. No.	Name of Work	Estimate (Rupees in crore)
1.	Renovation of Sevelapurai Anicut across the Varahanathi River in Melmalayanur Taluk of Villupuram District	3.00

2.	Renovation of Seiyampoondi Anicut across the Varahanathi River in Melmalayanur Taluk of Villupuram District.	0.75
3.	Renovation of Mandagapattu Anicut across the Chellangal Odai in Mandagapattu Village in Villupuram Taluk and District.	3.90
4.	Renovation of Sathiyamangalam Anicut across the Varahanathi River in Gingee Taluk of Villupuram District	0.85
5.	Renovation of Rettanai Anicut across the Thondiyar River near Rettanai Village in Tindivanam Taluk of Villupuram District.	4.05
6.	Rehabilitation of Nemilichery Tank in Pallavaram Taluk of Chengalpattu District except the works for desilting and lining which are deferred.	1.12 ✓
7.	Capacity enhancement by deepening and rehabilitation of Nandivaram Tank, Mannivakkam Tank, Kilambakkam Tank and Urapakkam Big Tank in Chengalpattu District except the works for Tank deepening and retaining wall which are deferred.	6.00 ✓
8.	Capacity enhancement by deepening and rehabilitation of Thaiyur Tank and Sirudavur Tank in Thirupporur Taluk in Chengalpattu District except the works of desilting and bund standardisation which are deferred.	6.17 ✓
9.	Rehabilitation and Modernization of Kondangi Tank in Sandropalayam Village of Cuddalore Taluk in Cuddalore District.	1.35
	TOTAL	27.19

6. The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai and the District Collectors shall involve the farmers in the rehabilitation works and ensure that proper documentation is done in all the above works to avoid complaints and pilferage.

7. It is also directed that the details of works executed must be uploaded in the Tamil Nadu Water Resources Information and Management Systems Portal under the control of Chief Engineer, Institute of Water Studies, Hydrology and Quality Control to ensure effective data base in the Water Resources Department.

8. This order issues with the concurrence of Finance Department vide its U.O. No.18167/PW-II/2022, dated 26.04.2022.

(BY ORDER OF THE GOVERNOR)

**SANDEEP SAXENA,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.**

To

The Engineer-in-Chief and Chief Engineer (General), Water Resources Department, Chennai-5.

The Chief Engineer, Plan Formulation, Water Resources Department, Chennai-5.

The Chief Engineer, Water Resources Department, Chennai Region, Chennai-5.

The Chief General Manager, NABARD, 48, Mahatma Gandhi Road, Post Box No.6074, Nungambakkam, Chennai -34.

The Chief Engineer, Institute of Water Studies, Hydrology and Quality Control, Taramani, Chennai-113.

The District Collectors, Villupuram / Chengalpattu/ Cuddalore.

The District Treasury Officers, Villupuram / Chengalpattu/ Cuddalore.

The Pay and Accounts Officer (East), Chennai-8.

The Principal Accountant General (A&E), Chennai-18.

The Principal Accountant General, (Economic and Revenue Sector Audit), Chennai-18.

The Resident Audit Officer, Secretariat, Chennai-9.

Copy to

The Secretary-II to the Hon'ble Chief Minister, Secretariat, Chennai-9.

The Special Personal Assistant to Hon'ble Minister (Water Resources), Secretariat, Chennai-9.

The Finance (P.W.II / B.G.-I / II / Res-II / W&M-I) Department, Secretariat, Chennai-9.

The Water Resources (OP-II)/ I-Spl) Department, Secretariat, Chennai-9.

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// Forwarded by Order //

[Signature]
28/04/2022
Section Officer

KV6
28/04/2022