

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)

CHENNAI

ORIGINAL APPLICATION No: 168 of 2020 (SZ)

Tribunal on its own motion Suo Motu  
based on the news item in Indian Express  
Newspaper, Chennai edition Dated:  
25.08.2020, "Sewage discharged into  
Open SWDs irks Porur residents"

.....Applicant(s)

**Versus**

- 1) The Principal Secretary to Government  
Public Works Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 2) The Secretary to Govt. of Tamil Nadu,  
Department of Environment,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 3) The Principal Secretary to Govt. of Tamil Nadu,  
Health and Family Welfare Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 4) Additional Secretary to Govt. of Tamil Nadu,  
Municipal Administration and Water  
Supply Department,  
Govt. Secretariat, Fort St. George  
Chennai, Tamil Nadu – 600009.
- 5) The Chairman,  
Tamil Nadu Pollution Control Board,  
No. 76, Anna Salai,  
Guindy, Chennai,  
Tamil Nadu 600 032.
- 6) The District Collector,  
Chennai District,  
District Collectorate Office,  
No. 62, Rajaji Street, 4th Floor,  
Chennai- 600 001.

Chennai Metropolitan Water Supply  
And Sewerage Board  
Chennai-600 116.

19.6.2021  
**Area Engineer-XI**  
**Chennai Metropolitan Water Supply**  
**And Sewerage Board**  
**Chennai-600 116.**

- 7) Greater Chennai Corporation,  
Rep. by its Commissioner,  
Ripon Building,  
Chennai 600 003.
- 8) Vanagaram Panchayat,  
Chokkalingam Naicker 5th St,  
Ganapathi Nagar,  
Vanagaram, Chennai,  
Tamil Nadu – 600 095.
- 9) National Highway Authority of India (NHAI)  
Project Director,  
SRI Tower, 3rd Floor DP-34 (SP),  
Industrial Estate, Guindy,  
Chennai – 600 032.  
(R8 & R9 Suo Motu impleaded as per the  
order of the Tribunal dated 13.01.2021)
- 10) Chennai Metropolitan Water Supply and  
Sewerage Board (CMWSSB) represented  
by its Managing Director,  
Santhome Road,  
MRC Nagar, Chennai – 28.  
(R10 Suo Motu impleaded as per the  
order of the Tribunal dated 16.03.2021)

... Respondent (s)

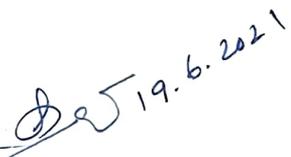
Area Engineer-XI  
Chennai Metropolitan Water Supply  
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*da 19.6.2021*  
**Area Engineer-XI**  
**Chennai Metropolitan Water Supply**  
**And Sewerage Board**  
**Chennai-600 116**

**REPORT FILED BY THE 10<sup>th</sup> RESPONDENT**

I, Thiru.S.Rajaraman, S/o.N.Somaraj, Hindu, aged about 58 years now working as Area Engineer - XI in the Chennai Metropolitan Water Supply and Sewerage Board, Chennai do hereby solemnly affirm and sincerely state as follows.

1. I am the Area Engineer - XI of the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB), Chennai and 10<sup>th</sup> Respondent herein and well acquainted with the facts of the case from the connected files.
2. I humbly submit that the Hon'ble National Green Tribunal, Southern Zone has given a direction to the committee members as follows:  
"..In order to ascertain the real state of affairs, we feel it appropriate to appoint a joint committee comprising of
  - i) The District Collector, Chennai District, or a Senior Officer not below the rank of Assistant Collector or Revenue Divisional Officer deputed by the District Collector,
  - ii) The Superintending Engineer, Public works Department and Water Resources Organisation who is in charge of that area
  - iii) A Senior Officer deputed by the Chairman, Tamil Nadu State Pollution Control Board and
  - iv) A Senior Officer from Greater Chennai Corporation to be deputed by its Commissioner to inspect the area in question and submit a factual as well as action taken report, if there is any violation found."
3. I humbly submit that the Greater Chennai Corporation (GCC) has been appointed as the Nodal agency for co-ordination and also for providing necessary logistics for this purpose.

  
**Area Engineer-XI**  
**Chennai Metropolitan Water Supply**  
**And Sewerage Board**  
**Chennai-600 116.**

4. I humbly submit that, the Joint committee has also been directed to ascertain the persons responsible for doing such mischief by conducting proper enquiry after collecting details from the person mentioned in the newspaper report and also from the reporter who published report and take appropriate action against such persons including launching of prosecution and imposing environmental compensation and other coercive steps in accordance with law.
5. If storm water drains are discharging the same into the any water body, then the committee is also been directed to ascertain the water quality of the water body and if it is contaminated to suggest the remedial measures to be taken to rectify the same including assessment of environmental compensation and recover such amount from those who are responsible for the same.

6. I humbly submit that the Hon'ble National Green Tribunal, Southern Zone has also stated that,

"..it is necessary to Suo Motu implead Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) represented by its Managing Director, Chennai and they are impleaded as 10th respondent." Accordingly, the Board has impleaded and filed a report. During the hearing held on 24.05.2021, the Hon'ble Tribunal has directed as follows:-

*"..to submit a detailed report regarding the mechanism that is being followed by them in registering vehicles which are entrusted in such activities and the number of cases where action is taken against those persons against whom violations have been reported. It is further directed to file a report giving nature of recommendations which can be given as a direction by the Hon'ble Tribunal for each department to implement the same and also to curb such things in future".*

*A. S. 19.6.2021*

**Area Engineer-XI**  
Chennai Metropolitan Water Supply  
And Sewerage Board  
Chennai-600 116.

7. I humbly submit that, The Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) is responsible for Implementation, Operation and Maintenance of water distribution, sewage collection and disposal network in Greater Chennai Corporation which comprises of 200wards including the recently added 42Nos of local bodies viz., 9Nos of Municipalities, 8Nos of Town Panchayats and 25Nos of Village Panchayats to the Greater Chennai City.
8. I further humbly submit that, the Complaint site comes under the purview of the Vanagaram Panchayat and is not under the Jurisdiction of Greater Chennai Corporation or the Board. The requisite enforcement action have to be dealt by the Secretary of the Vanagaram Panchayat. In compliance of the direction of the Hon'ble National Green Tribunal (SZ), the Personal Assistant to the Collector, Chennai District have issued Instructions to the Revenue Divisional Officers of North, Central and South Divisions to conduct surprise raids along with Police and line Departments to curb illegal dumping activities. Further it was stated that the Greater Chennai Corporation had conducted an inspection and noticed a lorry was dumping sewer into storm water drain near by-pass service road. Illegal dumping was stopped and a complaint was registered against the erring tanker lorry bearing registration no.TN 30 Y 2585 and a case was filed against the owner of the tanker vide FIR No.906 of 2020 under section 188 and 270 of IPC 1860 in the SRMC police station.
9. I humbly submit that, on 07.06.2021, a Joint Inspection was carried out at the complaint site by CMWSSB officials along with Secretary, Vanagaram Panchayat on the Incident of Illegal discharge of sewage into storm drain and a complaint was filed against the owner of sewer tanker lorry bearing registration No. TN20W2777 and a FIR was registered vide No.551/2021, dated 11.06.2021 under section 188, 270 of IPC 1860 in SRMC Police station based on News article published in the New Indian Express, Chennai Edition, dated 25.08.2020.

Area Engineer-XI  
Chennai Metropolitan Water Supply  
And Sewerage Board  
Chennai-600 116

*19.6.2021*  
Area Engineer-XI  
Chennai Metropolitan Water Supply  
And Sewerage Board  
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10.I humbly further submit that, the Regional Transport Officer, Red Hills has been requested vide a letter dated 09.06.2021 to insist for No Objection Certificate from the Local bodies for renewal of permit for Private Sewer Tanker lorries to streamline their operations in their Jurisdiction.

11.I humbly submit that, the Board is in the process of Implementation, Operation and Maintenance of water supply and Sewerage facilities to these newly added areas of the erstwhile Municipalities, Town Panchayats and Village Panchayats at various places in the Greater Chennai City. The Water supply Schemes (WSS) and Under Ground Sewerage Schemes (UGSS) which are under implementation have been successfully completed and put into use in certain areas and the remaining areas are at various stages of completion.

As an interim measure and until completion of these UGSS schemes, the sewage generated at these unserved areas are being collected through "Dial for Septic Tank Clearance" scheme by the Board, for which 34Nos of Board hired Sewer Tanker lorries are engaged to collect sewage generated through Phone helpline and Online portal at a nominal cost. These board registered sewer tanker lorries, collect sewage and decant at the nearest Sewage pumping Station/ Sewage Treatment plant (STP) for treatment and safe disposal. The operations of these sewer tankers are closely monitored on daily basis by the Area Engineers of the respective Zones for proper collection and disposal of sewage generated in their Jurisdiction.

In addition to the above, the Board is in the process of procuring 50nos of Sewer tanker lorries having 6KL and 9KL capacity fitted with GPS tracker for monitoring sewage collection and disposal operations. Re-Tender will be called for by the end of June 2021 and will be operational by this financial year.

*19.6.2021*  
**Area Engineer-XI  
Chennai Metropolitan Water Supply  
And Sewerage Board  
Chennai-600 116.**

12. Further, it is humbly submitted that, the Board based on the findings has formulated a draft Operative guidelines to regulate the registration of sewer lorries and its operations in the Greater Chennai Corporation limit and has submitted the same to the Government for consideration and to issue necessary G.O for implementation. As per these operative guidelines, the registered lorries will be equipped with GPS trackers for monitoring the septage collection and discharging at the designated decanting facility thereby controlling the illegal discharge at the storm drains/ water bodies.

13. I humbly submit that, In Thirumazhisai Town Panchayat, a 3MLD capacity Sewage treatment Plant (STP) is being Operated and Maintained by the Thirumazhisai Town Panchayat and an average of 25Nos of Private Sewage Tanker lorries collect sewage in and around Thirumazhisai area including its abutting areas at a nominal Cost. The Vanagaram Panchayat shall decant the sewage collected in their area either at the above STP or at Ganga Nagar SPS of CMWSSB at Area XI.

14. I humbly submit that, as per the directions, the following recommendations are putforth for kind consideration of the Hon'ble National Green Tribunal, Southern Zone 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. They are as follows:-

1. The National Highways Authority of India (NHAI) shall take Immediate action on the following:-
  - a. To intensity the patrolling activities especially along the complaint location and other isolated/ vulnerable points along Highways.
  - b. To monitor and replace the damaged/missing cover slabs of the storm drains on regular basis, which are either damaged or removed by the miscreants along the 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.

*19.6.2021*  
Area Officer-XI  
Chennai Metropolitan Water Supply  
And Sewerage Board  
Chennai-600 116.

2. 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.
3. The Regional Transport Officers shall take immediate action on the following:-
  - a. To cancel the license issued to the sewage tanker lorries found decanting the sewage in the water ways/ Storm water drains and shall issue necessary instruction to the sewage tanker lorry owners in this regard.
  - b. While renewal of Fitness certificate, to insist for No Objection Certificate from the Local bodies concerned.
4. The Secretary, Vanagaram Panchayat shall expedite on the followings:-
  - a. To establish Underground Sewerage system to handle the sewage generated in Vanagaram Panchayat Area.
  - b. To regulate the sewage tanker lorries operating in their Jurisdiction by properly registering them and streamlining the sewage tanker lorries in co-ordination with Thirumazhisai STP or at CMWSSB's Ganga Nagar Sewage Pumping Station to ensure proper decanting of collect sewage in their Jurisdiction. Stringent legal action shall be imposed on erring tanker operators.
  - c. In co-ordination with the Police & NHAI Officials concerned shall arrange to install and monitor CCTV's along the complaint location and other vulnerable points along the Highways.
5. Tamil Nadu Pollution Control Board shall collect water samples periodically from various water bodies in and around this area and its confluence point of Coovum river to monitor water quality parameters and shall share details of the same with line departments for effectiveness of enforcement action.

*19.6.2021*

**Area Engineer-XI**  
**Chennai Metropolitan Water Supply**  
**And Sewerage Board**  
**Chennai-600 116.**

15. As ordered by the Hon'ble Green Tribunal, Southern Zone, all necessary actions are being taken by the Board in co-ordination with GCC and PWD officials in this regard to prevent illegal discharge of sewage into storm water drains/ water bodies by the private tankers in its Jurisdictional areas including the 42Nos of local bodies added to the Greater Chennai City.

16. It is therefore humbly prayed that, this Hon'ble Tribunal may be pleased to accept my response on behalf of the Board and thus render justice.

Solemnly affirmed at Chennai on this  
19th day of June 2021 and signed  
his name in my presence

*19.6.2021*  
**Area Engineer-XI**  
**Chennai Metropolitan Water Supply**  
**And Sewerage Board**  
**Chennai-600 116.**

Before me

*19.6.2021*  
**K. GOPI**

Advocate E.No. 702/2006,  
16 law chambers,  
High Court Buildings,  
chennai - 104.

Before the National Green Tribunal (Southern Zone)

Chennai,

O.A No. 168 of 2020 (SZ)

Tribunal on its own motion Suo  
Motu based on the news item in  
Indian Express Newspaper,  
Chennai edition Dated:  
25.08.2020, "Sewage  
discharged into Open SWDs  
irks Porur residents"  
:Applicant

Vs.

Chennai Metropolitan Water  
Supply and Sewerage Board  
(CMWSSB) represented by  
its Managing Director,  
Santhome Road,  
MRC Nagar, Chennai – 28.  
: Respondent

REPORT FILED BY 10TH RESPONDENT

G.JANAKIRAMAN

Counsel for 10th Respondent