

Suo Motu vs The Principal Secretary on 31 January, 2022

Bench: K Ramakrishnan, K. Satyagopal

Item No.1 & 2:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No. 83 of 2014 (SZ)

WITH

Original Application No. 51 of 2016 (SZ) &
I.A. No.92 of 2021 (SZ)

IN THE MATTER OF:

V. Meganathan

Versus

...Applicant(s)

The Chief Secretary,
Govt. of Tamil Nadu,
Chennai and others.

...Respondent(s)

WITH

Suo Motu Application - News item published in the Times
Of India Chennai Edition dated 07.03.2016
(Duping building debris behind Pallikarani Marsh Land)

And

The Principal Secretary to the Government,
Dept. of Environment and Forests,
Chennai and others

...Respondent(s)

O.A. No.83/2014 (SZ):

For Applicant(s):

Mr. A. Swamynathan.

For Respondent(s):

Dr. D. Shanmuganathan for R1 to R5, R7 to R12.
Mrs. P.T. Ramadevi through
Mr. Ragul Adhithya for R6.
Mr. S. Sai Sathya Jith for R13.
Mrs. M. Sumathi for R14.

O.A. No.51/2016 (SZ):

For Applicant(s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1, R2 & R7 to R9.
Mr. S. Sai Sathya Jith for R3.

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Mrs. P.T. Ramadevi through
Mr. Ragul Adhithya for R4.
Mr. G. Janakiraman for R5.
Mr. K. Venkataramani, Sr. Adv. along with
Mr. M.S. Soundara Rajan and
Mr. B. Gowthama Rajan for R6.

Judgment Pronounced on: 31st January, 2022.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

Judgment pronounced through Video Conference. Both the original applications are disposed of with directions vide separate Judgment.

Pending interlocutory application shall stand disposed of.

Sd/-

Justice K. Ramakrishnan, JM Sd/-

Dr. Satyagopal Korlapati, EM O.A. No.83/2014 (SZ) & O.A. No.51/2016 (SZ) & I.A. No.92/2021 (SZ)
31st January, 2022. Mn.

Item No.1 & 2:-

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
(Through Video Conference) Original Application No. 83 of 2014 (SZ) WITH Original
Application No. 51 of 2016 (SZ) & IN THE MATTER OF:

V. Meganathan, Advocate 1/463, Ponnamman Koil Street, Nanmangalam, Chennai -
600 117.

...Applicant(s) Versus

- 1) The Chief Secretary to Government Govt. of Tamil Nadu, Secretariat, Fort St. George, Chennai - 600 009.
- 2) The Principal Secretary to Government Environment and Forest Department, Fort St. George, Chennai - 600 009.
- 3) The Secretary to Government Revenue Department Fort St. George, Chennai - 600 009.
- 4) The Principal Chief Conservator of Forests Panagal Maligai Saidapet, Chennai.
- 5) The Director Department of Environment, Panagal Maligai, Saidapet, Chennai.
- 6) The Commissioner Corporation of Chennai Ripon Building Chennai.
- 7) Chief Engineer, Public Works Department WRO, Chepauk, Chennai.
- 8) The Collector Kanchipuram District Kanchipuram.
- 9) The Assistant Conservator of Forests Kanchipuram Division Pallikaranai.
- 10) The District Forest Officer Chingleput Division 5/9, Varadharaja Pannai Vandavasi Road Kancheepuram.
- 11) The Tahsildar Shollinganallur Taluk Office Shollinganallur.
- 12) The President Conservation Authority of Pallikaranai Marshlands Office of the Conservator of Forests Chennai Circle, 259, Anna Salai DMS Complex, Teynampet, Chennai - 600 006.
- 13) The Chairman Tamil Nadu Pollution Control Board Anna Salai, Guindy Chennai.
- 14) The Secretary to Government Ministry of Environment and Forests, Union of India New Delhi.

...Respondent(s) WITH Suo Motu Application - News item published in „The Times of India Chennai Edition dated 07.03.2016 "Duping building debris behind Pallikaranai Marsh Land And

- 1) The Principal Secretary to the Government Dept. of Environment and Forests, Chennai.
- 2) The Secretary to Government, Public Works Department (WRD), Chennai.

- 3) The Tamil Nadu State Pollution Control Board, Rep. by its Member Secretary, Chennai.
- 4) The Commissioner, Corporation of Chennai, Ripon Building, Chennai.
- 5) The Managing Director, Chennai Metro Water Supply and Sewerage Board, Chennai.
- 6) The President, Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association, 4th Street, KPK Nagar, Kallukuttai.
- 7) The District Collector Kancheepuram District, Kancheepuram.
- 8) The District Collector, Chennai District.
- 9) The Tahsildar Sozhinganallur Taluk.

(Respondents No.7 to 9 are impleaded as per Order of the Tribunal dated 30.03.2016)
...Respondent(s) O.A. No.83/2014 (SZ):

For Applicant(s):	Mr. A. Swamynathan.
For Respondent(s):	Dr. D. Shanmuganathan for R1 to R5, R7 to R12. Mrs. P.T. Ramadevi through Mr. Ragul Adhithya for R6. Mr. S. Sai Sathya Jith for R13. Mrs. M. Sumathi for R14.

O.A. No.51/2016 (SZ):

For Applicant(s):	Suo Motu by Court.
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For Respondent(s):	Dr. D. Shanmuganathan for R1, R2 & R7 to R9. Mr. S. Sai Sathya Jith for R3. Mrs. P.T. Ramadevi through Mr. Ragul Adhithya for R4. Mr. G. Janakiraman for R5. Mr. K. Venkataramani, Sr. Adv. along with Mr. M.S. Soundara Rajan and Mr. B. Gowthama Rajan for R6.
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Judgment Reserved on: 18th November, 2021.

Judgment Pronounced on: 31st January, 2022.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER Whether the Judgment is allowed to be published on the Internet - Yes/No Whether the Judgment is to be published in the All India NGT Reporter - Yes/No JUDGMENT Delivered by Justice K. Ramakrishnan, Judicial Member. Original Application No.83 of 2014 (SZ)

1. The above case [O.A. No.83 of 2014 (SZ)] was filed by the applicant alleging that there was encroachment in the marshland by name Pallikaranai Marshland.

2. It is alleged in the application that the Pallikaranai marshland is a fresh water swamp in Chennai which is 2700 Years old located along the Coramandel coast south of Adayar estuary. It is situated adjacent to the Bay of Bengal and about 20 kilometres south from the city centre and it has a geographical area of 80 square Kilo Meters. It is surrounded by the IT- Corridor (Rajiv Gandhi Salai /erstwhile Old Mahabalipuram Road) and the residential areas of Perungudi and Thoraipakkam on the East, Siruseri

- Sholinganallur villages on the South, the residential areas of Pallikaranai, Madipakkam and Narayanapuram on the West and Velachery, Taramani, Kandan Chavadi, Perungudi on the North. The original extent of the marsh, estimated on the basis of the Survey of India toposheets (1972) and aerial photographs (Corona) of the year 1965 was about 5500 ha.

3. The uniquely heterogeneous hydrology and ecology of the Pallikaranai Marsh makes the marsh one of the most diverse natural habitats of the country. A project on 'Inland Wetlands of India' commissioned by the Ministry of Environment and Forests, Government of India had prioritized Pallikaranai Marsh as one of the most significant wetlands of the country. An estimated 1,386,000,000 km³ of water fills the earth. Of this only 2.5% is fresh water. Two-thirds of the Earth's freshwater are locked up as ice. The freshwater that is held in lakes, rivers, wetlands, underground aquifers, soil pores, plant life and atmosphere - the Earth's major source of freshwater, amounts to a mere 0.77% of the total water that fills the earth.

4. The Pallikaranai marshland is an extensive low lying area covered by a mosaic of aquatic grass species, scrub, marsh and water logged depressions. It is connected to 31 different water bodies, all of which release surplus water into the marsh during monsoons. Pallikaranai marshland is the only surviving marshland eco system in the city and this is among the few and last remaining natural wet lands of South India. It is one of the 94 identified wetlands under the National Wetland Conservation and Management Programme operationalised by the Government of India in 1985-86 and one of the three in Tamil Nadu, the other two being Point Calimere and Kazhuveli. It is also one of the prioritized wetlands of Tamil Nadu. The topography of the swamp is such that it always retains some storage, thus forming aquatic ecosystem. A project on "Inland Wetlands of India" commissioned by the Ministry of Environment and Forests, Government of India had prioritized Pallikaranai marsh as one of the most significant wetlands of the Country.

5. The Pallikaranai marsh contains several rare, endangered and threatened species and acts as a forage and breeding ground for thousand of migratory birds from various places within and outside the country. The number of birds sighted is significantly higher than the number at Vedanthangal Bird Sanctuary. The heterogeneous eco system of the marshland supports about 337 species of flora and fauna. Of the faunal groups, birds, fishes and reptiles are most prominent. The Pallikaranai marshland is home for 115 species of birds, 10 species of mammals, 21 species of reptiles, 10 species of amphibians, 46 species of fishes, 9 species of molluscans, 5 species of crustaceans and 7 species of butterflies. About 114 species of plants are found in the wetland including 29 species of grass. During the year 2002, the Tamil Nadu Pollution Control Board commissioned a study to find out the total area of the marsh and its habitat quality and suggested interventional methods. The survey revealed the presence of 275 species of flora and over 100 species of birds. On 20.02.2003, the 7th Respondent issued a gazette notification, announcing that 548 hectares (1350 acres) of the marsh area was classified as protected land. During 2005, the Government of Tamil Nadu constituted a high-level committee to restore the eco system and in the summer of 2006, the local people formed an Environment Committee to protect the wetland.

6. The external manipulation of the wetland system began in 1806 with the construction of the 422 kilometre Buckingham Canal. The marshland experienced several major construction activities, ranging from the National Institute of Ocean Technology, the Centre of Wind Energy Technology, Chennai's Mass Rapid Transport System and flyovers to construction of buildings for educational institutions, IT parks, restaurants etc. which affected the free flow of water. The land occupied by the 6th Respondent is about 200 Acre.

7. It was alleged in the application that the marshland houses one of the Chennai's largest dumping site for garbage. Over 250 acres of the marsh is choked by half of the city's garbage. The 6th Respondent is dumping 1500 Tonnes of waste into the marsh daily. Despite several Court rulings, burning of garbage continued unabated at the marsh and the adjacent area of Perungudi. Statistics reveal that, in the absence of source of segregation of waste, the dump yard is eating 4 hectares of marshland every year.

8. A committee that was constituted by the Hon'ble High Court of Madras in W.P. No's. 18888 of 1997 & W.P. No. 13105 of 2008 submitted recommendations for the restoration and conservation of the Pallikaranai Marsh. It was stated in the report that for the continued survival and functioning of the Pallikaranai Marsh Eco System rests entirely on its hydrology. It is imperative that the mixing of sea water and the storm water continues without any interference. When the inflow of sea water is curtailed, the marsh would transform itself into a freshwater system which is unstable and eventually will be overrun with terrestrial plants. The following actions were recommended for the restoration and conservation of the Pallikaranai marshland.

9/1A3A, 429/1A3B, 429/1B, 429/1C

9. It is also observed by the Committee in the report that any construction on these spots will severely fragment the marsh, obstruct free flow of water and negate all attempts to restore the marsh. During May 2012, the Forest Department took the preliminary step to get the marsh land

declared as Ramsar site by submitting a compliance report to the Ramsar Convention on wetlands. The declaration of the marshland area as a Ramsar Site would be a step towards it, as a natural water purification system, decrease water pollution, preserve biological diversity, check floods, mitigate the effect of cyclones and tidal waves and provide space for recreation. It was also decided by the Forest Department that a Master Plan for restoration of the entire Pallikaranai marshland has been readied and the area is likely to become an Eco Park with a range of facilities. The southern portion of the Pallikaranai marshland has been notified as a Reserve Land under the Tamil Nadu Forest Act, 1882. The Ramsar Convention states that, "the wetlands are the areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, static or salt, including areas of marine water the depth of which at low tides does not exceed six meters". Recognizing the importance of protecting such water bodies, the Government of India operationalized a wet land conservation programme (National Wetland Conservation and Management Programme) in 1985-86 in close collaboration with the concerned State Governments. Out of the 94 identified wetlands under NWCMP, Tamil Nadu has three areas i.e., Point Calimere, Kaluvezhi and Pallikaranai Marsh. The ecological balance of the marsh is facing threat from other quarters. The Corporation of Chennai who is arrayed as the 6th Respondent is using the site and marshland for dumping garbage and burning the same. The burning plastic emits hazardous carcinogen like toxins. A private sanitation unit is also dumping tonnes of garbage. A pathway has also been laid through the marsh right in to the core areas for facilitating the movement of vehicles to dump garbage; this loaded with pathogens poses a serious health hazard to the residents of the area. There are lot of encroachments around the Pallikaranai area, especially on the lands owned by the Corporation of Chennai/ 6th Respondent, the PWD who is arrayed as the 7th Respondent and the Revenue department. Though it has been decided that all the lands will be transferred, till date it has not been done so.

10. The Hon'ble Madras High Court has upheld a Tamil Nadu government proposal to notify 320.17 hectares (790.82 acres) of Pallikaranai marshland as reserved forests and to evict unauthorized occupants from the identified area. It was also pointed out in the order that though the marshland had not been declared as reserved forest, the First Bench of the High Court had already upheld the validity of the Notification and held that it would constitute a reserve forest nevertheless. A group of land grabbers attempting to encroach into the above said marsh and Kazhuvveli land. They were also creating several fake documents and registered documents in connivance with Government officials.

11. The Applicant recently came across a Sale Deed registered as Document No.597 of 2005 at Sub Registrar, Royapuram and on perusing the schedule, it came to his knowledge that the said survey number 657/1A is a prime Pallikaranai marshland and on enquiry from the 11th Respondent, it was confirmed that the land is a government poramboke and Kazhuvveli land and it belonged to the Revenue department and it was also informed that the said land is yet to be transferred to the Forest Department and the same is yet to be notified as Forest Land. The said sale deed was executed for an extent of 66 acres of prime Pallikaranai Marshland. On investigation on the sale deed, the Applicant came across various proceedings before the Revenue authorities and Police case has been filed by the Crime Branch, Chennai City Police and on enquiry it has been confirmed that the lands are in fact the Pallikaranai Marshland.

12. The expansion of the garbage dumping area and resumption of burning of waste in the Pallikaranai marshland despite an order by the Madras High Court and the garbage dumping area in the marshland had been extended to 78 hectares from the original 58 hectares and burning of garbage is causing serious health and environmental problems for those living nearby as well as motorists and other road users. In the recent past, apart from garbage in the Chennai Corporation limits, waste generated in nearby panchayats were also being collected and dumped at the marshland, increasing the garbage dumping area would have an adverse effect on the ground water table which continues to be a cause of concern. A proper study has to be carried out to ascertain the impact created by the dumping of hazardous waste in the marshland.

13. While the dumping of garbage is a visible threat to the very survival of the marsh, the release of untreated raw sewage from the Perungudi and Alandur sewage treatment plants also poses an invisible threat. It will have a very strong negative impact on the various life systems, including human beings. Increase in the dumping area would also directly affect the natural draining of excess rain water from the nearby residential localities into the sea. The dumping of garbage would prevent the flow of rain water. A proposal for study was proposed to involve the Zoological Survey of India, Indian Institute of Technology and the Anna University. However, the work could not commence due to non-release of funds by the department to the educational institutions concerned.

14. The District Forest Officer, Kancheepuram who is the 10th Respondent was unable to maintain a strict vigil on the marshland. The area could be brought under the control of the divisional forest officer, urban forestry division based at Chennai or the wildlife warden, Chennai. Such a move could ensure better protection of the marshland. The remediation process will have to be taken up for the purpose of protecting the Marshland. The 12th Respondent has initiated the preparation of development plan for the wetland and that will commence construction of floor bunds.

15. Apart from dumping of waste, large scale decanting of sewage is also being undertaken by the tanker lorries who are discharging the untreated sewage into the Pallikaranai Marshland which will also adversely affect the chain.

16. This Hon'ble Tribunal had Suo Motu registered another case as Original Application No. 180 of 2013 wherein an adjacent land owner had illegally encroached the government lands and laid a road by filling up the marshland with debris in Kovalam Estuary area and the 8th Respondent had also taken legal action against the said encroacher but in the instant case, no action has been taken because the offender is a Government Department. The 7th Respondent /Chief Engineer - PWD is taking steps to build a Taluk office for the Sholinganallur area and has also illegally laid a road in the marshland which is the catchment area of the Pallikaranai marsh to facilitate some private builders. In fact, the 7th Respondent is undertaking activities against the spirit of the recommendations of various Committees and directions of Hon'ble High Court of Madras.

17. The 10th Respondent had visited the site and collected data related to the spread of the catchment area and the number of migratory birds visiting the marsh and the nearby wetlands where the new taluk office building was proposed to come up. It was also reported that the 10th Respondent had sent a detailed report to the 4th Respondent seeking their intervention.

Perumbakkam catchment area is a fragile eco sensitive area and the particular stretch of land is now with the Revenue Department and it was not entrusted to the Forest department and as such, they have no voice over the same.

18. Since no effective steps were taken by the authorities to protect the Pallikaranai Marshland, the applicant filed this application seeking the following Interim as well as Main reliefs:-

"INTERIM PRAYER a. The 7th Respondent from laying any road in the catchment area of the Pallikaranai marshland or carry out any construction of the Taluk office;

b. The 7th Respondent to remove all the debris dumped to fill up the marshland;

c. To restrain the 6th Respondent from dumping and any garbage in the Pallikaranai Marshland;

d. The 2nd Respondent to file a status report as to the lands owned by the Respondents 3, 6 and 7 in the Pallikaranai marsh land and if the same has been transferred to the Forest Department.

e. The 1st and 2nd Respondent to file a report as to the action plan/steps to be taken in saving the Pallikaranai marshland.

MAIN PRAYER

a) Direct the 1st and 2nd Respondent to implement the third report submitted by the committee of experts to the Madras High Court in W.P.No.18888 of 1997 and 13105 of 2008;

b) Respondents 3, 6 and 7 to immediately transfer the lands to the Tamil Nadu Forest Department and consequently direct the 2nd Respondent to notify the same as Reserve Forest forthwith;

c) 2nd Respondent to notify the area as a bird sanctuary;

d) Direct the 3rd Respondent to cancel the sale deed Registered as Document No. 597/2005 Registered at Sub Registrar Office, Royapuram;

e) Direct the 6th Respondent to immediately stop dumping of untreated sewage and garbage in to the Pallikaranai marshland and take action against the persons involved and to evolve a plan to prevent in future;

f) Direct the 8th Respondent to immediately evict the encroachers around the marshland and put up fencing to avoid further degradation;

g) Immediately appoint a committee of experts to study the Pallikaranai marsh and submit a report as how to improve the marshland and actions to be taken by the state in implementation of the expert report and monitor the same;

And pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

Original Application No.51 of 2016 (SZ)

19. This case [O.A. No.51 of 2016 (SZ)] has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in The Times of India, Chennai Edition dated, 07.03.2016 under the caption "Dumping building debris behind Pallikaranai Marshland".

20. It was alleged in the newspaper report that there has been an encroachment made on Pallikaranai Marshland in Perungudi by private association called Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association by dumping building debris on the 4th Street, K.P.K. Nagar, Kallukuttai, behind the Marshland to construct 400 houses.

21. It was further alleged in the newspaper report that the Association had claimed as if patta has been granted by the Government in 1966 and therefore, this land was not forming part of the Pallikaranai marshland and it was water logged because of sewage let out from a nearby Metrowater Pumping Station. Further, it was alleged in the newspaper report that the said Association had already dumped so much debris on the location that there was now a road formed in the water body. It appeared that the Pallikaranai Marshland in Kallukuttai is attempted to be encroached upon by various influenced and unauthorized persons by making plots and creating around 5000 households. It also quoted the local residents as saying that the said locality was worst-hit during the flood in early December, 2015. Further, it was seen from the newspaper report that the construction work was being undertaken by the 6th Respondent Association.

22. Considering the substantial question of environment of protecting the marshland free from pollution and encroachment, this Tribunal had Suo Motu impleaded six respondents including the alleged encroacher making them as a 6th Respondent. By order dated 07.03.2016 in O.A. No.51 of 2016 (SZ), this Tribunal had restrained the 6th Respondent from proceeding with further work taking into account the necessity to protect the interest and maintaining of marshland for the benefit of the environment. So, an interim injunction was passed against the 6th Respondent restraining them from proceeding further from any activities in the water body. The 4th Respondent was directed to inspect the area in question and submit a status report and direct the implementation of the order and status report shall contains the nature of encroachment which has been made with all necessary documents.

Pleadings in O.A. No.83 of 2014 (SZ)

23. The Deputy Commissioner (Health), Corporation of Chennai filed their response in the form of status report on behalf of the 6th Respondent dated 17.04.2017 stating that the Corporation of

Chennai is carrying out garbage disposal activities in the dumping ground situated in the Perungudi for a period of more than 30 years. At that time there was not much of habitation clusters. However, in the last 15 years, there emerged massive colonization and people have settled in and around the Perungudi area. The 6th Respondent is disposing the garbage in open dumps in the absence of waste processing facilities and they are disposing the garbage in an area of around 200 acres i.e., in an approximate area of 80 hectares. They requested the District Collector of Kancheepuram to demarcate the boundary of Perungudi dumping Ground and to provide a sketch map. That apart, the erstwhile Alandur Municipality was also using a dumping ground in a portion of the land in Pallikaranai. After, the merger of the Alandur Municipality, during the year 2011, the Chennai Corporation stopped the garbage disposal activities at the dumping ground used by the erstwhile Alandur Municipality and there is no garbage disposal activities there. The 6th respondent had initiated action for setting up of integrated solid waste management project comprising creation of waste processing facility and sanitary landfill at Perungudi Dumping Ground and obtained Environmental Clearance also. But the Environmental Clearance granted by the State Environmental Impact Assessment Authority (SEIAA) was set aside by the National Green Tribunal on technical ground that the project site comes under the notified area under Wild Life Protection Act, and hence, this respondent could not proceed with the proposal for the setting up of waste processing facilities. Therefore, this respondent called for International Expression of Interest (EOI) for setting up of waste processing facility for this respondent on 10.05.2012 and shortlisted the bidders from those who have submitted the EoI. In the meantime, this respondent identified alternative lands to set up waste processing facilities one at Kuthambakkam and another at Minjur-Vallur. The shortlisted bidders were issued Request for Technical Proposal for Setting up Waste Processing Facilities at the above sites as Package IA and IB separately. The Technical Proposals received were approved and this respondent prepared Request for Proposal (RFP) document comprising financial proposal format and the draft concession agreement for issuing them to the shortlisted bidders. This respondent also applied for Viability Gap Fund under Tamil Nadu Infrastructure Development Board, as capital grant. As per the regulations of the Board, this respondent sent the draft RFP document for approval of the Board. The RFP documents were under examination by the Board. While so, one Thiru. Arumugam of Kuthambakkam Village also filed Application No.93 of 2012(SZ) before this Hon'ble Tribunal and after a number of hearing, this Hon'ble Tribunal was pleased to close the Application on 20.02.2014, giving liberty to the Applicant therein to assail their grievances before the appropriate authority. According to the applicant, the extent of Pallikaranai Marsh is about 5500 hectares, but 6th respondent is using only about 200 acres of land which is only about 80 hectares of land. The applicant has not stated that as to when the Government of India conceived the Inland Wetlands of India Project, whether prior to this respondent using this land for garbage disposal or after that. It was also not clear regarding the scope of the project and copy of the project was not produced as well. The construction of IT parks, flyovers, Mass Rapid Transport systems and restaurants are not connected with this respondent which came into existence before 2012. They denied the allegations that the marsh land houses Chennai's largest dump site for garbage. When the Pallikaranai marsh is stated as 5500 ha by the applicant, the use for garbage dumping is only about 200 acres. The Corporation of Chennai did not resort to any burning any Municipal Solid Waste. Whenever, such fire happen, they immediately used to take steps to extinguish the same. Once, this respondent set up waste processing facilities, there will be no garbage disposal activities in the Perungudi Dumping Ground. Though a committee

report was submitted before the Hon ble High Court in pending writ petition, no orders have been passed by the Hon ble High Court or by any regulatory authority. The Municipal Solid Waste (Management & Handling) Rules, 2000, Schedule III, Condition 5 stipulates that the existing landfill sites which will continue to be used for more than 5 years shall be improved. As per the said Rules, a right has been conferred on the Corporation to improve the existing the landfills. They have already taken steps to set up waste processing facility at Kuthambakkam and Minjur-Vallur. However, the project has to undergo appraisal for issuance of Environmental Clearance. If the Environmental Clearance is given to this respondent for setting up the projects at the alternative sites at Kuthambakkam and Minjur-Vallur, they will take up the project of remediation of the existing dumping ground at Perungudi. In case, if the Environmental Clearance is not given to set up waste processing facilities at the alternative sites, they will be left with no other alternative except to set up the project at the Perungudi dumping ground. They will be invoking the above stipulation given in the MSW Rules. The dumping activities were being undertaken long prior to the framing of MSW Rules. The site specification mentioned in the MSW Rules will not be applicable to the existing dumping grounds. Only pre- processing rejects and post processing residues will be land filled in scientifically designed sanitary landfills. The remaining land filled area, other than project site, could be remediated by using appropriate technology. Regarding laying of roads inside the dumping ground at Perungudi, it was mentioned that, in order to prevent dumping of garbage in the front side portion of the dump site, passages have been created to take the garbage in the interior portion of the landfill site. This will only reduce environmental hazards to the people living near the dumping ground. The earlier dumping ground at Pallikaranai used by the erstwhile Alandur Municipality has been closed. Only dumping ground at Perungudi is operated by the Chennai Corporation. They were taking all steps to provide waste processing facilities at Kuthambakkam and Minjur - Vallur and they were taking all precautions to avoid burning of garbage by anti-social elements. They were allowing only St. Thomas Mount Cantonment area, to dispose the garbage in the Perungudi Dumping Ground, as the tiny landfill site used by them has been fully exhausted and further filling of garbage has become an health hazard to the people living nearby. The people who came and settle near the dumping ground, knowing very well about the existence of the dumping ground in that area. There was no increase in the disposal area in the Perungudi dumping ground. They have no objection in Commissioner inspecting the area and submitting the report and they are also ready to abide by conditions imposed by this Tribunal and they will take all steps to prevent discharge of any untreated sewage as well.

24. Another status report was filed on behalf of the Greater Chennai Corporation through its Superintending Engineer, Solid Waste Management dated 08.08.2016 stating that in continuation to the Chief Secretary meeting held on 01.10.2015, Chennai Corporation had submitted to Government seeking orders to drop the earlier SWM proposals and to implement and to address the solid waste management issues of Chennai city, a detailed proposal for SWM projects was sent to Government on 30.10.2015, as listed below and for Orders to implement with assistance of TNIDB's empanelled consultant through private operators.

Package 1- Privatization of conservancy operation namely collection & transportation of municipal solid waste and Construction & demolition waste for Zone 1, 2, 3 & 7.

Package 2- Privatization of conservancy operation namely collection & transportation of municipal solid waste and Construction & demolition waste for Zone 11, 12, 14 & 15.

Package 3- Setting up of integrated municipal solid waste processing facility with sanitary landfill and processing facility for Construction & demolition waste at Kodungaiyur dumping ground (KDG) for zones 1 to 8 and scientific closure of Kodungaiyur dumping ground (KDG).

Package 4- Setting up of integrated municipal solid waste processing facility with sanitary landfill and processing facility for Construction & demolition waste at Perungudi dumping ground (PDG) for zones 9 to 15 and scientific closure of Perungudi dumping ground (PDG).

25. It was further stated in the report that in this connection, vide Letter No.12952/M.C.1/2015-3 dated 24.11.2015 stated that "to take necessary action as decided in the meeting held on 29.09.2015 and formal orders will be issued by the Government as and when the proposal is received in full shape along with the DPR / DFR". In continuation of the same, for the appointment of Transaction advisory services consultant from TNIDB's empanelled list, quotations were called on 22.12.2015 and received single quote which was very high, hence orders obtained to drop the same. Further, again quotations were called from TNIDB's empanelled list consultant on 22.01.2016 and received single quote from the same bidder with same price which was dropped. Meanwhile, during the review of Hon'ble Minister for Local Administration on 14.01.2016, Principal Secretary / Commissioner informed that the appointment of consultant for Transaction advisory services alone excluding the DPR/DFR is difficult since the rate quoted by the single participant of TNIDB's empanelled list and the Hon'ble Local Administration Minister in turn directed the Managing Director, TNUISFL to assist in identifying a consultant for Chennai Corporation for the above said 4 packages. In this regard, Council resolution obtained on 26.02.2016 for appointing a Consultant for the preparation of feasibility Reports and for providing Transaction Advisory services for various Solid Waste Management initiatives for Greater Chennai Corporation proposals as indicated above through the Tamil Nadu Urban Infrastructure Financial Services Limited (TNUISFL). M/s. TNUISFL had issued LOI on 31.05.2016 to the Ms. IPE Global Private Limited, further a Kick off meeting chaired by Principal secretary, MAWS Dept. was held on 15th June 2016 by 3.00 pm at Secretariat. The Principal Secretary, MAWS Dept instructed Ms. IPE Global Pvt. Ltd. to prepare the Detailed feasibility reports and to call for tenders within 3 months time. Inception report had been submitted by the consultant Ms. IPE Global Pvt. LTD in the meeting held by the Principal Secretary, MAWS Dept. on 11/07/2016. They prayed for passing appropriate orders.

26. The 10th Respondent has filed their counter affidavit contending that the Chennai Corporation was dumping garbage in the Pallikaranai Marsh Land, bearing the Survey No. 657/1B1, the land which was owned by the Chennai Corporation. The Forest Department thereafter requested the Chennai Corporation not to dump garbage in the Marshland and to take necessary steps to shift the Marsh Land and handed over to the Forest Department. The following areas have been brought under the control of Forest Department.

Details	Area (Ha.)
Area notified as RL (G.O. Ms. No.52 E&F dated	317.00.0

09.04.2007) Proposal sent to Government on 03.01.2017 U/s. 16 of Tamil Nadu Forest Act, 1882.

Area taken over from Chennai Corporation (TCR 170.40.5 effected on 11.06.2003 & title transfer on 30.10.2013) proposal sent to Government on 08.12.2016 U/s. 4 of Tamil Nadu Forest Act, 1882 Revenue area declared U/s 26 of TNFA 1882 131.55.0 (Kancheepuram District Gazette No.6 dated 01.07.2013) Finance City area allotted to Forest Department (G.O. 75.93.0 Ms. No.147 Revenue Dept. dt. 12.05.2014) Proposal sent to Government on 08.12.2016 U/s. 4 of Tamil Nadu Forest Act, 1882.

Total area (Department Control) 694.88.55

27. The Pallikaranai Marsh falls within Perungudi, Pallikaranai and Thoraipakkam village of Kancheepuram District. The Wetland runs along the Old Mahabalipuram Road, parallel to the Buckingham Canal throughout its length. The Marsh is situated adjacent to Velachery also known as Vedashreni. The general terrain of area is plain with an average altitude of about 5m below mean sea level. The substrate in the entire region is made up of the weathered Charnockite rock bed covered with a layer of recent alluvium gneiss of varying thickness. The Pallikaranai Marsh is amongst the few and last remaining natural wetlands of South India. Till about 30 years ago the marsh was spread over an area of more than 5000 ha. (50Km²). Lack of understanding of the importance of a marsh in an Urban environment as a flood regulator, lung space and a environmentally high productive habitat has resulted in the marsh being reduced to around one-tenth of its original extent on account of ill-planned urbanization, destructive reclamation, dumping of solid and liquid waste generated by the Urban Society, the Pallikaranai Marsh drained about 250 sq.km. For the numerous smaller cultivable wetlands that surround the marsh, the Marsh serves as the only source of irrigation thus helping paddy cultivation. This gave the marsh a legendary status since the villages did not need wells or dug out ponds for irrigation which is the norm in the Northern districts of Tamil Nadu. More or less flat low-lying land has sustained an ecosystem by draining the storm water from large areas of South-East Chennai into the Bay of Bengal. The most important link - in fact the aorta of the ecosystem, is the narrow canal at Okkiyam Maduvu that takes the Marsh's water into the sea. Despite the flow being interrupted by the Buckingham Canal during the past 100-150 years, the Okkiyam Maduvu has been vital in the sustenance of the Pallikaranai Marsh by allowing the storm water to drain into the sea during the monsoons and letting the sea water enrich the ecosystem during the non- rainy season. In a nutshell, it may be said that the Okkiyam Maduvu Canal is not only the aorta, but also pulmonary system of the Pallikaranai Marsh. It is one of the last patches of remaining natural fresh water wet land system adjacent to the city of Chennai. The recent millennium assessment of ecosystems puts fresh water biodiversity as the most threatened of all types of biodiversity. The topography of the swamp is such that it always retains some storage of water, thus forming an aquatic ecosystem. It has been a home for naturally occurring plants (61 Species), fish (46 Species), birds (160 Species), butterflies (15 Species), reptiles (21 Species) and some exotic floating vegetation such as water hyacinth and water lettuce, which are less extensive now and highly localized. Recent reports of the appearance of the white-spotted garden skink, for the first time in Tamil Nadu, and Russell's viper, the largest and the most wide spread among Asian vipers, confirm its invaluable ecological status. Fish such as dwarf gourami and chromides that are widely spread and traded worldwide for aquaria, occur naturally in Pallikaranai. Besides, the

windowpane oyster, mud crab, mullet, half beak and green chromide are some of the estuarine fauna present in the marsh. Pallikaranai Marsh not only supports the indigenous local species but also the migratory birds. These wetlands are important feeding, breeding and drinking water bodies for wild life and it provides a stopping place for migrating water birds. Proper scientific management of this wetland has attracted more migratory birds during the past three years. [March 2011 - 38498 (99 Species), March 2012 - 44067 (110 Species), December 2013 - 29303 (85 Species), January 2014 - 30679 (80 species), January 2015 - 25121 (105 species) and January 2016 - 24247 (104 species)]. This natural habitat, wetlands are important in supporting species diversity and have a complex and important food web. The marsh wetlands are integral to a healthy environment and help to retain water during dry periods, thus keeping the water table high and relatively stable. During periods of flooding, they act to reduce flood levels and to trap suspended solids and nutrients. The threat to such wetland systems because of urbanization or other factors typically affects lake water quality and also causes great damage during the flood. The scope for restoration of Pallikaranai Wetland have been analyzed as follows:

The Government is keen to restore this wetland. Now the Forest Department have 694.88.5 ha of Marsh Land under their control.

Based on the Hon'ble High Court direction, expert committee has been formed and the committee has recommended important suggestions.

The Non-Governmental organizations (Care Earth, Nature Trust etc.,) are showing keen interest in promoting this wetland for the betterment of Biodiversity.

Ministry of Environment and Forests (MOEF), Government of India has already sanctioned an amount of Rs. 119.50 lakh under Centrally Sponsored Scheme (CSS).

28. It is further contended that the marsh-wetland systems directly or indirectly support lakhs of people providing goods and services to them by checking floods, preventing coastal erosion, mitigating the effects of natural disasters like cyclones and tidal waves, storing rain water, aiding cultivation, recharging ground water aquifers, providing nesting ground for many wading birds and water fowls, providing food and shelter for mammals, above all acting as a carbon sink and by helping to remove 24 wide range of pollutants. Out of the 94 wetlands identified in India, three are in Tamil Nadu which are Point Calimere, Kazhuveli and Pallikaranai Wetlands. In W.P. No. 18888/1997 and W.P. No. 13105/2008, the Hon'ble High Court constituted a committee under the Chairmanship of Managing Director TICC Ltd, Mrs. Sheela Rani Chunkth IAS, who was the convener of the Expert Committee, Director of Environment, Mr. Annamalai IFS, who was the Member Secretary of the Committee, other Members were Dr. R. Swaminathan, Former Senior Scientist NEERI, Mr. T.K. Ramkumar, Advocate, Mr. K. Balasundaram, S.E. - Corporation, Chennai and Mr. A. Krishna Moorthy, Environment Engineer, TNPCP for regulating the garbage dumping yard and restoration of Pallikaranai Marsh Land. The Committee conducted meetings on 25.07.2008, 29.07.2008, 08.08.2008, 04.09.2008 and 09.09.2008 and discussed about the dump yard and to review the measures undertaken and proposed to protect the Pallikaranai Marshland and render requisite suggestions for restoration and protection of the marsh. Some of the highlights

of the Public representation are as follows:

"Among its Eco-System functions, the Marsh Land serve as a temporary or permanent habitat for different kinds Flora and Fauna, a significant number of which are unique to Peninsular India. The Southern expanses of the Marshland are important as nurseries and breeding ground for marine life".

"The Joint Committee Report, 2003 Government of India states that the Pallikaranai Marsh is one of the major Wetlands of India and is prioritized for Conservation Pallikaranai Wetland.is rich in Bio- Diversity and need to conserve it".

The Committee also observed that:

a) The Government of India signed the Ramsar Convention in 1981.

The preamble of the convention is as follows:

Recognizing the interdependence of man and his environment. Considering the fundamental ecological functions of wetlands as regulators of water regimes and habitats supporting a characteristic flora and fauna, especially water flow.

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable.

Desiring to stem the progressive encroachment on and loss of wetland now and in the future.

Recognizing that water flow in their seasonal migrations may transcend frontiers and so should be regarded as an international resource. Being confident that the Conservation of Wetlands and their flora and fauna can be ensured by combining far sighted national policies with co-ordinated international action.

b) As India is a contracting party to the Ramsar Convention, it is bound to protect any wetland as stated in Article 4 of the Ramsar Convention.

'Each Contracting Party shall promote the Conservation of Wetlands and water flow by establishing nature reserves on wetlands, whether they are included in the list or not, and provide adequately for their wardening'.

c) Though Pallikaranai is not included in the Ramsar list, the Government must make wise use of the wetland area as mentioned in the Article 3 (given below) of the Ramsar Convention The Contracting Parties shall formulate and implement their planning so as to promote the Conservation of Wetlands included in the list, and as far as possible he wise use of wetlands in their territory. Therefore Conservation of Pallikaranai Wetland is essential.

d) India being signatory to this Convention cannot give permission or consent setting up an Integrated Waste Management facilities at the Pallikaranai Marsh.

e) Moreover as Pallikaranai is more than 695 hac. It can be categorized as a Class B wetland as per the Draft Wetlands (Conservation and Management) Rules, 2008. As per these Rules (point 4) "Solid waste dumping and discharge of untreated effluents is strictly prohibited".

f) Pallikaranai wetland is rich in Bio-Diversity, and also serves other important ecological services. The wetlands also face serious anthropogenic pressure that threatens its very existence. If the Pallikaranai area is left unattended, this precious eco system may disappear within few years. Therefore, urgent steps such as stopping solid waste dumping, are to be taken to conserve this ecological important area."

29. It is further contended that the Ramsar convention on Wetlands was signed in the Iranian city of Ramsar of 2nd February, 1971. India is one of the signatories of Convention. It is therefore mandatory to designate wetlands of importance across the Country. Wetlands such as Marsh and Swamps are lands transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface of the land and is covered by standing water which does not exceed 6 meters. Wetlands are most important of the life supporting ecosystems that have sustained human lives and communities over the millennium. Pallikaranai Marsh is amongst the few and last remaining natural wetlands of South India. The marsh that was till about 30 years ago area of more than 50Km has been reduced to around 700 ha., due to anthropogenic factors. Despite this onslaught, the marsh has continued to support an array of flora and fauna. Keeping in view the ecological role of wetlands, first 317 ha. of Pallikaranai Marsh Land has been notified under Section 4 of Tamil Nadu Forest Act 1882 as Forest Land. Pallikaranai wetland (12° 59' N and 80° 14' E) is a fresh water swamp adjacent to the Bay of Bengal situated in Southern part of Chennai City. The swamp is helpful in charging the aquifers of the region. Keeping in view of the ecological role of the wetlands, the southern portion of the Pallikaranai Marsh (317 hectares) have been considered for conservation by all the authorities. After examination, the District Collector has clearly mentioned that the areas are free from encroachment. A portion of the Pallikaranai Marshland i.e., 317 ha. (about 793 acres) in South Chennai has been declared as Reserve land under Section 4 of the Tamil Nadu Forest Act, 1882 as per G.O.Ms. No. 52 Environment and Forests (FR-14) Department dated 09.04.2007 and has been declared a Pallikaranai swamp Forest Block and brought under a separate Range of Head Quarters at Pallikaranai in Chennai Forest Division, Chennai. Further, the proposal of Under Section 16 of Tamil Nadu Forest Act 1882 has been sent to Government. Keeping in view of larger environmental protection and management of the ecosystem as submitted supra, the Government is taking various decisions as a policy to conserve, protect and restore the Pallikaranai Marsh Land. An area of 131.55.0 ha. land was declared under Section 26 of Tamil Nadu Forest Act 1882 vide published in Kancheepuram District Gazzette No.6 of July 2013, comprising survey No. of Pallikaranai Village 657/4C, 657/4, 657/1A, 658/1A. An area of 75.93.0 ha. comprising Sholinganallur Village Sy. No. 602/7, 8 and Perumpakkam Village Sy. No. 534/4 was handed over to Forest Department vide G.O.(Ms). No. 147 Revenue (LD-IV) Department dated 02.05.2014. The proposals of under Section 4 of Tamil Nadu Forest Act, 1882 have been sent to Government. The Government of Tamil Nadu sanctioned an amount of Rs. 15.75 Crores in G.O.(Ms).No. 184

Environment and Forests (FR-V) Department dated 15.12.2011 for the restoration and conservation of Pallikaranai Marsh Land over a period of 2011-12 to 2015-16. There were 32 writ petitions filed in the Hon'ble High Court of Madras from 2009 onwards by the encroachers. Out of 32 writ petitions, 23 Writ Petitions were closed/disposed and 9 writ petitions are pending in the Hon'ble High Court of Madras. The Hon'ble High Court of Madras has given several orders regarding removal of encroachment. The Forest Department have taken steps to evict the encroachment. A sale deed registered as document No. 597 of 2005 at Sub-registrar, Royapuram in the S.No.657/1A, in this regard a case was filed in the Hon'ble High Court of Madras in Cr.O.P. No. 4413/2014. The Forest Department has filed a complaint to the Commissioner of Police, Chennai against 25 persons, who got the land registered illegally in their favour, which was allotted to the Forest Department. The Commissioner of Police, Chennai has registered a case and vide FIR (137/2015). The above said land was later handed over to Forest Department and the area was declared under section 26 of Tamil Nadu Forest Act, 1882. The Chennai Metro Water Supply & Sewerage Board releases raw sewage into Marsh Land. The Forest Department instructed the Chennai Metro Water Supply & Sewerage Board to stop doing so and directed that only treated sewage water may be released into the Marsh Land. The Control of Pallikaranai Marsh Land has been transferred from District Forest Officer, Kancheepuram to District Forest Officer, Chennai vide G.O.(3D) No. 40 Environment and Forest Department dated 21.09.2015. Now, the Pallikaranai Marshland is under the administrative control of District Forest Officer, Chennai. The "Conservation Authority of Pallikaranai Marsh Land" has prepared various schemes for the restoration and Conservation of Pallikaranai Marsh Land and submitted to the Government. The Construction of Taluk Office has been dropped and the land was handed over to the Forest Department. With regard to the mud road laid in Perumpakkam village Sy. No. 534/5, the Forest Department has taken steps to remove the same as it was affecting the bio-diversity of the area. Following steps have been taken by the Forest Department for Restoration and Conservation of Pallikaranai Marsh Land.

The Government of Tamil Nadu has sanctioned an amount of Rs. 15.75 crores for restoration works in Pallikaranai Marsh Land vide G.O.(Ms). No. 184 Environment and Forest (FR-V) Department dated 15.12.2011 for the period of 2011-12 to 2015-16.

A Comprehensive Management Plan has been prepared for Development of Pallikaranai Marsh Land and submitted to the Government. It is under active consideration of the Government. The Forest Department takes various steps to conserve the Marsh Land and to declare the Marsh Land as Reserve Land.

During 2007, an area of 317 ha of Marsh Land was in the Forest Department. Now the Forest Department have an area of 694.88.5 ha land under their control.

A separate Assistant Conservator of Forests and Forest Range have been formed for carrying out the Restoration and Conservation of Pallikaranai Marsh Land.

A separate Autonomous Body has been formed namely "Conservation Authority of Pallikaranai Marsh Land" Vide G.O.(Ms). No. 103 Environment and Forest (FR V) department dated 31.03.2012 and it was registered 74/2012 under Tamil Nadu Society registration Act of 1975 with the following

objectives. (i) To function as the apex technical advisory body for the Marsh Lands in jurisdiction of Chennai, Kancheepuram and Thiruvallur Revenue Districts, (ii) To develop and maintain the Pallikaranai Marsh Lands in a self sustaining manner by receiving and utilizing the funds from central/state government and any other government undertakings, private industries and private individuals for the development and conservation of Pallikaranai Marsh Lands and other adjacent Marsh Lands to be declared in future, (iii) To create understanding and awareness about the importance of the wetland conservation and its unique floral and faunal diversity to the students and common public in and around Pallikaranai Marsh Lands through education and interpretation programme, (iv) To plant and propagate suitable wetland or mangrove species in Pallikaranai Marsh Lands and other Marsh Lands within the jurisdiction of Chennai Circle wherever possible, (v) To develop an integrated approach in the conservation of these wetlands combining the indigenous knowledge of local people NGOs/ Authorities etc., and scientific input from the experts and (vi) To undertake research on various aspects like flora and fauna and water contamination etc., of Pallikaranai Marsh Lands.

30. It is further contended that the Tamil Nadu Government has constituted the "Tamil Nadu State Wetland Authority" as nodal agency for conservation and sustainable management of wetlands located within State Jurisdiction. The said authority was formed for the following objective:

Tamil Nadu has a historic and cultural traditions focusing Wetland Conservation for meeting the requirement of drinking water, irrigation needs as well as to safeguard its ecological functions.

The Wetlands serve as source of ground water recharge, regulate water regimes, provide space for waste water treatment, assist in flood mitigation, act as air quality purifier, harbour rich biodiversity and have great ecological significance.

Sincere efforts are essential for conservation and protection of wetlands in Tamil Nadu in an integrated approach.

It has become necessary to constitute a State Wetland Authority for the State of Tamil Nadu to guide, advice, monitor and regulate the management of wetlands in the State in order to ensure its wise use.

31. So, they prayed for accepting their contentions and pass appropriate orders in this matter.

32. The 5th Respondent has filed their reply affidavit contending that the Government of Tamil Nadu has constituted "Tamil Nadu State Wetland Authority" to take action for conservation and protection of wetlands in Tamil Nadu in an integrated approach, and also to guide, advise, monitor and regulate the management of wetlands in the State of Tamil Nadu in order to ensure its wise use, in G.O.Ms. No.55, Environment & Forests (FR5) Department, dated 23.05.2016. They prayed for passing appropriate considering their contentions.

33. The 13th Respondent has filed their reply affidavit contending that the Pallikaranai wetland is a freshwater swamp and has a geographical area of 80 Square Km. The topography of the swamp is such that, it always retains some storage, thus forming an aquatic ecosystem. It is surrounded by the expressway of Old Mahabalipuram Road and the residential areas of Perungudi, Siruseri, Pallikaranai, Madipakkam, Velachery and Taramani. The marsh has been divided into two by Pallikaranai - Thoraipakkam inner ring road. The excess rainwater from marsh is drained into the sea through a channel called the Okkiyam Madavu draining into the Buckingham Canal, which in turn discharges into the Kovalam estuary. The existing sewage treatment plant provided by the CMWSSB is located on the immediate periphery. The CMWSSB constructed and operates 3 sewage treatment plants very next to the Pallikaranai Marsh land. The capacities of the sewage treatment plants are 54 MLD, 60 MLD & 12 MLD. The 12 MLD plant was originally installed for the Alandur Municipality when it was not included in the Corporation of Chennai limits. Part of the sewage generated from the Corporation of Chennai is treated through the above sewage treatment plants and the treated sewage is then discharged into Buckingham canal through underground conveying main. It was reported by the Corporation that at no point, the treated sewage /untreated sewage is mixing with the water available in the marsh land area. There is no physical demarcation of boundary between the Reserve forest, CMWSSB STP and dumping area of Greater Chennai Corporation. The Greater Chennai Corporation dumps part of the Municipal Solid waste generated from its Corporation limit within the marsh land area. It is estimated that about 4900 T/day is dumped in an area of 80 Hectares. To avoid burning of solid waste and to improve the solid waste disposal facility, a meeting was convened on 15.05.2012 by the Chairman, Tamil Nadu Pollution Control Board with the Greater Chennai Corporation to address the following points and the same was agreed by the Greater Chennai Corporation to improve the solid waste disposal facility.

- To establish continuous Ambient Air Quality monitoring station at Perungudi dump site.
- To initiate stringent action against the persons burning garbage.
- To identify a few wards in atleast one zone to start source segregation of Municipal Solid Waste.
- To explore the possibility of installation of water sprinkler arrangements to mitigate smoke.
- To furnish short and long term action plan for scientific management of Municipal Solid Waste and remediation of the existing dumpsite.
- To construct compound wall in Perungudi dumpsite left out area.

34. It is further contended that the Board in its proceedings dated 26.02.2014 has issued directions under section 5 of the Environmental (Protection) Act, 1986 to comply with the following points within three months: (i) The Corporation shall establish continuous Ambient Air Quality monitoring station at Perungudi dumpsite, (ii) The Corporation shall initiate stringent action against the persons burning garbage in the dumpsite, (iii) The Corporation shall ensure that the wastes brought to the facility shall not be burnt in open lands, (iv) The Corporation shall install fixed water sprinkling arrangements in and around the facility to control the burning of garbage in case of any

fire and to avoid smoke dispersion in the surroundings, (v) The Corporation shall deploy adequate number of security personnel in their facility so as to prevent the entry of unauthorized persons, (vi) The Corporation shall identify a few wards in at least one zone to start source segregation of municipal solid waste,

(vii) The Corporation shall furnish short and long term action plan for the effective and scientific management of MSW and remediation of the existing dumpsite, (viii) The Corporation shall construct compound wall in Perungudi dumpsite left out area, (ix) The Corporation shall encourage to establish decentralized facilities for recyclables and organic wastes and (x) The Corporation shall comply with all provisions of the Municipal Solid wastes (Management & Handling) Rules, 2000 effectively.

35. It is further contended that the State Human Right Commission in its order dated 5.3.2014 in Suo Moto Case No.8963/2013 had passed the following recommendations, (i) A Monitoring Committee may be constituted comprising of representatives of the Forest Department, Tamil Nadu Pollution Control Board and the Corporation of Chennai which could be a Watchdog Body to monitor the Pallikaranai marshland,

(ii) Action may be taken to expedite declaring 170.04 hectares of Corporation land which have been notified under section 4 of the Tamil Nadu Forest Act and further action may be taken to expedite notification of 131.55 hectares under the control of Revenue Department, under section 4 of the Tamil Nadu Forest Act to ensure that this area is protected from further violation and destruction.

36. Based on the order of State Human Right Commission, Tamil Nadu, TNPCB has conducted a preliminary meeting on 02.04.2014 convened by the Member Secretary along with the officials of Corporation, Chennai, Forest Officer, Pallikaranai Range, & Environmental Scientist, Care Earth, Pazhavanthangal, Chennai. The Government had issued orders vide Environment & Forests (EC2) Department G.O. (Ms). No. 95 dated 21.08.2014 so as to form a Monitoring Committee to monitor the Pallikaranai Marshland with the following members as suggested by the Chairman, Tamil Nadu Pollution Control Board vide Board Proc. No. T7/TNPCB/SWM/18434/MMN/2014 dated 06.05.2014.

(i) The Commissioner, Corporation of Chennai

(ii) The Member Secretary, TNPCB, Chennai

(iii) The Conservator of Forest, Pallikaranai Marsh

(iv) Dr. Indumathi Nambi, Professor, Dept. of Civil Engineering, IIT Madras, Chennai.

(v) Dr. Jayashree Vencatesan, Director, Care Earth, Pazhavanthangal, Chennai

37. The terms of reference of the monitoring committee is defined as follows: (i) To prepare an Environmental Management Plan to protect the marsh land, (ii) To review the report submitted by

institutional experts on analyzing the quality of water in the marsh and its surrounding ground water along with the continuous sediment samples so as to review the current status and to identify the areas which requires non-shrinkage due to encroachments, (iii) To appoint officials to advocate the monitoring of marshland frequently, so as to avoid dumping and other pollution related issues and submit a detailed report once in every 3 months based on their inspection along with specific remarks and recommendations and (iv) Necessary action to recommend for handing over the revenue land / corporation land of Pallikaranai Marsh to the Forest Department, since dumping is done in Pallikaranai Medavakkam area and not in the forest area of Pallikaranai Marsh. They prayed for accepting their contentions and passing appropriate orders.

38. The Commissioner - Greater Chennai Corporation has filed counter affidavit and prayed for treating the earlier contentions raised as part of the counter affidavit as well. It is further that the dumping yard at Perungudi, Greater Chennai Corporation has patta in its own name as per patta number 1012 of Sholinganallur Village to a total extent of 173.33 Hectares (428.30 Acres). The Greater Chennai Corporation confined its dumping activities to an extent of about 200 Acres in this 428.30 Acres, keeping further extent vacant. This has been the practice for several decades and actively used in the past 50 years. A request was sent earlier by Corporation to the District Collector, Kancheepuram on 17.12.2013 to demarcate the boundary of Perungudi dumping yard. The Sholinganallur Taluk officials on 21.07.2015 made inspection, but were unable to demarcate the boundary due to slushy state of sub soil surface and heavy depth of water stagnation. Out of its 15 Zones, Greater Chennai Corporation is dumping the garbage collected from the 7 Zones from Zones 9 to 15 in the Perungudi dumping ground. In order to have a control over landfill fire, a fire fighting system was established by setting up 7 Nos. of 5000 litres water tank at 7 different locations, wide spread throughout the Perungudi dumping Ground. A sump with 2 Lakhs litres capacity is provided inside the dumping yard for ensuring perennial water supply for the 7 water tanks. 28 Nos. of employees are deployed for monitoring around the dump yard round the clock on shift basis to watch any chance of fire break out and to alert the officials for quick redressal. Their attendance is monitored by appropriate attendance registers. On humanitarian grounds, it is in practice the Greater Chennai Corporation is allowing rag pickers inside the dumping yard during day time alone for recovery of materials with a warning not to light any fire there. There is a provision for such a relief measure in clause 15 (c) of the Solid Waste Management Rules 2016. Apart from all these precautionary measures, one lorry loaded with water is parked additionally at the dumping yard for instant fire fighting activation. In view of the above arrangements, major fire incidents due to burning of garbage are totally prevented and there have been no major fire accidents so far. The Greater Chennai Corporation has initiated as permanent solution to remedy the situation at the dumping yard in accordance with Solid Waste Management Rules, 2016. A consultant viz., M/s.IPE Global Ltd. was appointed by Greater Chennai Corporation through Tamil Nadu Urban Infrastructure Financial Services Ltd. The consultant submitted the draft feasibility report for remediation of Perungudi Dumping Ground which contains the following components: 1. Temporary Dumping ground 2. Piggy Back Landfill 3. Waste to Energy Facility 4. Sanitary Landfill and 5. Other Site Ancillary Infrastructure. By executing these components, Greater Chennai Corporation can achieve scientific treatment and disposal of waste, leachate treatment and prevention of contaminations. The Clause 4.5.2.6 of the Manual, part II of Municipal Solid Waste Management Manual of Swachh Bharat Mission published by the Central Public Health and

Environmental Engineering organization functioning under the Ministry of Urban Development published in 2016 has reference for a fixation of a landfill height for 20m to 25m. The consultant appointed for remediation of Perungudi ascertained the existing garbage dump height varies from 3m to 14m averaging to 8m as per clause 3.4.2.2 of their Draft Detailed Feasibility Report for package 4 Master Plan. Since the heights are within 3m to 14m, the Greater Chennai Corporation is maintaining the height of the garbage dump within the permissible limit. In the year 2011- 12, alternate site for processing of all the waste generated within Chennai city and also to handle the waste generated within the nearby adjoining Panchayats and Municipalities was identified at Koothambakkam and Minjur-Vallur. Proposals for establishing the Waste to Energy plant at the said locations was under process like Calling of Expression of Interest (EOI), Request for Technical Proposal (RTP), Request for Proposal (RFP). But, due to public objections restraining the upcoming Waste to Energy plant at Koothambakkam the proposal at Koothambakkam, Minjur -Vallur was dropped with a revised proposal to establish the Waste to. Energy plants at the existing Kodungaiyur and Perungudi dump yard with the concurrence of Government of Tamil Nadu vide G.O. 106 dated 22.07.2015 of MAWS Dept. A consultant viz., M/S IPE Global limited have been appointed through Tamil Nadu Urban Infrastructure Financial Services Limited (TNUIFSL) for preparation of Detailed Feasibility Report (DFR) for remediation of existing dump yard inclusive of establishing Integrated Municipal Solid Waste processing facility with sanitary landfill at Perungudi. Analysing the available technological solution matrix like Aerobic Mechanical Composting, Mechanical, Biological Treatment (Composting with Refuse Derived Fuel), Co-processing in Cement Kiln, Bio-methanisation process and Waste to Energy through Mass Incineration, the waste to energy through mass incineration, is concluded as a feasible solution for more than 5000 MT of garbage generation per day based on the waste to energy project functioning in Delhi Municipal corporation and Jabalpur Corporation. Based on this solution, the consultant M/s.IPE Global Ltd. has submitted the Draft final DFR and the same is under scrutiny by the Review Expert Committee which comprises members from Finance Department, TNUIFSL, TNPCB, IIT Madras, Anna University and GCC. The DFR envisages the following activities like creation of temporary dumping ground, formation of piggy back landfill, setting up of waste to energy plant, establishing sanitary landfill facility and other supporting infrastructures. Piggy Back method of land fill remediation will shrink the existing garbage spread in 200 Acres within 71 Acres with green cover on top. About 129 Piggy Back method will be built up on an impermeable layer which will arrest seepage of leachate in to ground water. The Waste to energy plant mentioned in this project is expected to generate 26 MW of electrical energy. Once the Waste to Energy plant is established, there will not be any storage of waste leading to leachate, entering the marsh land. Formation of piggy back cell also prevents the leachate percolation since a Geo impermeable layer is proposed at the bottom of the piggy back cell. The DFR will be finalised placing before the expert committee members for receiving their insights and inputs. Project implementation will be subject to the clearances of the statutory authorities like CPCB, TNPCB for compliance of the environmental laws. So, they prayed for accepting their contentions and passing appropriate orders.

Previous directions of this Tribunal in O.A. No.83/2014 (SZ):

39. As directed by this Tribunal, by order dated 18.02.2019, the 10th Respondent has filed the status report in O.A. No.83/2014 (SZ) dated Nil, received by e-mail dated

13.03.2019 regarding the lands which were notified as wetland, lands in the possession of the Forest Department and the nature of cases pending.

40. It is seen from the status report that the following marshlands were handed over to the Forest Department and these lands were under the administrative control of the Forest Department and these lands are not notified as wetlands.

Sl. G.O.Nos & S.No Area Received Under section of No Date from TNF Act 1882 1 G.O,Ms.No, 52 Pallikaranai Revenue Declared as E & F 657/3E 0.40.5 Departme Reserved Forest (FR-14) 65713C,3D,3F 3.53.0 nt under Section department to 3K 16 of Tamil dated 657/3A3 133.00. Nadu Forest Act 453/2C 26.06.0 09.04.2007 vide G.O. (Ms) 432/1 56.55.0 429/2 26.21.5 No.62 E & F 433/1A to 1 34.28.5 (FR-14) 433/2A to H Department 444/2 2F 0.39.0 dated 434/3 6.87.0 10.05.2018.

430 16.49.5 431 13.20.0 317.00.

				Proposals under
7	657/1 B3 657/3A2	48.02.5 122.38.	Corporat ion	Section 4 of
Municipal		170.40.		TNF Act
Administration		0		1882 was sent
& water		5		to the
supply (MC-I)				Government
department dated 24.12.2012				
3	G.O.Ms.No.14 7	Sholinganallur 602/7 & 8 Perumpakka	Revenue Departme nt	Declared under Section 4 of TNF Act 1882
- IV) department dated 2.5.2014		m 20.74.0 75.93.0		vide G.O. (Ms) No.90 E & F (FR-14) Department dated 19.07.2017
4	Kancheepura	Pallikaranai	Revenue	Declared as
m District Gazette No.6	658/1A	34.84.0	Departme nt	Reserved Land under
dated 01.07.2013	657/1A 657/4A 657/4C	80.91.0 04.89.5 10,90.5		Section 26 of TNF Act 1882

131.55.

Total Area	694.88.
	5 Ha. or
	1717.09
	8 Acre

41. It is also mentioned in the report that out of 34 Writ Petitions, 23 Writ Petitions were disposed of and the list of disposed cases are produced as Annexure - I which reads as follows:-

42. The pending 11 No. Writ Petitions were mentioned in Annexure - II which reads as follows:-

43. It was also mentioned in the status report that the lands which are subject matter in Suo Motu case viz., O.A. No.51/2016 comprised in Sy. No.714 to 721 of Pallikaranai Survey Village and they are private patta lands as per the Revenue Department records and were not handed over to the Forest Department. They prayed for passing further orders, after accepting the contentions.

44. As per order dated 13.03.2019, this Tribunal had directed the Forest Department to file a proper report containing the following information, The present status of discharge of untreated sewage into the water body.

The present status with regard to dumping of the Construction and Demolition Waste into the water bodies and the action taken thus far.

To inform as to whether there are any encroachments in the Reserve Forest area and the Marshland.

The present status of disposal of the Solid Waste in the marshland and/or extend of area affected thereby.

To indicate specifically the subject matter under consideration of Madras High Court in the various writ petitions which are stated to be pending as per the Annexure - II of the report filed.

45. Based on that, the 10th Respondent has filed the further status report which was received through e-mail dated 10.05.2019, wherein they have stated that a total number of 1085 Households were encroached in the following Marsh Land which are under the administrative control of Forest Department. (a) Mahalakshmi Nagar, Meetukuppam in S. No.657/3A3, 3E, 3F to 3K of Pallikaranai Village - 70 Households, (b) Dr. Ambedkhar Nagar, Vepampatti, S.No.657/3A3 3C & 3D of Pallikaranai Village - 100 Households, (c) Kamatchi Nagar, Pallikaranai, S.No.657/3A2 of Pallikaranai Village - 550 Households, (d) Quaid-e-milleth nagar, Pallikaranai S.No.657/3A2 of Pallikaranai Village - 115 Households and (e) KP Kandhan Nagar (Kallukuttai) S. No.658/1A of Pallikaranai Village - 250 Households. Eviction notices were issued to the encroachers and action is

being to evict them and resettled them in the households constructed by the Tamil Nadu Slum Clearance Board. To allot household, Form 2 and 2a (as per Tamil Nadu Slum Clearance Board) has to be filled up by the individual in bio-metric. Since the writ petitions filed by the encroachers before the Hon'ble High court is pending and they have not come forward to participate in the bio-metric process. With respect to Para IV, there is no solid waste in the marshland under the administrative control of Forest Department. However, the solid wastes in the dump yard land, the Greater Chennai Corporation, have to take decision about the disposal of solid wastes. With respect to Para V, it was mentioned that 32 numbers of writ petitions were filed challenging the transfer of the marshland to the Forest Department and many others were filed against the eviction process itself. Out of these 32 writ petitions 23 writ petitions were disposed of. The remaining 9 Number of writ petitions are still pending before the Hon'ble High Court of Madras. The list of pending cases was already submitted to this Hon'ble Tribunal and the specific subject matter of the pending 9 cases are as follows:

"i) W.P.No.20866/2012 filed by the petitioner Thiru.D.Balu on behalf of the Dr. Ambedkhar Nagar Kudiyruppor Nala Sangam, Veppambatti, Pallikaranai seeking the Hon'ble High Court of Madras "issue a writ of mandamus or any other appropriate writ order or direction in the nature of writ forbearing the respondents from interfering with peaceful possession of the petitioners from the land in survey no.657/3A3 (Part) Dr. Ambedkhar Nagar, Veppambatti village, Pallikaranai, Sholinganallur Taluka, Chennai-100. Direct the respondents to provide free shelter to the petitioner under Rajiv Avas Yojana Housing Scheme". It is respectfully submitted that the area encroached in the name of Dr.Ambedkhar Nagar are in survey no.657/3A3, 3C & 3D of Pallikaranai Village. These survey numbers were allotted to the Forest Department vide G.O. (Ms) No.52 E&F (FR-14) Department, Dated: 09.04.2007 and this area was now declared as Reserved Forest under section 16 of Tamil Nadu Forest Act 1882, vide G.O.(Ms)No.62, E&F, (FR-14) Department dated: 10.05.2018

ii) W.P.No.32905/2013 was filed by Thiru.Syed Thasthagir and three others seeking the Hon'ble High Court of Madras "issue a writ certiovarified mandamus or order of direction in the nature of writ or any other appropriate writ calling for the entire records in pursuant to the G.O.(Ms)No.52, E&F (FR-14) Dt.09.04.2007 in the Tamil Nadu Gazette and quash the same and consequently direct the respondents to restore the possession of the plot no. XX1, B-13,B 5,3-6,B-3 comprised in s.no. 657/3A3 Pallikaranai Village of Tambaram Taluk, Kancheepuram District. I respectfully submit that there was no such occupation of encroachment in the field and they made encroachments in papers only to create record with malafide intention. The said area was now declared as Reserved Forest under section 16 of Tamil Nadu Forest Act 1882, vide G.O.(Ms)No.62, E&F, (FR-14) Department dated: 10.05.2018.

iii) W.P.No. 22902/2014, W.P.No. 22903/2014, W.P.No. 22904/2014, W.P.No. 22905/2014, W.P.No. 22906/2014, (5 cases) were filed by Tmt.Jarina, Thiru.Chenaram, Thiru.Anthony samy, Thiru.Jeyasingh and Thiru.Chakravarthy

respectively seeking the Hon'ble High Court of Madras "issue a writ of mandamus or any other order or writ or direction in the nature writ of mandamus directing the second respondent (Collector Kancheepuram) to consider the representation of the petitioner dated: 12.04.2013 and 27.09.2013 and grant patta in favour of the petitioners in respect of property measuring 1950 sq.ft. bearing plot no.56 comprised in survey no.657/3, Annai Therasa Nagar, Pallikaranai Village, Tambaram Taluk, Kancheepuram District". It is respectfully submitted that petitioners made encroachment in the paper only not in the field. There is no such the survey no.657/3 in the Government Record. However, the survey no.653/3A3 was allotted to the Forest Department vide G.O.(Ms)No.52 E&F, (FR-14) Department dated: 09.04.2007 and this area was now declared as Reserved Forest under section 16 of Tamil Nadu Forest Act 1882, vide G.O.(Ms)No.62, E&F, (FR-14) Department dated:

10.05.2018.

iv) W.P.No.693/2015 was filed by Thiru. Sadhasivam and 61 others seeking the Hon'ble High Court of Madras "issue writ orders of directions in the nature of writ and in particularly writ of certiorarified mandamus to call for the records pertaining to the impugned G.O.(Ms)No. 127, Dated: 24.12.2012 issued by the 1st respondent (Additional Chief Secretary, Municipal Administration & Water Supply) (MC-1) Department and quash the same and consequently direct the respondents to redefined the limits and to exclude the petitioners residential area from Reserved Forests situated in s.no.657/1B3 & 3A2 in Quaid-e-milleth nagar, Pallikaranai, Sholinganallur Taluk, Kancheepuram District. It is respectfully submitted that the lands in survey no.657/1B3 and 657/3A2 were not a Government poromboke land. These survey lands were under the control of Chennai Corporation and thus the legal owner is the Corporation. These lands are given patta in the name of Chennai Corporation. Moreover, these lands are marshy land in nature. Hence, the Government transport the land to Forest Department vide G.O.(Ms)No. 127, Municipality Administration & Water Supply (MC-1) Department, Dated: 24.12.2012. The petitioners encroached the land illegally.

v) W.P.No.11515/2015 was filed by D.Balu and behalf of the Dr. Ambedkhar Nagar, Veppampatti, Pallikarnai seeking Hon'ble High Court of Madras "to issue a writ, order or direction in particular issue a writ of mandamus directing the respondents 1 & 2 (The Chairman, Tamilnadu Electricity Board (TNEB) and the Assistant Engineer TNEB, Pallikaranai) to give electricity service connection to the houses of petitioners 2 to 33 comprised in survey no. 657/3A3 situated at Pallikarnai Village, Pallikarnai Firka, Tambaram Taluk, Kancheepuram District after accepting a security deposit from the respective person within the period of stipulated by this Hon'ble Court and was such further order or other orders as maybe deemed fit". It is respectfully submit that the survey no.653/3A3 a portion of land was encroached in the name of Dr. Ambedkhar Nagar and now the area was declared as Reserved Forest under section 16 of Tamil Nadu Forest Act 1882, vide G.O.(Ms)No.62 E&F FR-14, Department dated: 10.05.2018."

46. It is further mentioned in the report that these writ petitions have been clubbed together in CRL. OP. No.4413 of 2013 by the Hon ble High Court of Madras and the Hon ble High Court of Madras had directed the Forest Department, Police Department, Greater Chennai Corporation and Revenue

Department to take unified action against the encroachment in the Pallikaranai Marshland. Apart from the above cases, the following two Public Interest Litigation petitions are pending before the Hon'ble High Court of Madras.

"a) W.P.No.12653/2017 a Suo-Motu PIL registered for the reasons stated in order passed by the Hon'ble Supreme Court of India in WP (Civil) No.230/2001, dated: 03.04.2017, it is prayed that the court maybe pleased to issue a writ of mandamus or any other writ or order or direction in nature of writ, directing the respondents to take specific steps to preserve the wetlands in the state of Tamil Nadu covered by RAMSAR CONVENTION 1971. It is respectfully submitted that the Hon'ble High Court of Madras appointed Shri.P.S.Raman, Senior Advocate, as Amicus Curiae to submit detailed report and recommendation regarding the wetlands in the state of Tamil Nadu covered by RAMSAR CONVENTION 1971. The Amicus Curiae has submitted his preliminary report and recommendation before the Hon'ble High Court of Madras on 26.11.2018.

b) W.P. No.25223/2018 filed by Kalamini Agni Sirahugal Trust, Chennai to grant Writ of Certiorari Mandamus calling for the records of the 9th Respondent (Deputy Inspector General-Registration, Chennai- South) pertaining to the impugned order of fixation of land value from 'O' to 'Rs.3015' and quash the same and consequently direct the 11th Respondent (CBI) to conduct an enquiry about the assignment of marshland to the 12th Respondent in the Survey numbers 657/2A1, 657/2A2A.

657/2A2C, 657/2A2D, 657/2A2E, 657/2B2B, 657/2B1A2, 657/2A2B, 697/1A, 697/1B, 697/1A, 700/2A1, 699/1B, 699/1C, 700/3B, 702/1A4, 702/3B3, 700/1, 702/1A2B, 700/2A2, 700/2A3, 700/2A2, 701/1, 701/2, 701/3A, 701/3B2, 701/3B1, 701/3B3, 701/3C, 701/4, 702/1A3, 702/1B, 702/2A2, 702/2A2, 702/2A2, 702/2B (702/3A) 702/3B2, 700/2B, 700/2C, 700/3A2 situated at Marsh land, Pallikaranai village, Sozhinganallur Taluk, Kancheepuram District and for further consequential orders. It is respectfully submitted that the above survey nos. of Pallikaranai Village was not under the administrative control of the Forest Department. The Forest Officials are continuously taking necessary steps to protect the marsh land according to the provisions of Tamil Nadu Forest Act 1882. Further, the Forest Department is taking all steps to clear the marsh land from encroachments and to preserve flora and fauna and rich bio-diversity of the area."

47. They prayed for accepting their status report and pass appropriate orders.

48. As per order dated 30.07.2021, this Tribunal had considered the another newspaper report published in The Time of India, Chennai Edition dated 21.06.2021 under the caption "Road laid to dump waste in city marsh:

Activists worried about increasing garbage mound; find dog carcasses" and directed the Forest Department who is in-charge of the Pallikaranai marshland, Greater Chennai Corporation and Tamil Nadu Pollution Control Board to file an independent report regarding the nature of allegations made in the newspaper report mentioned

above. On that basis, the 10th Respondent has filed another status report in the form of draft status report dated 17.08.2021 elaborating that an area over 694.88.50 Ha.

in Pallikaranai, Sholinganallur and Perumbakkam survey villages was handed over to the Forest department as detailed below and this 694.88.50 Ha. area has been maintained as Pallikaranai Marsh Land by the Forest Department.

SI. No	G.O.Nos & Date	Survey Village Name and Nos.	Area	La Rece fr Reven D Chenn Corpo
1	G.O.Ms.No. 52 E & F (FR-14) department dated 09.04.2007	Pallikaranai S. No. 657/3E 657/3C, 3D, 3F to 3K 657/3A3 453/2C 432/1 429/2 433/1A to 1 H 433/2A to 2 F 444/2 434/3 430 and 431	317.00.0	Reven
2	G.O.Ms.No.127 Municipal Administration & water supply (MC-I) department dated 24.12.2012	Pallikaranai S. No. 65711 B3, 657/3A2	170.40.5	Chenn Corpo
3	G.O.Ms.No.147 Revenue (LD - IV) department dated 12.5.2014	Sholinganallur S. No. 602/7 & 8 Perumpakkam S. No. 534/4	55.19.0 20.74.0 75.93.0	Reven Depar
4	Kancheepuram District Gazette No.6 dated 01.07.2013	Pallikaranai S.No. 658/1A 657/1A 657/4A and 657/4C	131.55.0	Reven Depar
Total Area 6 9 4 . 8 8 . 5				Ha .

49. It is further mentioned in the report that the newly formed road as mentioned in "The Times of India" Chennai Edition dated, 21.06.2021 newspaper belongs to the Greater Chennai Corporation. This road is being laid in the Pallikaranai village Survey No.651/1B1 which belongs to the Greater Chennai Corporation and it is being utilized as Perungudi Dump yard. The said road is laid by the Superintending Engineer, General Construction Circle - II, TANTRANSOCO, Alandur, Chennai - 16 to erect 2 numbers of 400 KV towers (Ottiyambakkam to Guindy OH line). The Superintendent Engineer, Solid Waste Management Dept, Greater Chennai

Corporation in his letter No. SWM/C.No.A7/0846/2019 Dt.03.10.2019 has accorded necessary permission to TANTRANSCO to erect 2 numbers of 400 KV towers in Perungudi Dump yard. The newly formed road as mentioned in the Times of India Chennai Edition dated.21.06.2021 does not belongs to Forest Department and they were not connected with the issue, as this road has been laid in Greater Chennai Corporation land. So, they prayed for accepting the report and passing appropriate orders.

Pleadings in O.A. No.51 of 2016 (SZ)

50. The 6th Respondent has filed a detailed reply statement contending that the intention of newspaper report published in The Times of India was to take appropriate steps to protect the marshland namely, Pallikaranai Marshland and they were also mainly pointing out about the inefficient management of Perungudi dump yard and its accessories facilities provided therein and its impact on Pallikaranai Marshland. They also denied about the various biological aspects narrated in the newspaper report. According to them, the newspaper report was published without collecting real datas regarding the activities of the 6th Respondent Association, but vaguely made an allegation that land sharks are encroaching land in Pallikaranai. In fact, the 6th Respondent Association namely, Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association was formed on 01.09.2012 consisting of the owners of Plots in Beluah Nagar and Periya Mutharamman Nagar with the object of developing the Plots, creating infrastructure facilities and providing basic amenities. This Association was registered as a society under the Tamil Nadu Societies Registration Act, 1975 with Registration Number is 473 of 2012. The total extent of lands for Beluah Nagar is 20.13 acres, where 16.02 Acres of lands have been developed for 120 Plots consisting of 6,98,059 Sq. feet and 4.11 Acres of lands have been allotted for infrastructure facilities namely Roads. The total extent of lands for Periya Mutharamman Nagar is 12.13 Acres wherein 9.17 Acres of lands have been developed for 176 Plots consisting of 165 Grounds and 561 Sq. ft and 2.96 Acres of lands have been allotted for infrastructure facilities namely Roads. The Pallikaranai Panchayat has issued a letter of "No Objection" to the District Registrar, Saidapet, Chennai-15 for registering the lands as individual Housing plots in different names. The Assistant Commissioner of Urban Land Tax, Alandur had dropped the Acquisition Proceedings in the year 1988, after inspecting the lands and after conducting a thorough inquiry. An Extract of the „A Register maintained by the Revenue Department discloses that the Survey Nos. 714 to 721 of Pallikaranai Village stands in the name of the Vendors of the lands owned and possessed by the members of the 6th Respondent Association. The Chennai Metropolitan Development Authority has informed that the Survey Nos.714 to 721 of Pallikaranai Village are not under the acquisition for the MRTS Project. Further, it has informed that the above Survey Nos. 714 to 721 are zoned as "INSTITUTIONAL USE ZONE". A Notification for Acquisition of lands in Pallikaranai Village, dated 01.07.2013 of the District Collector, Kancheepuram District, discloses that the Survey Nos.714 to 721 of Pallikaranai Village are exempted in the acquisition proceedings of the Government of Tamil Nadu. A 200 ft Radial Road (Pallavaram- Thorapakkam Road) lies on the South and the Perungudi Metro Railway Station lies on the North. The Old Mahabalipuram Raod (OMR Road) lies in the East in Kandanchavadi and the Velachery Railway yard of Metro Railway lies on the West. The adjoining Lands immediately to the East of the Lands under reference belong to Simpson Company. The adjoining Lands immediately to

the West of the Lands under reference belong to Forest Department. Lands under reference do not form part of the Pallikaranai Marsh. They are private lands owned and possessed by the Plot Owners of the 6th Respondent Association with valid Title Deeds. The Revenue Authorities have issued Pattas to those lands. Therefore, the absolute possession and ownership vests with the Plot Owners of the 6th Respondent Association. The Lands under reference is not a natural water body. It is only water logged. The depth of the water measures about 1.5 feet to 2 feet height. Several million litres of treated sewage water from the adjoining Perungudi Sewage Treatment Plant (STP), instead of letting into Buckingham Canal, is being regularly let out in the open lands on the southern side for several years. The dumping of huge garbage in mountain size on the southern side further worsens the situation by blocking the free flow of treated sewage water and therefore, the entire treated sewage water is diverted to flow from the South to the Northern and Western sides of the Lands under reference. Over 105 million litres of sewage from Pallavaram Municipality, Alandur and other southern areas reach the treatment plant in Perungudi. Alandur Sewage Treatment Plant appears to be not working for several years and therefore, this causes a regular sewage water flow into the open area and subsequently into the adjoining area including that of the Lands under reference. The sewage water of Perungudi locality is regularly let into the southern side of the open lands under reference which flow into the lands under reference. Further, the sewage water also flows from the Eastern Side of the locality namely Telephone Nagar. The object of setting up the STP in Perungudi was to ensure that it did not affect people living in the city. However, the unfettered growth of Perungudi as an industrial township and the construction of houses near the STP have defeated the very object. There is stench from STPs as dirty water is treated. The residents near the plant are unable to bear the stench of gases released from the unit. The stagnated water in the lands under reference is neither potable nor toxic and cannot be used for household purposes including gardening. The water quality is unsuitable for construction or industrial use. Tons and tons of garbage is being dumped everyday in the open land, stretching from Pallikaranai to Perungudi adjoining the STP which looks like a small mountain. The dumping of garbage has blocked the untreated sewage water and appears to have damaged the drain pipes carrying the treated and untreated sewage water. Therefore, the sewage water is regularly flowing into the lands owned and possessed by the 6th Respondent Association. So, they prayed for closure of the Suo Motu proceedings and pass such further orders that the Hon'ble National Green Tribunal may deem fit and proper in the circumstances, after considering the contentions to render justice. They also produced number of documents along with the reply affidavit.

51. The 4th Respondent (Regional Deputy Commissioner [South] - Greater Chennai Corporation, Adyar) filed their counter affidavit contending that the above case was registered on the basis of the note put up by the Registrar, Southern Zone based on the newspaper report published in the Times of India, Chennai Edition dated 07.03.2016 under the caption "This is how water Bodies are disappearing". The said land was inspected by The Regional Deputy Commissioner (South) along with The Zonal Officer/Zone-14, Executive Engineer, Assistant Executive Engineer and Junior Engineers on 22.03.2016 and found that the above said land located at the end of K.P.K Nagar 4th street and most of the area of the land is filled with 3 feet to 5 feet of water and the boundary cannot be identified due to water logging. At this location, a name board has been erected with the name as Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association. Construction debris has been spread approximately 875 m2 and a kutchra road has been formed measuring about

125m length, 7.00m width. They have erected one Thatched hut with a size of 10x10 feet. There is also an old compound wall exist in this land, measuring about 9 grounds at a distance of 120 meters from the notice board. Now, a notice board is put up by the Greater Chennai Corporation with information about the National Green Tribunal order, so as to prevent any activity in the above said land. It has been ensured that no further development activities done over the land. A letter has been addressed to the Tahsildar, Sozhinganallur Taluk on 22.3.2016 requesting to send a detailed report about the land, like ownership, encroachments after making detailed survey of the land. Since the Election commission of India had announced General Election to Tamil Nadu State Legislative Assembly on 04.03.2016 and on account of staff being engaged in the Election work, further work could not be carried out and they required some more time for this purpose. They also produced certain documents along with the statement.

52. The 5th Respondent/CMWSSB filed a status report stating that the Alandur sewage treatment plant was constructed by the erstwhile Alandur Municipality under Build, Own, Operate and Transfer (BOOT Basis) during 2003 and the sewage treatment plant is functioning from July-2003 onwards. The installed capacity of the Sewage Treatment Plant is 12 MLD. The Tamil Nadu Pollution Control Board has granted necessary consent to operate the sewage treatment plant till 30.03.2015 and the Chennai Metropolitan Water Supply and Sewerage Board has paid fees for renewal of consent order for the period 2015-2016 vide receipt No.46167, dated 09.04.2015 and for the period 2016-2017 vide receipt No.7777, dated 04.05.2016 and the issuance of consent to operate order is pending with Tamil Nadu Pollution Control Board. The 12 MLD Alandur sewage treatment plant (Module-I) and Alandur underground sewerage system have been taken over from the erstwhile Alandur Municipality by Chennai Metropolitan Water Supply and Sewerage Board from November 2011 due to expansion of Chennai City. The said sewage treatment plant is being maintained as per the Tamil Nadu Pollution Control Board norms and discharged the entire treated effluent to the nearby Buckingham Canal through 900mm dia RCC Pipe line. During the recent flood in December- 2015, the plant was severely affected and process units were restored immediately and put into service. Frequent leaks were developed and rectified then and there in the treated effluent pumping main. The treated effluent could not be pumped to the full capacity to the Buckingham Canal only during the floods in December 2015. As per the agreement clause - VI schedule: sewage treatment plant lease contract STP 1.1 reads as follows "construction module-2, 12 mld shall commence whenever the inflow of sewage in the existing sewage treatment plant reaches 9.6 mld when measured for a continuous period of 3 months or one and half year before the completion of the lease period, whichever is earlier" But the contractor has not started constructing the module-2 of 12 mld sewage treatment plant and has not maintained the sewage treatment plant properly. Hence, the Chennai Metropolitan Water Supply and Sewerage Board had terminated their contract vide Lr. No. CMWSSB/EE/STP (S)/Alandur STP/08/2015-16 dated 29.12.2015. But the contractor filed a writ petition challenging the order vide W.P. No.2248 of 2016. The Hon'ble High Court passed order of stay against the portion of the order passed by Chennai Metropolitan Water Supply and Sewerage Board, barring the petitioner (M/s. IVRCL Limited) from participating in the Board's tender for 5 years until further order. Further, the order states that "so far as the termination of the contract, it is submitted by the learned Counsel for the petitioner on the instructions that the petitioner would work out their remedy in the manner provided under the agreement before appropriate Forum." The Chennai Metropolitan Water Supply and Sewerage

Board could not call for fresh tenders to improve the maintenance of Alandur sewage treatment plant. However, as a precautionary measure, Chennai Metropolitan Water Supply and Sewerage Board has laid a separate 600 mm dia pipe line for a length of 370 Mtrs, from Alandur Sewage Treatment Plant up to the existing Perungudi 54 mld sewage treatment plant inlet chamber to divert the over flow, during the maintenance / peak flow periods and there is no letting out of sewage into the marshland at present and as such Alandur sewage treatment plant is functioning normally. The stagnation of water in the disputed land, it is not due to the Alandur sewage treatment plant. The stagnation of water in the disputed land is in existence for a long period and aggravated during the recent floods. So, they prayed for accepting the report and pass appropriate orders.

53. The 9th Respondent/Tahsildar, Sholinganallur filed an affidavit stating that as per the order of the Tribunal dated 30.03.2016 directed a Joint Inspection to be carried out by a Committee comprising of (a) officials of the Revenue Department including the Tahsildar, Sholinganallur Taluk,

(b) officials from the Forest Department by DFO, Kancheepuram District, (c) Officials from the Public Works Department (PWD) preferably Executive Engineer, PWD, Chennai, (d) Officials from the Corporation of Greater Chennai through Executive Engineer, Corporation of Greater Chennai, (e) Tamil Nadu State Pollution Control Board represented by the District Environmental Engineer Maraimalai Nagar, Chennai, (f) Chennai Metro Water Supply and Sewage Board (CMWS&SB) through the Executive Engineer, Chennai and (g) a representative from the Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association by its President. It is also mentioned in the order that the above said Committee headed by the District Forest Officer (DFO), Kancheepuram shall conduct a joint inspection on a day fixed agreeing to the convenience of the members as communicated by the DFO, Kancheepuram and shall make an inspection of the entire area with the help of revenue and forest records to be produced by the Tahsildar, Sholinganallur and the committee was directed to consider the following points: "(i) The total extent of area of Pallikaranai Marshland along with the boundaries. (ii) Whether any encroachments are existing. If so, how much. (iii) The area belonging to the Forest Department along with the details including the survey numbers and boundaries etc. (iv) Whether the disputed area is a water body forming part of Pallikaranai Marshland. If not so, what is the reason for stagnation of the water as to whether it is due to the discharge of effluent from the STP, Alandur. (v) The position of the STP, Alandur as to whether it is functioning or not with the details about the number of years of non functioning and how the effluents are treated and whether discharged inappropriately and as to whether necessary permission has been obtained from the Tamil Nadu State Pollution Control Board". As per Kancheepuram District Gazette No. 6 published on 20.02.2003, the extent and classification lands in Pallikaranai Village as shown as follows:-

Name of Survey	No.	Extent in	Classification	Total the Village	Hectares	Extent in
657/3E	0.40.5	Punjai tharisu	Hectares	0.40.5	Pallikaranai	657-3C, 3D, 3F 3.53.0
Punjai tharisu	to 3K	657/3A3	133.00.0	Manavari tharisu	453/2C	26.06.0
Manavari tharisu	432/1	56.55.0	Punjai tharisu	429/2	26.21.5	Kazhuveli 245.35.5
433/1A	to 1H	34.28.5	Punjai tharisu	and 433/2A	to 2F	444/2 0.39.0
Kazhuveli	434/3	6.87.0	Manavari tharisu	430	16.49.5	Manavari tharisu
431	13.20.0	Nanjai tharisu	71.24.0			
Total			317.00.0			

54. As per the G.O. Ms. No. 127 Municipal Administration & Water Supply (MC.I) Department dated 24.12.2012, 170.40.5 hectares of Chennai Corporation Patta land at Pallikaranai Village in Sy. No. 657/1B3 and 3A2 have been alienated in favour of Forest Department and name transfer has also been effected in the Revenue records. The Kancheepuram District Gazette No. 6 published on 01.07.2013, the following lands were announced as Marshland:

S1. No.	Survey No.	Extent in Hectares	Located at
1.	658/1A	34.84.0	The land is located in the South Eastern side of Velachery MRTS Rail Station
2.	657/ 1A	80.91.0	The land is located in the North and South side of Centre for Wind Energy Technology
3.	657/4A	04.89.5	The land is located in Northern side of NIOT (except Road)
4.	657/4C	10.90.5	The land is located in Southern side of NIOT
Total		131.55.0	Hectares

55. As per G.O. Ms. No. 147 Revenue (LD-IV) Department dated 12.05.2014 have decided to accept the views of Environment and Forest Department and the Industries Department and hereby order to cancel the orders issued in G.O.Ms. No.500 Revenue ID4 (1) Department dated 01.10.2010 wherein an extent of 71.58.0 hectares of land in Sy. Nos. 602/7 and 534/4 in Sholingnallur and Perumbakkam Villages respectively in earlier Tambaram Taluk, now in Sholingnallur Taluk, Kancheepuram district was transferred to the Industries Department for setting up of financial City and Media Entertainment park and to transfer the same to Forest Department to make it part of the Pallikaranai Marshland subject to usual terms and conditions laid down under RSO 23A. The Abstract of the Total forest Land (Marsh) is as under:

Serial No. of the Extent in Hec. Name of the Village photograph Serial No.1 317.00.0
 Serial No.2 170.40.5 Pallikaranai Village Serial No.3 131.55.0 Serial No.4 71.58.0
 Sholingnallur and Perumbakkam Villages Total 690.53.5 Hectares

56. On the basis of the above, the National Green Tribunal had issued the direction to the Tahsildar Sholingnallur, on 26.05.2016, to demarcate the entire area, including the encroachment lands, patta lands as well as marsh lands and to submit the report for further hearing. As per the above direction of the Hon'ble National Green Tribunal, the Assistant Director of Survey and land records, Kancheepuram, the Tahsildar, Sholingnallur and his survey team and the Committee members of the respondents, were present on 05.07.2016 and 07.07.2016, and the entire survey work in

Pallikaranai Marsh area has been completed on ground. The above matter was mentioned in the minutes of the Assistant Conservator of Forest in Pallikaranai. In this regard, necessary notification U/s. 4 of the Tamil Nadu Forest Act, 1882 was also submitted to the District Collector - Kancheepuram, through the Revenue Divisional Officer, Tambaram in this office Rc. 11000/2015 B1 dated 07.07.2016. So, the Tahsildar - Sholinganallur prayed for passing orders, accepting their contentions.

57. The 3rd Respondent has filed a reply affidavit raising almost similar contentions raised by them in the counter and report submitted by them in O.A. No.83/2014. It is also mentioned in the reply that there was no physical earmarking of the boundaries between the Reserve Forest, CMWSSB STP and dumping area of the Corporation. They have inspected the Pallikaranai Marshland area on 15.03.2016 and 16.03.2016 and during inspection, it was found that the site mentioned in the newspaper report is located on the eastern side of the Pallikarani Marshland. The said site is bounded by the residence and vacant land on the Northern side, existing STP provided by the CMWSSB and Corporation of Chennai, municipal solid waste dump site on Southern side and residents and vacant on the Eastern side and residents and Velacherry MRTS Railway Station on the Western side. During the inspection, the above site was found water logged and building debris were found dumped in the above said area and road was also formed using building debris. No construction activity was found happening in the above said site during inspection. It is also mentioned therein that no compound wall or other demarcation of the said site was observed during inspection. The Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association stated that they have obtained pattas from the Government in 1966 itself for the said lands and it is not part of Pallikaranai Marshland. They have also produced certain photographs as Annexure - 1 attached to the reply and also mentioned that as per the order of this Tribunal dated 30.03.2016, the committee had submitted the report along with certain recommendations and those things may be considered by the Tribunal and appropriate orders can be passed.

58. The Tamil Nadu Pollution Control Board has filed a status report signed by the District Environmental Engineer on 13.12.2018 received by this Tribunal on 02.01.2020 which reads as follows:-

"STATUS REPORT FILED ON BEHALF OF THE 3RD RESPONDENT-TAMILNADU POLLUTION CONTROL BOARD.

I, G. Gopalakrishnan, son of Thiru. V. Gandhi aged about 56 years, having my office at No. 76, Mount Salai, Guindy, Chennai - 600 032 do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Status Report on behalf of the 3rd Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that in pursuance to the orders of the Hon ble Tribunal dated 14.11.2018, the present status and details about the STP located at Perungudi Village, Sholinganallur Taluk, Kancheepuram District is as follows:

3. It is respectfully submitted that Consent were issued to three STP's viz.

CMWSSB- Perungudi of capacity of 54 MLD Phase I, STP 60 MLD Phase II & STP 12MLD of Alandur Municipality area operated and maintained by CMWSSB (5th respondent) and subsequently renewed valid upto 31.03.2018. The said 3 Nos. of STP's were inspected by the officials of the DEE, TNPCB, Maraimalai Nagar on 27.12.2018.

During inspection it was noticed that i. The said 3 Nos. of STP were in operation and the combined outlet of 54 MLD and 60 MLD STP's was conveyed through common conveyance main and finally discharged into the Buckingham canal.

ii. The treated sewage of 12 MLD STP of Alandur Municipality area is conveyed through underground pipeline and finally discharged into Buckingham canal.

4. It is submitted that the details of ROA of the treated sewage samples collected from the above said STPs and analysed through TNPC Board's Laboratory are give below.

Parameters	ROA of the Final Outlet of 54 MLD STP				
	Units	Standards	3.10.2018 (Treated)	13.11.2018 (Treated)	05.12.2018 (Treated)
PH@250 C	-	5.5 to 9.0	7.46	7.48	8.2
Days					

Parameters	ROA of the Final Outlet of 60 MLD STP				
	Units	Standards	3.10.2018 (Treated)	13.11.2018 (Treated)	05.12.2018 (Treated)
PH@250 C	-	5.5 to 9.0	7.53	7.54	7.93
Days					

Parameters	ROA of the Final Outlet of 12 MLD STP				
	Units	Standards	3.10.2018 (Treated)	13.11.2018 (Treated)	05.12.2018 (Treated)
PH@250 C	-	5.5 to 9.0	7.40	7.60	7.53
Days					

ROA of the Final Outlet of combined 54 MLD & 60 MLD STP outlet discharged into Buckingham Canal Parameters Units Standards 3.10.2018 13.11.2018 05.12.2018 (Treated) (Treated) (Treated) PH@250 C - 5.5 to 9.0 7.32 7.64 7.78 Days ROA of the Final Outlet of 12 MLD discharged into Buckingham Canal Parameters Units Standards 3.10.2018 13.11.2018 05.12.2018 (Treated) (Treated) (Treated) PH@250 C - 5.5 to 9.0 7.41 7.62 7.54 Days

1. ROA of treated sewage sample collected from 54MLD STP Phase-I on 3.10.2018, 13.11.2018 & 05.12.2018 reveals that the parameters analysed are within the standards prescribed by the Board.
2. ROA of treated sewage sample collected from 60 MLD STP Phase- II on 3.10.2018, 13.11.2018 & 05.12.2018 reveals that except BOD(30 mg/l) in one sample all other analysed parameters are within the standard prescribed by the Board
3. ROA of treated sewage sample collected from 12MLD STP for Alandur Municipality area on 03.10.2018, 13.11.2018 & 05.12.2018 reveals that except BOD (38 mg/l) in one sample all other analysed parameters are within the standards prescribed by the Board.
4. ROA of the combined treated sewage sample collected from the 54MLD & 60 MLD STP and conveyed through combined outfall sewer discharged into Buckingham Canal reveals that the analyzed parameters are within the standards prescribed the Board.
5. It is further submitted that the ROA of the treated sewage sample collected from Final Outlet of 12 MLD and discharged into Buckingham Canal reveals that except BOD (22 mg/l) all the parameters are within the standards prescribed by the Board. The Copy of the Report of Analysis is submitted herewith as Annexure.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice."

59. The Commissioner, Greater Chennai Corporation has filed a status report dated 25.08.2021, e-filed on 25.08.2021 which reads as follows:-

"STATUS REPORT SUBMITTED ON BEHALF OF THE COMMISSIONER, GREATER CHENNAI CORPORATION I, G.Veerappan, S/o. S.Ganapathy Hindu, aged 58 years, the Superintending Engineer Solid Waste Management Department, Greater Chennai Corporation, having Office at Ripon Building sincerely state as follows:

1. I am tiling this counter affidavit on behalf of the respondent Greater Chennai Corporation. I am well acquainted with the facts of the above case as per available records,
2. I submit that the earlier counter affidavits and reports filed by the Greater Chennai Corporation may be read as part and parcel of this report.

3. I submit that permission was granted to TANTRASCO by Greater Chennai Corporation for having temporary access for erecting 2 nos. of DC Towers of 400 KV SC with twin moose conductor from Ottyampakkam to Guindy for further distribution to Chennai city subject to condition that TANTRASCO should remove the access after completion of the erection work of the two towers. In this regard TANTRASCO has been informed through a letter on 19.07.2021 that the erection work should be completed as soon as possible and to dismantle the road formed by TANTRASCO in Perungudi dump site.

4. I submit that no portion of the marshland had been grabbed for widening of Thorappakkam, Pallavaram Radial Road.

5. I submit that the new Concessionaire engaged by Greater Chennai Corporation for primary and secondary collection of municipal waste garbage in 11 Zones out of 15 Zones is paid on Key Performance Indicator (KPI) as per concession agreement where in for segregation of waste a sub weightage of 19.23% is given, Greater Chennai Corporation has achieved 42% of source segregation.

6. I submit that Greater Chennai Corporation has commenced the removal of legacy waste of 30,63,123 m above Ground Level in Perungudi dumping ground through bio mining process at an estimated amount of Rs.350.64 Crores and the probable period of completion is three years i.e. March, 2024

7. I submit that the total solid waste generation presently in Greater Chennai Corporation is approximately 5100 TPD out of which wet and dry waste is around 2550 TPD each. For processing wet waste, Greater Chennai Corporation has created decentralized processing units such as Micro Composting Centres, Vermi Composting Centres, Bio-Gas Plants, Bio-Methanation Plants, Bio CNG plants, Windrow Centre of total design capacity of 776 TPD and also under Swachh Bharat Mission construction works are going on for various decentralized units for additional capacity of 417 TPD. Apart from this. Greater Chennai Corporation has empanelled Service Providers for processing wet waste generated by Bulk Waste Generators, And also for processing the wet waste and converting to Bio-CNG, 6 nos. of Plant each 100 TPD for n ton design capacity of 600 TPD is under progress. One Windrow composting plant of SO TPD is under construction.

For processing dry waste, Greater Chennai Corporation has decentralized units such as Material Recovery Facility (114 nos) and Resource Recovery Centres (90 nos) of total design capacity S10 TPD and also under Swachh Bharat Mission, construction work is going on for various decentralized units of capacity 120 TPD. Apart from this Greater Chennai Corporation has empanelled Service Providers for processing dry waste generated by Bulk Waste Generators. And also for scientific disposal of dry waste, installation of 6 nos, of Incinerator 100 TPD capacity each, total design capacity of 600 TPD is in tender stage. Pyrolysis Plant (2 nos. of design capacity 20 TPD each) for converting plastic waste to Fuel oil is under progress. Greater Chennai Corporation has tied up with

Dalmia Cement for utilizing the segregated non recyclable combustible dry waste of 300 TPD for co-processing in cement factories.

I respectfully submit that after completion of the above said projects, the quantity of garbage disposed in dumping sites would be considerably reduced.

I submit that it is therefore prayed that this Hon'ble National Green Tribunal may be pleased to consider the above facts and pass suitable orders and thus render justice."

Previous directions of this Tribunal in O.A. No.51/2016(SZ):

60. As per order dated 30.03.2016, this Tribunal had considered the various reports filed upto that date and also considered the submissions made by the learned counsel appearing for the Greater Chennai Corporation that the entire revenue records relating to the Pallikaranai Marshland are not available with them and also considered the submissions made by the counsel appearing for the 6th Respondent in that case, this Tribunal had Suo Motu impleaded the (i) District Collector - Kancheepuram District, (ii) District Collector - Chennai District and (iii) Tahsildar - Sholinganallur Taluk as additional respondents in O.A. No.51/2016 (SZ).

61. By virtue of the same order, also considering the importance of the marshland and the area which has been entrusted to the Forest Department viz., 690 Ha., the Forest Department was directed to file a detailed report regarding the full particulars including survey numbers and boundaries and whether those boundaries were fully demarcated.

62. Further, by virtue of the same order, this Tribunal had directed a Joint Inspection to be carried out comprising of the (i) officials of the Revenue Department including the Tahsildar, Sozhinganallur Taluk, (ii) officials from the Forest Department by DFO, Kancheepuram District, (iii) Officials from the Public Works Department preferably Executive Engineer, (iv) PWD, Chennai, officials from the Corporation of Chennai through the Executive Engineer, Greater Chennai Corporation, (v) Tamil Nadu Pollution Control Board represented by its District Environmental Engineer, Maraimalai Nagar, Chennai, (vi) Chennai Metropolitan Water Supply and Sewerage Board through the Executive Engineer, Chennai and

(vii) a representative from the Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association by its President and it was also directed that the Committee should be headed by the District Forest Officer, Kancheepuram and directed the committee to identify the area with reference to the Revenue and Forest records and give the details on the following points:-

(i) The total extent of area of Pallikaranai Marshland along with the boundaries.

(ii) Whether any encroachments are existing. If so, how much.

(iii) The area belonging to the Forest Department along with the details including the Survey Numbers and boundaries etc.

(iv) Whether the disputed area is a water body forming part of Pallikaranai Marshland. If not so, what is the reason for stagnation of the water as to whether it is due to discharge of effluent from the STP, Alandur.

(v) The position of the STP, Alandur as to whether it is functioning or not with the details about the number of years of non functioning and how the effluents are treated and whether discharged inappropriately and as to whether necessary permission has been obtained from the Tamil Nadu Pollution Control Board.

63. As per order dated 17.08.2016, after considering the submissions made by the learned counsel appearing for the official respondents as well as the 6 th Respondent, in order to identify the area verifying the records and also to conduct a proper study to protect the marshland, this Tribunal had appointed a committee of two Advocate Commissioners viz., Mrs. D. Nagasaila, Advocate and Mr. R. Raman Laal, Advocate to conduct site visit and conduct enquiry about the entire issue and file a detailed report. The respective departments including the Revenue Department were directed to co-operate with the Advocate Commissioners and furnish all details. The 6th Respondent Association was permitted to participate in the inspection.

64. Further, directions were also issued by order dated 19.10.2016, after considering the interim report submitted by the Advocate Commissioners, permitting the Advocate Commissioners to seek the assistance of the Expert from Care Earth of NGO and inspect the original records from Registration and Revenue Department. Further direction was also issued to the Conservation Authority of Pallikaranai Marshland to furnish a copy of the Comprehensive Management Plan, if it is available with them.

65. Earlier, the committee appointed by this Tribunal headed by the District Forest Officer, Kancheepuram has filed a report signed by the DFO on 21.05.2016, received by this Tribunal on 26.05.2016 which reads as follows:-

"Reports Filed By The Committee Constituted By Hon'ble National Green Tribunal, Southern Zone.

I, T. Ritto Cyriac, S/o. T.K. Cyriac, aged 33 years, employed as District Forest Officer, Chengalpattu Division, Kancheepuram do here by solemnly affirm and sincerely state as follows:

I am filing this report to queries raised by the Hon'ble National Green Tribunal in its order dated 30/03/2016 in Application No.51/2016, constituted a Committee comprising the following Members to submit report on extent of Pallikaranai Marsh Land and encroachments in it particularly in Beluah Nagar.

1. District Forest Officer, Kancheepuram
2. Executive Engineer, Public Works Department

3. Executive Engineer, Corporation of Greater Chennai
4. District Environmental Engineer, TNSPCB Maraimalai Nagar
5. The Executive Engineer, Chennai Metro Water Supply and Sewage Board (CMWS & SB), Chennai
6. The Tahsildar, Sozhinganallur Taluk
7. Thiru. Ramanathan President, Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association, KPK Nagar, Kallukatai.

Hon'ble Court ordered the Committee to submit report on I. The total extent of area of Pallikaranai Marsh Land along with the boundaries.

II. Whether any encroachments are existing. If so, how much III. The area belonging to the Forest Department along with the details including the survey numbers and boundaries etc. IV. Whether the disputed area is a water body forming part of Pallikaranai Marsh Land. If not so, what is the reason for stagnation of the water as to whether it is due to the discharge of effluent from the Sewage Treatment Plant, Aalandur.

V. The position of the Sewage Treatment Plant, Aalandur as to whether it is functioning or not with the details about the number of years of non functioning and how the effluents are treated and whether discharged inappropriately and as to whether necessary permission has been obtained from the Tamil Nadu State Pollution Control Board.

1) Committee convened a meeting on 15.04.2016 to discuss the actions to be taken. After detailed discussion committee decided to seek reports from District Forest Officer, Chennai Division, (The areas of Pallikaranai are now under the territorial jurisdiction of District Forest Officer, Chennai. There areas were handed over to District Forest Officer, Chennai by District Forest Officer, Kancheepuram on 20.10.2015 as per the directions in G.O. 3 (D) No.40 Environment and Forests, Department dated 21.09.2015) Executive Engineer, Chennai Corporation, Executive Engineer, Public Works Department and Tahsildar, Sholinganallur on the extent of area under their control of Pallikaranai Marsh Land and the encroachments present in it.

2) Total extent of area in Pallikaranai Marsh Land under the control of various departments and extent of encroachments present in it can be arrived at by getting reports of the concerned departments. But the total extent in which marsh lands were available in Pallikaranai decades ago is beyond the scope of this Committee to arrive at. It will surely be many folds more than what we are presently having. Chennai city during its fast growth has consumed a sizable chunk of marsh Lands. Whether all the conversion of marsh land were made as per rules in existence and whether there are encroachments by private people during these conversions are also beyond the scope of this committee.

3) So, Committee has focused on the present area of Pallikaranai Marsh Land and the encroachments in it. Committee also entrusted District Forest Officer, Kancheepuram to meet District Collector, Kancheepuram and appraise about Court's order. Accordingly, on 16.04.2016 District Forest Officer, Kancheepuram met District Collector and District Revenue Officer, Kancheepuram and discussed about the need to conduct immediate survey in Pallikaranai Marsh Land to submit report to Hon'ble National Green Tribunal on the extent of Pallikaranai Marsh Land under the control of various departments and encroachments in it. District Collector promised all the support and instructed Assistant Director of surveys to complete the survey works immediately. Committee also decided to get reports from District Environmental Engineer and Executive Engineer, Chennai Metro Water Supply and Sewage Board on the working of Sewage Treatment Plan at Aalandur (Minutes of Committee meeting and letters sent are in Type sets)

4) Reports received from District Forest Officer, Chennai Division, Chennai, Executive Engineer, Corporation of Greater Chennai, Executive Engineer, Public Works Department, The Executive Engineer, Chennai Metro Water Supply and Sewage Board (CMWS&SB), Chennai and District Environmental Engineer are in Typesets.

5) As per the reports, the present extent of Pallikaranai Marsh Land under the control of various departments is as follows.

I. Forest Department:

List of Lands Received From Various Departments by Forest Departments Sl. G.O.Nos & Date S.No Area Received Under section of No from TNF 1 G.O,Ms.No, 52 E Pallikaranai Revenue Act 1882 Declared Under & F 657/E 0.40.5 Department section 4 of TNF (FR-14) 65713C,3D,3F 3.53.0 Act department to 3K 1882 and sent dated 657/3A3 133.00.0 proposals to 09.04.2007 District 453/2C 26.06.0 Collector, 432/1 56.55.0 Kancheepuram for 429/2 26.21.5 Section 16 433/1A to 1 H 34.28.5 433/2A to 2F 444/2 0.39.0 434/3 6.87.0 430 16.49.5 431 13.20.0 317.00.0 Municipal Corporatio Proposa[s under 657/1 B3 48.02.5 Administration & n Section 4 of TNF 657/3A2 122.38.5 Act water 170.40.0 supply (MC-I) 1882 was sent to department collector dated Kancheepuram 24.12.2012 3 Sic91ilir anallur Revenue Proposals of under G.O.Ms.No.147 602/7 50.96.0 Departme section 4 of TNF Revenue (LD -

		Perumpakkam		nt	
	IV)	534/4	20.74.0		188
	department		71.70.0		Ka
	dated 2.5.2014				
4	Kancheepuradm District Gazette No.6	Pallikaranai 658/1A	34.84.0 80.91.0	Revenue Department	Decla Section
		657/1A			
	dated	657/4A	04.89.5		
	01.07.2013	657/4C	10,90.5		

131.55.0

The details of encroachment present in the area under the control of Forest Department submitted by District Forest Officer, Chennai is attached as type sets.

II. Chennai Corporation:

Sl.

No.	Village Name	Survey No.	Area in Ha.	Ownership	
		657/1B1	173.33.00		
		709	1.36.00		
		710	1.41.50		
1.	Pallikaranai	711	0.89.50	Chennai Corporation	C du
		712	1.65.00		
		713	1.60.50		
			180.25.50		

III. Public Works Department:

Sl.

No.	Village Name	Survey No.	Area in Ha.	Ownership	
		657/3A3	35.68.0		
		453/2C	2.75.0		
		432/1	8.03.0		
1.	Pallikaranai	429/2	3.78.5	PWD	
		432/2	0.10.5		
		431/1 to 11	3.86.0		
			54.21.0		

IV. Revenue Department:

SI. No.	Village Name	Survey No.	Area in Ha.	Ownership	Land use
1	Pallikaranai	657/3A1	2.70.5	Revenue	Full of Encroachments
2	Sholinganallur	602/8	4.19.0	Revenue	P r o p o s e d C o n s t r u
3	Pallikaranai	657/4A	2.00.5	Revenue	Revenue offi Uncovered area buildings. of TNF Act

4	Pallikaranai	658/1C	0.40.5	Revenue	Uncovered area 26 of TNF Act 1 water body.
			13.50.5		

The area under the control of Forest Department is under various stages of Forest consolidation. The details are summarized in the above table.

6) Some areas of Marsh lands had already been allotted to Government Institutes earlier. The details are furnished below SI. G_O Nos & Date , S. No. Area Name of the Concern No. G.O.Ms.No. 282 Revenue Pallikaranai Center For Wind (LD-IV) Department dated 657/1A2 Energy Technology 28.08.2001 1.78.5 Department dated 19.02.1997 20.00.0 3 The Collector Pallikaranai MRTS Kancheepuram proceedings 657/1A2 1.36.0 No 38427/2007 dated 7.8.2008 657/1A3 0.10.5 657/1A4 0.10.5 657/1A5 0 92 5 658/1A2 49.62.0 724/1A2 0.93.0 724/4B 0.20.0 53.26.5 4 G.O. (Ms). No. 327 Revenue Shollinganallur ELCOT LD-5 (2) Department dated 121.41.0 G.O. (Ms). No. 648 Revenue Perumpakkam Center For Classical LD -4(1) Department dated 1/2 0.27.0 Tamil.

	05/11/2007	2/2	0.52.5
5		430/3	0.30.0
		430/1	5.62.0
			6.71.5
	Total		203.17.5

7) Tahsildhar, Sholingallur did not attend the meeting held on 15/04/2016. He was represented by Deputy Inspector of Survey, Sholingallur.

The Committee during the discussions in the meeting concluded that most important task is to identify the land under the control of various departments. In many places there is confusion about the boundary. This can only be cleared by a comprehensive survey. This work can only be done by the Revenue Department with the help of Survey Department and their documents. Only if the area under the control of various departments is surveyed and demarcated the encroachments can be identified. It will also help in preventing further encroachments. So the committee entrusted Tahsildhar, Sholingallur and Deputy Inspector of Survey, Sholingallur to undertake a complete survey and to prepare the comprehensive report and fresh map of Pallikaranai Marsh Lands and to submit to committee on or before 10.05.2016. It was also instructed that encroachment in each Survey No. will be listed and recorded. Committee unanimously decided that field inspection in Beluah Nagar, K.P.K Nagar, Kallukuttai and Sewage Treatment Plant, Aalandur will be undertaken on 12.05.2016, after receipt of report from Tahsildhar.

8) Taking into consideration the spirit of Model code of conduct and to avoid any Law & Order problems field visit was later postponed to 18.05.2016 on proper intimation to all members.

On 18.05.2016 committee inspected Sewage Treatment Plant, Aalandur and Beluah Nagar. In the joint inspection, Tahsildhar, Sholinganallur did not attend. The work of surveying the dispute areas and listing the encroachment was entrusted to Tahsildhar, Sholinganallur on 15.04.2016. But even after the lapse of one month he did not submit any report to the Committee. Without the Technical expertise and documents of Revenue and Survey Departments it was impossible for the Committee to identify boundary of marsh Land areas under the control of Government and to identify the encroachments in it. Even then, Committee under took a visit to the disputed area to have a firsthand knowledge about the area.

☐ During Committees visit most of the area claimed to be Beluah Nagar by the Plot owner's Association was submerged under water.

☐ The boundary between the areas under the control of Forest Department, K.P.K Nagar and Beluah Nagar is not clear and is unidentifiable in the land without the help of Revenue and Survey Departments and their records like FMB sketches.

☐ Plot Owners Association Members who were present during the inspection claimed that they have valid Patta and other documents issued by Revenue Department. Since Tahsildhar was not present it was not possible to clarify on their claim.

9) Committee visited the Sewage Treatment Plant under the control of Chennai Metro Water Supply and Sewage Board at Perungudi. The purpose of visit was to see whether the plant is working properly. The reports submitted by District Environmental Engineer and Executive Engineer, STP are in type sets. The Committee observed the following during the visit.

☐ The installed capacity of STP is 12 MLD (Million Liters Per day). This plant is under build, own, operate and transfer (BOOT) arrangement with a Hyderabad based company IVRCL.

☐ During the visit Committee observed that sewage water is getting overflowed to parts of Marsh Land under the control of Chennai Corporation.

☐ Executive Engineer, STP informed that overflow occurs only during peak hours and that they are taking immediate measures to divert the overflow from Marsh Land.

☐ District Environment Engineer who was present informed that the Sewage Treatment Plant has not obtained renewal consent from Pollution Control Board.

☐ The over flown water from STP is getting mixed with the waste in the Corporation dumping yard and further flow is being blocked by the heaps of waste dumped in the yard. This stagnated water poses serious environmental hazards.

□The Committee learned that maintenance of STP is not properly done by the company which has taken contract for that and STP is under the process of terminating that company.

The photographs taken during committees field visit is in the type sets. 10) The Committee hereby submit reply to the queries raised by Hon'ble National Green Tribunal as follows.

I. The total extent of area of Pallikaranai Marsh Land along with the boundaries.

The details of area under the control of Forest Department, Chennai Corporation, PWD and Revenue Department are furnished below.

1. Forest Department:

List of Lands Received From Various Departments by Forest Departments Sl. G.O.Nos & Date S.No Area Receiv Under Section No ed of TNF Act .1 G.O.Ms.No. 52 E & Pallikaranai from Revenue 1882 Declared F (FR-14) 657/E 0.40.5 Department Under section 4 department dated 657/3C,3D,3F of TNF A c t 09.04.2007 to 3K 3.53.0 1882 and 657/3A3 133.00.0 sent proposals 453/20 26.06.0 to District 432/1 56.55.0 Collector, 429/2 26.21.5 Kancheepuram 433/1A to 1 H 34.28.5 for Section 16 433/2A to 2F 444/2 0.39.0 434/3 6.87.0 430 16.49.5 431 13.20.0 317.00.0 Pallikaranai Proposals G.O.Ms.No.127 657/1B3 48.02.5 under Section 4 Municipal 657/3A2 122.38.5 Administration & water 170.40.0 Chennai of TNF Act supply (MC-I) Corporation 1882 was sent department dated to collector 24.12.2012 Kancheepuram 3 G.O.Ms.No.147 602/7 50.96.0 Revenue Proposals of Revenue (LD - Perumpakkam Departme under section IV) department 534/4 20.74.0 nt 4 of TNF Act dated 2.5.2014 1882 was sent to collector 71.70.0 Kancheepuram 4 Kancheepuradm District Pallikaranai Declared 658/1A Gazette No.6 dated 34.84.0 under Section 01.07.2013 657/1A 80.91.0 Revenue 26 of TNF 657/4A 04.89.5 Department Act 1882 657/4C 10.90.5 131.55.0

2. Chennai Corporation:

SI.No'	Village	Survey	Area in	Ownership	
	Name	No.	Ha.		
		657/1B1	173.33.00		
		709	1.36.00		
		710	1.41.50		
		711	0.89.50	Chennai	Corpora
1.	Pallikaranai			Corporation	
		712	1.65.00		
		713	1.60.50		
			180.25.50		

3. Public Works Department:

SI. No.	Village Name	Survey No.	Area in Ha.	Ownership	Land use
		657/3A3	35.68.0		
		453/2C	2.75.0		
		432/1	8.03.0		
1	Pallikaranai	429/2	3.78.5	PWD	Flood diver
		432/2	0.10.5		
		431/1 to 11	3.86 .0		
			54.21.0		

4. Revenue Department:

SI. No.	Village Name	Survey No.	Area in Ha.	Ownership	
1	Pallikaranai	657/3A1	2.70.5	Revenue	
2	Sholinganallur	602/8	4.19.0	Revenue	Pr
3	Pallikaranai	657/4A	2.00.5	Revenue	Reve
		657/1A	4.20.0		Uncov
4	Pallikaranai	658/1C	0.40.5	Revenue	Uncov
			13.50.5		of TN

II. Whether any encroachments are existing. If so, how much The details of encroachment in the area under the control of Forest Department (as reported by District Forest Officer, Chennai) is in type sets. Encroachment status in the areas under the control of Revenue Department, Chennai Corporation and PWD is not known. A Comprehensive report on the extent of encroachments can be submitted only after proper ground survey by Revenue Department.

III. The area belonging to the Forest Department along with the details including the survey numbers and boundaries etc. The details are furnished above. In Survey No. 658/1A which is declared under section 26 of Tamil Nadu Forest Act 1882 and to be handed over to Forest Department, the boundaries are not clear. The extent of 34.84 Hac to be handed over to Forest Department out of total 88.47 Hac of Survey No. 658/1A is not demarcated. The disputed Beluah Nagar and K.P.K Nagar share boundary with this Survey No. For many years, Forest Department is requesting Revenue Department to Survey and demarcate this area so that proposal under section 4 of Tamil Nadu Forest Act 1882 can be sent to District Collector, Kancheepuram. But Tahsildhar, Sholinganallur has not taken any interest to survey and demarcate this area. This Committee has requested Revenue Department to survey this area and place the report with fresh map to the Committee for field inspection. But even after the lapse of one month Tahsildhar did not submit any

report and not even attended joint inspection. Without the documents and technical expertise of Revenue Department this Committee is unable to submit any comprehensive report to Hon'ble National green Tribunal on the status of encroachment in this Survey No. So we recommend that a special survey team may be constituted with Assistant Director of Surveys as the head to survey and demarcate entire Pallikaranai Marshland and to list the encroachments.

IV. Whether the disputed area is a water body forming part of Pallikaranai Marsh Land. If not so, what is the reason for stagnation of the water as to whether it is due to the discharge of effluent from the Sewage Treatment Plant, Aalandur.

During Committee's visit, majority of areas claimed to be Beluah Nagar by plot owner's association was submerged under water. Geographically it forms a part of Marsh Land. But since, The Plot Owners Association members claim that they have patta and documents for the land, final decision on whether it is encroachment on government land can be taken only after comprehensive survey by Revenue Department and Assistant Director of Surveys.

It is true that Sewage water is getting overflowed to the marsh lands from STP, Aalandur but that may not be the reason for water stagnating at this place as the land is at slightly higher elevation compared to STP. The heaps of waste being dumped at Corporation dumping yard obstruct the natural flow of water and result in stagnation. The building debris freshly put in the area for raising the level of land also obstructs natural water flow and causes water stagnation.

V. The position of the Sewage Treatment Plant, Aalandur as to whether it is functioning or not with the details about the number of years of non functioning and how the effluents are treated and whether discharged inappropriately and as to whether necessary permission has been obtained from the Tamil Nadu State Pollution Control Board.

During inspection it is found that sewage water is getting overflowed to the Marsh area. The Executive Engineer informed that overflow is happening only during peak hours. The maintenance of Sewage Treatment Plant is not properly done by the company which has taken contract for that. The District environmental Engineer who was present during inspection informed that STP has not taken annual renewal consent from pollution control board. The reports of District environmental Engineer and Executive Engineer, STP are in type sets.

11) The Committee submit the following recommendations for the kind consideration of Hon'ble National Green Tribunal.

☐ A survey team with Assistant Director of Surveys and Tahsildar, Sholinganallur has to be constituted to survey and demarcate entire Pallikaranai Marsh Land. Comprehensive survey and demarcation is the most immediate step to be taken in Pallikaranai Marsh Land. Then only encroachments can be identified.

☐ The patta areas adjacent to Marsh Land should not be converted to other land uses than for which it is allotted without the proper permission of competent authorities.

□The existing areas of Pallikaranai Marsh Land under the control of various departments should be handed over to Forest Department □The Forest consolidation process pending at various levels may be expedited.

□The heaps of waste in dumping yard of Corporation is blocking the natural course of water and posing serious environmental hazards. Steps can be taken to relocate dumping yard to some other area."

66. Advocate Commissioners appointed by this Tribunal filed an interim report dated 19.10.2016 along with certain photographs and received on 05.12.2016 which reads as follows:-

"INTERIM REPORT OF THE ADVOCATE COMMISSIONERS

1. This Hon'ble Court by its order dated 17.08.2016 passed the following order "After hearing the learned counsel appearing for the parties and also the Tahsildar, Sholinganallur who is present before this Tribunal along with sketch and revenue records, we are of the view that in respect of the Pallikaranai village, there shall be a proper identification of marsh lands, water body, patta lands, lands belonging to various Departments like Forest, Revenue etc. Even though the Tahsildar would say that he will be able to demarcate the lands concerned, it is an admitted fact that as on date there is water stagnation in Beluah Nagar and Periya Mutharamman Nagar in S.Nos. 714 to 721, as stated by the learned counsel appearing for the respondents. The reason for such stagnation of water is not because of the heavy rain, which has occurred in November and December 2015, but because of the non maintenance of STP Plant at Alandur Village, which is run by Chennai Metro Water Supply and Sewerage Board (CMWS&SB) and owned by the Greater Chennai Corporation. We are of the considered view that in these circumstances, we have to clearly identify the boundaries of the aforesaid lands concerned and it requires proper study and detailed verification of records by the persons, who are well experienced in the field.

Accordingly, we appoint Mrs.D.Nagasaila, Advocate (Mobile No.94440 83494) and Mr.R.Raman Laal, Advocate (Mobile No.98410 81445) as Advocate Commissioners for the purpose of making the site visit and conducting enquiry about the entire issue and to file their detailed report before this Tribunal, so as to enable the Tribunal to come to a conclusion. A sum of Rs.50,000/- is fixed as initial remuneration to each of the learned' Advocate Commissioners and the same shall be paid to the Advocate Commissioners directly by the Greater Chennai Corporation and the District Collector, Kancheepuram jointly. The authorities in the Revenue Department and other various other Departments shall render all necessary assistance to the learned Advocate Commissioners, who shall visit the places concerned on the days convenient to them after giving advance notice to all the parties concerned. We make it clear that the applicant as well as the Plot Owners Welfare Associations can participate in the enquiry. The respondents are directed to cooperate with the learned Advocate Commissioners during the enquiry. The report shall be filed by the

Advocate Commissioners on 16.09.2016."

2. The Advocate Commissioners sought further time to carry out the inspection as all the reports filed by the Revenue and Forest Departments and other documents filed in this case was not furnished to them. This Hon'ble Tribunal was pleased to issue a direction directing the Office to furnish copies of all the papers to the Advocate Commissioners. The same was furnished to us.

EARLIER REPORTS

3. It is stated that this Hon'ble Tribunal by its order dated 30.03.2016 directed the constitution of a committee comprising of (i) District Forest Officer, Kanchipuram (ii) Executive Engineer, PWD (iii) Executive Engineer, Corporation of Chennai (iv) District Environment Engineer, TNSPCB (v) Executive Engineer, Metro Water (vi) Tahsildar Sholinganallur Taluk (vii) Thiru Ramanathan, President, Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association, KPK Nagar, Kallukatai. This Committee was asked to submit a report on (i) the total extent of Pallikaranai Marsh along with boundaries (ii) Whether any encroachments are existing and if so, how much (iii) the area belonging to the Forest Department along with the details including the survey numbers and boundaries (iv) Whether the disputed area is a water body forming part of the Pallikaranai marsh, if not so, what is the reason for the stagnation of water as to whether it is due to the discharge of effluent from the sewage treatment plant, Alandur (v) Position of the sewage treatment plant, Alandur. The said committee filed a report dated 24.05.2016.

CAVEAT OF COMMITTEE

4. The Committee started its report with the caveat that assessing the total extent of the marsh lands decades ago is beyond the scope of this Committee. The Committee observed that a sizeable chunk of the marshland have been encroached upon and converted to other use and whether the encroachment by private people during these conversions were made as per the rules in existence is also beyond the scope of enquiry of the Committee.

5. The Committee in its report listed out the present extent of marshland under the control of the following departments - (i) Forest Department (ii) Chennai Corporation (iii) Public Works Department (iv) Revenue Department. The Report also gave details of the areas of the marshlands which had been allotted to government institutions.

COMMITTEES OBSERVATION ON BELUAH NAGAR

6. The area claimed to be Beluah Nagar was submerged under water. The boundaries between the marsh and Beluah Nagar are not clear and unidentifiable on the land without the help of the Revenue and survey departments and their records. Geographically, Beluah Nagar forms part of the marshland. It was also stated that while it is true that sewage water was overflowing into the marshlands from the STP in Alandur, the stagnation of water in the Beluah nagar area may not be due to overflow from the STP as the land is at a slightly higher elevation compared to STP. While the dump yard of the Corporation obstructed the natural flow of water, the building debris put in the

Beluah nagar area for raising the level of the land also obstructed natural water flow and caused water stagnation. The members of the Nagar claim to have valid patta.

COMMITTEES OBSERVATION ON THE FUNCTIONING OF STP

7. The key observations of the Committee was that sewage water was overflowing into the marshland and was mixing with the waste in the corporation dumping yard and further flow is being blocked by the heaps of waste dumped in the yard. This stagnating water poses serious environmental hazards.

COMMITTEE'S OBSERVATION ON ENCROACHMENTS

8. The Committee identified encroachments in the area under the control of the Forest Department but stated that the encroachment status in the areas under

the revenue department, Chennai Corporation and PWD is not known and the same could be submitted only after proper ground survey by Revenue Department.

9. The Committee submitted the following recommendations -

(i) Comprehensive survey to demarcate the entire Pallikaranai marshland by a survey team with Assistant Director of Surveys and Tahsildar, Sholinganallur. Only thereafter can encroachments be identified.

(ii) The Patta areas adjacent to the marsh lands should not be converted to other land uses without proper permission of the competent authorities.

(iii) The existing areas of the Pallikaranai marshland, under the control of the various departments should be handed over to the Forest Department.

(iv) The Forest Consolidation process should be expedited.

(v) Steps should be taken to relocate the dumping yard to some other area.

10. Apart from the above referred Committee report, the Tahsildar, Sholinganallur, filed an affidavit dated August, 2016. In the said affidavit, he identified an extent of 317 hectares which has been identified as Tharisu land (land which remains uncultivated for more than 5 years) as per Kanchipuram District Gazette No. 6 dated 20.02.2003. The affidavit states that the he along with his survey team and the Committee members were present on 05.07.2016 and 07.07.2016 and the entire survey work in Pallikaranai marsh was completed on ground and the same is mentioned in the minutes of the Assistant Conservator of Forests, Pallikaranai.

COMMENTS OF THE ADVOCATE COMMISSIONERS ON THE EARLIER REPORTS

11. On the perusal of the reports filed before this Tribunal, the following are the observations/comments -

(i) The Committee started its report with a caveat that enquiry into the original extent of marshland and the encroachments and land use conversion of the marsh into other uses is beyond the scope of enquiry of the Committee. However, an enquiry into the same is the key to first understanding the true extent of marshland and indentify the encroachments and come up with a proper management plan for the preservation of the marsh. While it may not be possible to set the clock back entirely, it is important to have complete data in order to identify the extent of marshland which though may be listed as other revenue categories of land is actually a part of the marsh land. Once the entire stretch of land is identified, a proper plan of action for removal of encroachments, etc is possible.

INSPECTION BY THE ADVOCATE COMMISSIONERS

12. It is submitted that the Advocate Commissioners after due notice to all the Respondents concerned, undertook an inspection of the area on 05.10.2016. The Advocate Commissioners had orally informed and gotten the permission of this Hon'ble Tribunal to obtain the assistance of members of the Care Earth Trust as the said organisation had carried out pioneering work in the study of Pallikaranai marsh and have also submitted a complete management plan for the conservation and preservation of the marsh.

13. The inspection started at 10 am in the morning. The team assembled at Chennai 1 Building on the 200 ft Radial Road. The team went down the Radial Road which divides the marsh and inspected the PWD Culverts which are to provide for the free flow of water under the radial road. The team visited the area adjacent to the Thangavel Engineering College, ELCOT area, the Corporation dumping yard, the STP adjacent to dumping yard and Beluah Nagar and Periya Mutharamman Nagar. The Care Earth team accompanying the Advocate Commissioners recorded the GPS Co-ordinates at every place the team halted and took photographs wherever it was necessary. They also rendered invaluable service in identifying the birds observed during the inspection and also explained to the Advocate Commissioners, the ecological markers which help identify the nature of the land.

Observations of the Advocate Commissioners

S. No.	Location	GPS Points	Observations/Remarks
1.	Roadside landfill	12.94935 N 80.22331 E 13 m asl	As the term travelled along the radio road, it was observed that in certain areas, debris was dumped thereby slowly reclaiming the land from the marsh and widening the width of the of the road margin. Such road side landfills should be cleared

immediately in order to prevent change in land use and encroachments at a later date.

2. PWD Channel 12.90346 N The Team stopped at PWD Culverts and it was crossing the 80.21320 E noticed that the culverts were poorly maintained. road in 6 m asl Red colour water near the culvert on the opposite Perumbakkam side of the dumping yard was observed, showing that adjoining there was leachate from the dumping yard. Further, Elcot in its there was debris dumped on either side of the culvert western side thereby once again extending the road margins.

These culverts have to be cleared of debris and there should be an immediate testing of the water flowing in the culverts to ascertain the nature of the water flowing in the culverts and take remedial measure.

3. Prosopis The proliferation of Prosopis Juliflora is not a healthy juliflora sign as it is an invasive species and the same has to proliferation be cleared in and around all the PWD channels. near the PWD channel

4. Soil dump in 12.92424 N The team inspect the road leading to the Thangavel front of 80.22631 E Engineering College. There was a huge dump of Thangavelu 5 m asl earth adjacent to the road, which according to the Engg. College Forest Department was the earth removed from gate desilting and was being used to demarcate the boundaries of the forest land. However, the earth dump which was several feet high is obstructing the flow of the water and would be detrimental to the marshland and hence the same has to be removed.

Apart from this, it was also noticed that fresh earth was laid all along the road width thereby illegally widening the road. We were informed by both the Forest and Revenue Officials present that that road itself is not an encroachment on the marshland. It is recommended that the fresh earth which has been used to widen the road should be immediately removed and the encroachment by way of the unauthorized road which is used by the college as an approach road should be cleared and restored to its original state.

5. Wetlands A drive through ELCOT area showed that between inside Elcot the buildings thee was vast ponds of water in which the presence of migratory birds in large numbers was observed. It is seen that ELCOT Management has been converting the natural biodiversity of the land by landscaping it with alien species which we are advised to state would be detrimental to the marshland as the ELCOT area is nothing but an integral part of the Pallikaranai Marsh. We also observed that the building of the ELCOT had a full glass exterior which we were informed would be detrimental to the birds as birds often peck at these mirror images seen in the glass which harm them.

Hence, it is important to advise the companies to put up constructions that do not disturb the natural bio diversity and harm the birds.

6. Elcot 12.91479 N It was observed that some temporary sheds were put extension in 80.22064 E up in the northern boundary beyond the compound its northern 3 m asl wall of ELCOT premises. It

has to be verified if these boundary sheds had come up with permission and whether they are closer to the area within the land allotted to ELCOT or are an Marsh and encroachment.

- | | |
|---|--|
| near
interpretation
centre; just
after the tea
shop | |
| 7. Before
interpretation
centre; TNFD | The forest department has converted a portion of the
marshland and created artificial ponds and
embankments with pathways which we were told
was for educational purposes. They have also |

planted trees in the artificial islands created by them. The experts from Care Earth informed us that the planting of such trees would alter the character of the marshland. The biodiversity present on the marshland and the birds which are attracted to the marshlands are entirely different from the birds that are attracted by a tree cover. The tree cover would attract larger terrestrial birds whereas the marshlands are home to hundreds of smaller bird species and the creation of this artificial landscape would be detrimental to the marshland ecology. This aspect has to be studied in greater details by the experts on the subject.

8. Dump yard 12.95505 N The Advocate Commissioners visited the corporation 80.23566 E dump yard. It was noticed that unsegregated waste 9 m asl was being dumped and literally the entire area is mountains of garbage. It was noticed that the garbage was filled with plastic and the leachate from the plastic is probably the reason why the change in colour of water was observed at the PWD channels.

We were informed that there is already a Government Order to limit the perimeter of the dumping yard but the same was not being followed.

The Advocate Commissioner whole heartedly endorse the recommendations of the earlier committee that even these areas should be handed over to the Forest Department and the Corporation should relocate the dump yard in a phased manner.

9. Sewage We were informed that the STP dealing with the Treatment Alandur sewage and hence, the same was being Plant diverted to the Perungudi plant. The slurry ponds were dry with a lot of undergrowth thereby indicating that the Alandur STP has not been functioning for a significantly long period. The team noticed that there was a pipeline which was visible from under the Corporation debris. We were informed that this pipeline was for the purpose of over flow from the sewage plant which was let into the marsh land. It was quite clear that the marshlands adjacent to the STP were contaminated.

10. Telephone Adjacent to the STP was an incomplete road which Nagar ended abruptly in the marsh. We were informed that originally, there was a plan to extent this road into the marsh and connect to Beluah Nagar but this plan has since been abandoned. Along the road, was an open drain where water was flowing at a fast pace and joining the marshland. We were informed that this drain

was the sewage/drain water from the entire Telephone Nagar which is a dense residential area. Since it did not have a drainage system, the entire drain water from the Nagar was being channelled into the marsh. There should be a further in depth examination of this to understand the nature and quantity of the water being let out into the marsh and immediate allocation of funds to provide proper drainage to Telephone Nagar is essential.

11. KPK Nagar in 12.96512 N From the STP, the team proceeded to Beluah Nagar.

Kalkuttai / 80.22975 E Enroute, we passed through KPK Nagar in shallow water 9 m asl Kalukuttai. We observed coconut groves, wetlands behind in Kalkuttai and presence of large birds. It was Velachery observed that there was stagnant water in empty MRTS plots and grass typical of marshlands was observed between houses. The presence of biodiversity typical to marshlands indicated that these areas were part of the original marshlands.

12. Beluah Nagar At Beluah Nagar, the observation of the Advocate Commissioners is similar to the earlier reports. The entire area claimed to be patta lands by the residents association was filled with 4 - 5 feet of water. We were informed that the layout of Beluah Nagar and Periya Muthuramman Nagar are unapproved layouts and they are agricultural lands and there is no permission to convert the land use to residential purposes. Red poles were placed in the middle of the water by the Forest Department indicating the boundaries of the lands under the control of the Forest Department. It was informed that the land before the red posts were patta land and the Revenue and Forest Officials had to go by boat to demarcate the boundaries between forest and revenue land.

Some compound walls submerged in water was noticed further down into the marshland from the area where the debris was dumped by the residents of Beluah Nagar.

In the waters, migratory birds were noticed and the grass indicative of marshlands was also seen.

14. It is submitted that main task assigned to the Advocate Commissioners is to demarcate the boundaries of the marshlands and to ascertain if the stagnant water in Beluah Nagar and Periya Muthuramman Nagar is on account of the outflow from the STP or whether it is a natural stagnation of water on account that it is a marshland and to identify encroachments. This task is far more complex than anticipated as firstly, the original marshland extends to thousands of hectares of land. Further, the knowledge of wetlands and their ecological importance and the classification of wetlands as a separate and distinct category of lands is recent origin. It is reliably learnt that the old land records have originally classified the marshland as water body and later classification was changed to agricultural land. Hence, it is seen from the report of the Tahsildar that the Revenue Authorities have denoted the land classification have denoted the land as per the 2003 Gazette Notification. Unless the older land records/ survey maps/revenue maps/A Registers are examined, it is difficult to get a comprehensive picture of the extent of the marshland. Further, the old land records pertaining to Beluah Nagar and Periya Muthuramman Nagar have to be examined from the Commissioner of Land Records.

15. The pattas currently produced are of recent origin and the original pattas and documents pertaining to it will have to be examined from the records of the Revenue as well as the Registration Departments, Reports of the hydrologist is also required in determining the contours of the land and the direction of the flow of water in order to ascertain the reasons for the stagnation of water in Beluah Nagar and Periya Mutharamman Nagar. We would also need to have a detailing of the ecological markers in and around the area to ascertain if it was part of the original marshland. It was reported by the Tahsildar that these reports were not available with him and the same would have to be obtained from the District Collector and Commissioner of Lands. It is also learnt that a Conservation Authority for Pallikaranai Marsh has been established and a comprehensive plan for the management and conservation of the marshland is contemplated. The details and status of the same is also necessary.

16. It may be recorded that the Chennai Corporation has paid a sum of Rs 25,000 to each of the Advocate Commissioners towards their share of the payment. A further sum of Rs 25,000 to each of the Advocate Commissioners to be paid by the Kanchipuram District Collectors is yet to be paid.

It is therefore submitted that this Hon'ble Tribunal may be pleased to

(i) direct the District Collectors, Chennai and District Collector, Kanchipuram to make available all the records from the early 1900s in respect of the Pallikaranai marsh are along with maps and other documents.

(ii) The Advocate Commissioners may be permitted to take the assistance of a hydrologist to ascertain the drainage pattern of the area in dispute and continue to seek the assistance of the experts of Care Earth for other expert advice.

(iii) Direct the Registration and the revenue authorities to provide for inspection of the original records pertaining to pattas, sale deeds given in the disputed area

(iv) Direct the Conservation Authority for Pallikaranai Marsh to furnish a copy of the Comprehensive Management Plan document reported to be available with them.

(v) Grant a further time of 6 weeks to the Advocate Commissioners to peruse the records/documents/maps as requested above and to carry out the hydrology and other studies and to submit their final report.

We are enclosing the photographs and timeline of Beluah Nagar from Google Earth maps are also filed as annexure.

Dated at Chennai, on this the 19th day of October, 2016."

67. The 5th Respondent has filed their objections to the report.

68. Advocate Commissioners have filed a final report dated 15.11.2017 along with the hydrological report on Pallikaranai Marshland and certain photographs and also certain field maps received on 16.11.2017 which reads as follows:-

"Final Report of the Advocate Commissioners after receipt of the Hydrologist report

1. This Hon'ble Tribunal by its order dated 17.08.2016 appointed us as Advocate Commissioners to visit the site which is the subject matter of controversy namely Beluah Nagar and Periya Mutharamman Nagar in S. Nos. 714 to 721. The Advocate Commissioners visited the site on 05.10.2016 and filed an interim report dated 19.10.2016 recording our observations. In the said report we sought further directions from this Hon'ble Tribunal inter alia to permit the Commissioners to seek the assistance of a hydrologist to ascertain the drainage pattern of the area in dispute and continue to seek the assistance of the experts of Care Earth for other expert advice. The same was ordered by this Hon'ble Tribunal.

2. After repeated requests from the Advocate Commissioners, Mr. N. Jagaraj (Hydrologist) Assistant Exec. Engineer, WRD, Lower Palar Basin Division, Chengalpattu, from the Water Resources Department was deputed by the Public Works Department. The hydrologist along with one of us (Mr. Ramanlal) visited the Beluah Nagar area on 30.07.2017 along with Mr. Seralathan, Advocate representing the 6th Respondent, Mr. Manoharan, AGP, representing Respondents 1 to 5, 7 to 8, Mr. Muthaiya, Executive Engineer, WRD, Lower Palar Basin Division, Kancheepuram, Mr. G. Mahendrakumar, Junior Engineer, WRD, Irrigation Section, Padappai, and Mr. Mithirin Jothi Pandian, ACF, Forest Department.

3. The hydrologist submitted a report dated 09.10.2017 and the key findings of the hydrologist are as follows:-

i) Beluah Naga was water logged at the time of visit

ii) It is located in a low lying which is .310m (-) below mean sea level and the existing water level is .440m (+) above sea level and hence the depth of stagnation is 0.75m

iii) The STP plant is located at a lower level than Beluah Nagar at .55m below mean sea level and the existing water level is .440m (+) above sea level and hence the depth of stagnation is 0.99m.

iv) The Pallikaranai Marsh is also approximately .55m below (-) mean sea level and even during non- monsoon period the depth of water will be around 1.00 m to 1.2 m. During monsoon on account of tidal action, back water effect will be experienced and the water level in Pallikaranai marsh along with Beluah Nagar area will increase and during 2015 floods the water logging observed was 3.05m.

v) The hydrologist has also recorded that as per the Revenue records perused by him, the land in question is patta lands.

4. The report also furnished the water analysis reports of the samples collected during the visit at Beluah Nagar and Mutharamman Nagar and the STP Plant, Perungudi. The results indicated that the level of water pollution is at Beluah Nagar and Muthalamman Nagar was comparatively higher than the Maturation Pond of STP Plant Expert Opinion of 'Care Earth'.

5. The report of the hydrologist was sent to Ms. Jayashree of Care Earth for her observations. The Commissioners also requested her to give her expert opinion as to whether the water logging in the Beluah Nagar and Muthalamman Nagar area was on account of the illegal discharges from the STP and the blockage of the natural flow of water on account of the dump yard. Given below is the full text of her comments received by email -

"Pallikaranai Marsh located on the geo-coordinates of 12.949371°N latitude and 80.218184°E longitude is one of the last remaining natural wetlands of the Chennai city. It is locally known by generic tamil name 'kazhuveli' which means a marsh or water logged area (Vencatesan, 2007). It is critical to recognise that the terms stagnation and water logging are not synonymous: water logging is a condition in which the topography and the soil profile of the habitat support retention of surface water, and have typical aquatic vegetation. Stagnation on the other hand is caused artificially deliberate or unintentional human intervention). Permanent inundation of water is feasible only when the geological profile of the habitat is designed to facilitate the same, and this is what is seen in the area that is under consideration. The surplus from the STP can only flow in a south-easterly direction, as surface water, since the natural flow of that portion of the marsh is aligned in that direction. The garbage dump of Perungudi is indeed a physical barrier, but does not reverse flush water. It is a permeable zone with connecting culverts that facilitate flow of water. It is to be noted that the topography of the marsh is such that it always retains surface water storage, and thereby drains about 250 sq.km of south Chennai. The fact that it receives the surplus of 65 wetlands demonstrate that the marsh is a critical drainage zone for the city; and the role as a flood mitigation zone is one of the consequent functions.

Hydrology of Pallikaranai Marsh and south Chennai A rather perplexing issue confounding Pallikaranai Marsh has been its hydrology. While the geological profile of the marsh confirmed the fact was indeed a part of a floodplain, the absence of historical maps prior to 1900s and inaccessibility rendered by dense human habitation to undertake field assessments has left the question of connectivity to rivers unanswered. This also led to a condition where the definition of the boundaries of the landscape was becoming untenable. More recently though, a toposheet of 1904 has been accessed which reveals certain interesting features. The construction of the Buckingham canal was a key feature in connecting the marsh to the Sea through the Kovalam Creek. This ensured the flow of tidal water into the marsh during summer.

The southern canal which originated in Ottiyambakkam wetland, drained North through Perumbakkam to eventually reach Velachery. In addition, water from the St. Thomas Mount, Pallavaram hills and a host of supportive waterbodies drained into the marsh thereby providing freshwater. These connections are natural, semi natural and man made formations, all of which facilitated water holding, recharge and discharge.

Geology/Lithology:

The Pallikaranai's soil is a marshy land. The geological profile reveals that the top zero to two meters are clayey-sand, followed by a sandy clay (2-8m), a greenish clayey layer with calcareous orange streaks (8-11m), the weathered charnokite (11-13m) and on the bottom the charnokite, as bedrock (Parameswari et al., 2013). Hence to state that surplus water from the STP discharge causes stagnation of water is not correct, the natural formation of the habitat is that of a wetland."

6. Conclusions as to reasons for water stagnation in Beluah Nagar and Muthalamman Nagar -

a. A combined reading of the report of the hydrologist and the expert opinion leads us to the conclusion that the claims of the Beluah Nagar and Muthalamman Nagar that there would be no water logging in the areas but for the STP and the garbage dump yard is not borne out. Both these Nagars are water logged because they are a part of the marshland and it is the natural formation of the habitat.

b. Furthermore both the Nagars are situated at a higher level than the STP and hence there is no natural gradient which causes the flows from the STP by gravitational force towards the Nagars.

Coastal Zone Management Plan dated 27.09.1996

7. It is stated that the initial Coastal Zone Management Plan (CZMP) of Tamil Nadu sent for approval did not mention Pallikaranai marsh. This invited wide criticism and in the letter dated 27.09.1996 approving the Coastal Zone Management Plan (CZMP) of Tamil Nadu one of the special conditions imposed was that the Pallikaranai Swamp area will have to be re-examined by the Government of Tamil Nadu whether it falls under CRZ area and it will be classified as CRZ 1.

8. It is reliably learnt that no scientific assessment of the Pallikaranai Marsh for CRZ classification has been undertaken till date. The hydrologist's report clearly points out that the Beluah Nagar and Muthalamman Nagar areas experience tidal action or are at least located immediately adjacent to the areas experiencing tidal action. This area fulfills the criteria for classification as CRZ 1 area.

Section 47 A of the TN Town and Country Planning Act, 1971

9. As per S. 47 A of the TN Town and Country Planning Act, 1971, that for Development of any wet land prior concurrence of the District Collector is required. In order to implement the provisions of

S. 47 A, the TN Change of Land use (From Agriculture to Non agriculture Purposes in Non-Planning Areas) Rules, 2017 have been framed. Admittedly the survey numbers in which both the Nagars are located is wet lands and there has been no permission obtained for conversion of land use and for making a residential lay out.

Development Control Rules

10. Rule 7 of the Development Control Rules provide that no development shall be made in a site unless the Authority approves the development. Rule 7 (2) stipulates that no piece of land shall be used as a site for construction of building for any development a) if the site is near a water body or a water course and the proposed development is likely to contaminate the said water body or water course

b) if the site is likely to be inundated and satisfactory arrangement for proper drainage is not possible c) if the site is ... low lying ... and the proposal is likely to be affected by dampness owing to the sub soil water, unless ameliorative measures to the satisfaction of the Authority are provided.

11. It is evident that the site of the proposed Beluah Nagar and Mutharamman Nagars are not suitable for development as per the development Control Rules as well.

RECOMMENDATIONS

12. We concur with the recommendations in report dated 24.05.2016 given by the committee constituted by order dated 30.03.2016 comprising of (1) District Forest Officer, Kanchipuram (ii) Executive Engineer, PWD (ii) Executive Engineer, Corporation of Chennai (iv) District Environment Engineer, TNSPCB (V) Executive Engineer, Metro Water (vi) Tahsildar Sholinganallur Taluk (vii) Thiru Ramanathan, President, Beluah Nagar and Periya Mutharamman Nagar Plot Owners Welfare Association, KPK Nagar, Kallukatai. The Committee submitted the following recommendations -

(1) Comprehensive survey to demarcate the entire Pallikaranai marshland by a survey team with Assistant Director of Surveys and Tahsildar, Sholinganallur. Only thereafter can encroachments be identified. This issue is now the subject matter of proceedings before the Madras High Court.

(ii) The Patta areas adjacent to the marsh lands should not be converted to other land uses without proper permission of the competent authorities.

(iii) The existing areas of the Pallikaranai marshland, under the control of the various departments should be handed over to the Forest Department.

(iv) The Forest Consolidation process should be expedited. (v) Steps should be taken to relocate the dumping yard to some other area.

13. In addition to the recommendations of the above referred Committee and the recommendations given in our interim report dated 19.10.2016 the following recommendations are given -

1. Dumping of debris or any other development activity should not be permitted in Beluah Nagar and Mutharamman Nagar areas comprising of Survey Nos SF No. 714 to 728 and its parts, and in other adjacent areas which have similar ecological markers as a marshland.
2. A comprehensive study must be undertaken to assess the areas of the marshland where tidal action is experienced in order to ascertain if it falls in CRZ and if it should be categorized as CRZ 1.
3. The STP plant run by Chennai Metro Water and Sewerage Board is to be shifted to some other area. The plant is ill suited to be located in the Marsh land.
4. The sewage water should not be taken to Buckingham Canal as it is often polluted and very often untreated sewage is let out as was observed in our interim report. In such circumstances, taking sewerage water to Buckingham Canal will damage the environment of the Buckingham Canal and its adjacent area.
5. All the encroachments need to be removed on a war footing and the Marsh land to be restored to its previous status.
6. The stretch between Velachery-Tambaram Main Road starting from Velachery Bridge must be protected and a constant vigil must be made so that no encroachment is made in that stretch for the reason that the above mentioned stretch faces the main road and vulnerable site for encroachment.
7. The proposed site for eco-park near National Institute of Wind Energy must be stopped immediately.
8. The culverts in the Radial Road must be constantly watched and cleaned. The seepage of leachate from the dumping yard to the Marsh land must be prevented.
9. The Velacherry MRTS railway station and the workshop is also in the Marsh land. It is to be seen that the waste from the railway workshop should not reach the Marsh land. It is to be recommended that the Marsh land should not be used for any expansion of the railway project.
10. The Respondents 1, 7, 8 and 9 should not grant patta to anyone in the lands classified as Marsh land.
11. There must be a ban on the dumping of debris in the Marsh land.
12. There must be a ban on dumping of chicken waste in the Marsh land.
13. There must be a ban on letting in sewage water by private parties in the Marsh land.

Unfinished task of examination of land records We had originally intended to examine all the land records to trace the assignment / transfer of marsh lands to private hands, the issue of pattas ec. Despite repeated requests land records were not made available to us for perusal. Extract of the 'A'

Register of Pallikaranai village and the FMB sketch was given to Mr. Ramanlal. But however, these documents are insufficient to come to any conclusion about the clear demarcation of the extent of the Pallikaranai marsh land. At any rate, it is learnt that the Madras High Court is seized of the matter in respect of assignments, encroachments etc in Pallikaranai Marsh.

Dated at Chennai this the 15th day of November, 2017."

69. The 6th Respondent has filed a detailed objection to the Joint Committee report along with certain documents including certain report submitted by the committee appointed by the Hon ble High Court of Madras in W.P. No.18888 of 1997 and W.P. No.13105 of 2008 and also the interim report submitted by the Advocate Commission in CR. OP. No.4413 of 2013 on the file of the Hon ble High Court of Madras.

70. Since both these cases were relating to the Pallikaranai Marshland issue, this Tribunal had tagged both these cases together for consideration.

71. Heard the learned counsel appearing for the respondents including the learned Senior Counsel appearing for the 6th Respondent in O.A. No.51 of 2016 (SZ).

72. The learned counsel appearing for the State Departments reiterated the importance of the Pallikaranai Marshland and its necessity to conserve and preserve the same and restore the same to its original position. They also submitted that there are large scale encroachments and certain extent of the Marshland has been entrusted to the Forest Department and they were declared as "Forest Lands" under the Tamil Nadu Forest Act and there are certain litigations pending before the Hon ble High Court of Madras regarding the same.

73. The learned counsel appearing for the State Departments also submitted that when it was brought to the notice of the authorities on the basis of a complaint filed that certain forest land which was entrusted to the Forest Department as part of the Pallikaranai Marshland has been clandestinely transferred by fabricating survey numbers and revenue records and registered documents in the name of private persons, a crime was registered and the Crime Branch was conducting the investigation and challenging the investigation, Criminal Original Petition was filed before the Hon ble High Court of Madras and also certain Criminal Writ Petitions were also filed and the same were considered by the Hon ble High Court and disposed of by giving certain directions which the Government is studying and if it is feasible and acceptable, the same will be implemented by the State Government, as the State is committed to protect Wetland/Marshland and the environment as contemplated under Article 48 A of the Constitution of India. The Government also will take all necessary steps to recover the clandestinely transferred marshland by virtue of fraudulent documents by initiating legal proceedings against those persons.

74. On the other hand, the learned Senior Counsel appearing for the 6th Respondent in O.A. No.51 of 2016 (SZ) against whom certain allegations were made in the newspaper report, on the basis of which the present Suo Motu was case registered argued that as far as the lands belonging to the members of the association are concerned, they are comprised in Sy. No.714 to 721 of Pallikaranai

Village and they are shown as private patta lands, even as per the old revenue records and those lands were later exempted from the acquisition proceedings for metro railway project by the authorities stating that those lands are patta lands belonging to the private land owners and has been categorized as Institutional Zone. Even as per the report submitted by the Forest Department as well as the Advocate Commissioners, this land was not treated as part of the Pallikaranai Marshland. Though layouts made in certain other areas were found to be part of original Pallikaranai Marshland which were established by encroaching into the marshland unauthorizedly and without any permission or document. Even the report submitted by the committee appointed by the Hon ble High Court of Madras in the writ petitions mentioned in the pleadings also will go to show that the lands belonging to the 6th Respondent Association were never treated as part of the Pallikaranai Marshland and only treated as private patta lands and as such, there is no case made out against the 6th Respondent and the learned Senior Counsel prayed for excluding their lands and vacating the interim order passed by this Tribunal earlier, as on account of the interim order passed, they were not able to enjoy the land for the past seven years and great hardship has been caused to the members of the association.

75. The learned standing counsel appearing for the Greater Chennai Corporation submitted that they have not encroached into the Pallikaranai Marshland and they are only using the land allotted to them for establishing the Perungudi dump yard, providing all necessary precautions to avoid discharge of sewage or other leachate into the marshland. Steps are also being taken by them to dispose of the huge quantity of legacy waste dumped in the area for more than 30 years by adopting bio-mining and other scientific methods as provided under the Solid Waste Management Rules, 2016. They are also trying to shift the waste management facility to an alternate area in Koothambakkam and Minjur-Vallur and there are certain writ petitions pending in respect of the same and due to objections raised by the local people, the same could not be carried out.

76. The learned counsel also submitted that they will take all necessary steps to protect the water body and they have not further encroached into the water body as alleged and they are doing all their activities within the 250 Acres roughly 80 Ha. of land provided to them.

77. The learned counsel appearing for the CMWSSB submitted that they are maintaining the Sewage Treatment Plants and they are not discharging the treated sewage into the Pallikaranai Marshland and they are only discharging the same into the Buckingham Canal which ultimately reaches the sea. The learned counsel also submitted that due to unexpected heavy rain during 2015, flood occurred in that area which has caused some damage to the STPs which was earlier managed by Alandur Municipality and later taken over by the CMWSSB and the same were attended and since certain maintenance work is required, they have provided additional pipeline to the STP at Perungudi dump yard to discharge the treated water and excess treated water to be discharged into the Buckingham Canal and as such, there is no untreated or treated sewage water being discharged into the private lands causing any flood or water stagnation in that area. The learned counsel has also undertaken that they will take all necessary steps to protect the environment by maintaining the STPs in a proper manner. There is no encroachment made by them into the Pallikaranai Marshland and no untreated sewage is being let in to the Pallikaranai Marshland to pollute the water therein.

78. We have considered the pleadings, documents produced by the parties and the submissions made by the learned counsel appearing for the parties and also perused the materials available on record and the written submissions filed.

79. The points that arise for consideration are:-

(i) What is the nature of directions to be issued for the purpose of protecting, conserving and restoring the Pallikaranai Marshland to its original position, as the marshland/wetland plays a greater role in protecting the environment?

(ii) Whether the interim order dated 07.03.2016 passed against the 6th Respondent-Association in O.A. No.51/2016 (SZ) has to be vacated?

(iii) What are all the further directions (if any) to be issued for the purpose of preparation of proper action plan for restoring the Pallikaranai Marshland to its original position as far as possible and measures to be taken to protect the same against encroachment and pollution?

(iv) Relief and costs.

POINTS: -

80. Both these cases relate to protection, conservation and restoration of Pallikaranai Marshland which is one of the three wetlands declared under the Ramsar Convention.

81. It is an admitted fact that the Pallikaranai Marshland is a fresh water swamp in Chennai which is 2700 Years old, located along the Coramandel coast south of Adayar estuary. It is situated adjacent to the Bay of Bengal and about 20 kilometres south from the city centre and it has a geographical area of 80 square Kilo Meters. It is also an admitted fact that the uniquely heterogeneous hydrology and ecology of the Pallikaranai Marsh makes the marsh one of the most diverse natural habitats of the country.

82. Further, it is also submitted that the Ministry of Environment and Forests under the 'Inland Wetlands of India' project had prioritized Pallikaranai Marsh as one of the most significant wetlands of the country. There is no much dispute regarding the fact that the Pallikaranai marshland is an extensive low lying area covered by a mosaic of aquatic grass species, scrub, marsh and water logged depressions, it is connected to 31 different water bodies, all of which release surplus water into the marsh during monsoon. Pallikaranai marshland is the only surviving marshland ecosystem in the city and this is among the few and last remaining natural wetlands of South India. It

is one of the 94 identified wetlands under the National Wetland Conservation and Management Programme operationalised by the Government of India in 1985-86 and one of the three in Tamil Nadu, the other two being Point Calimere and Kazhuveli. The topography of the swamp is such that it always retains some storage, thus forming aquatic ecosystem. It contains several rare and endangered and threatened species and acts as a forage and breeding ground for thousands of migratory birds from various places within and outside the country. The number of birds sighted is significantly higher than the number at Vedanthangal Bird Sanctuary. The heterogeneous ecosystem of the marshland supports about 337 species of flora and fauna. Of the faunal groups, birds, fishes and reptiles are most prominent. It is a home to 115 species of birds, 10 species of mammals, 21 species of reptiles, 10 species of amphibians, 46 species of fishes, 9 species of molluscs, 5 species of crustaceans and 7 species of butterflies. About 114 species of plants are found in the wetland including 29 species of grass. During 2002, the Tamil Nadu Pollution Control Board commissioned a study to find out the total area of marsh and its habitat quality and suggested interventional methods. The survey revealed the presence of 275 species of flora and over 100 species of birds.

83. It is also an admitted fact that the 7th Respondent on 20.02.2003 had issued a gazette notification, announcing that 548 hectares (1350 acres) of the marsh area was classified as protected land. During 2005, the Government of Tamil Nadu also constituted a high-level committee to restore the ecosystem and local people were also formed an Environment Committee to protect the wetland.

84. There is also an allegation in the O.A. No.83/2014 that the external manipulation of the wetland system began in 1806 with the construction of the 422 kilometre Buckingham Canal. The marshland experienced several major construction activities, ranging from the National Institute of Ocean Technology, the Centre of Wind Energy Technology, Chennai's Mass Rapid Transport System and flyovers to construction of buildings for educational institutions, IT parks, restaurants etc. which affected the free flow of water. The Greater Chennai Corporation is also occupying 200 Acres of land to be used as dumping ground known as Perungudi dumping ground.

85. It is also an admitted fact that two writ petitions were filed before the Hon'ble High Court of Madras as W.P. Nos. 18888 of 1997 & W.P. No. 13105 of 2008 for a direction to restore and conserve the Pallikaranai Marshland. It is also an admitted fact that it is a natural flood protecting mechanism receiving surplus water to avoid flood in the neighbouring areas. This being a fresh water wetland, it acts as a water storing system to improve the groundwater level in that area, apart from it gives lot of biological diversity to protect wetland ecosystem for the survival of the flora and fauna including migratory birds and several aquatic life. Due to the large scale encroachment into the marshland by way of reclamation and construction of buildings and reduction of the extent of the marshland has resulted in several calamities including flood during heavy monsoon season.

86. O.A. No.51 of 2016 was Suo Motu registered on the basis of the newspaper report published in The Times of India, expressing its anguish regarding reduction and disappearance of wetlands due

to construction activities by the 6th Respondent in that case. This Tribunal while admitting the matter on 07.03.2016, passed an interim injunction that the 6th Respondent therein is restrained from proceeding further any activities in the water body.

87. This Tribunal also constituted a Joint Committee with certain officials and also later constituted a committee of two Advocate Commissioners to submit the report regarding the original extent of the marshland as per the original revenue records and the nature of encroachments and also the remedial measures to be taken to restore the water body and both the committees have submitted the reports which were extracted earlier paragraphs and as such, we are not reiterating the same again which gives a clear picture of what transpired in the reduction of the water body and further steps to be taken in this regard.

88. It is also seen from the documents produced and the pleadings in both these cases that there were certain fraudulent documents executed by manipulating the revenue records showing wrong survey numbers in respect of the Pallikaranai Marshland and on the basis of the complaint filed, a crime was registered and it is being investigated by the Crime Branch. It is also an admitted fact that in respect of those issues certain writ petitions (criminal) were also filed before the Hon ble High Court of Madras and certain interim directions were issued in those cases.

89. The 6th Respondent in O.A. No.51/2016 contended the lands owned by the members of the association are noted as private patta lands since long time and they were comprised in Sy. Nos. 714 to 721 of Pallikaranai Village and that was not part of the Pallikaranai Marshland according to them. The 6th Respondent had produced certain documents including assignment deeds in respect of Beluah Nagar covered by Sl. No.16 to 29 along with the counter statement filed by them which is ranging from the period from 21.11.1950 to 19.02.1966. They had also produced the A - Schedule to the Partition Deed of the year 1966 to show that these lands are shown as agricultural lands and not as water body or marshland. They had also produced the Adangal and Patta issued by the Revenue Department of 48 Nos. and layout sketch and also produced the documents relating to Periya Mutharamman Nagar which were detailed as Sl. No.35 to 48 along with the counter statement.

90. It is true that all these documents will go to show that they are shown as private lands. But all these things were executed after the independence. They also produced certain photographs to show the nature of constructions made and also the manner in which the sewage is being discharged and other constructions made in that area.

91. Counter filed by the 4th Respondent in O.A. No.51/2016 also accompanied by certain documents. It is seen from the documents produced, as per proceedings vide G.O. Ms. No.206 of Revenue Department dated 19.02.1997, directed to transfer 50 Acres in Sy. No.557/4 of Pallikaranai Village in erstwhile Anna District in favour of the Government of India, Department of Ocean Development for the use of National Institute of Ocean Technology on certain terms. As per the proceedings of the G.O. Ms. 282 of Revenue (LD-4) Department dated 28.08.2001, an extent of 1.785 Ha. (4.41 Acres) in Survey No.657/1A2 in Pallikaranai Village of Tambaram Taluk of erstwhile Kancheepuram District have been transferred to the Tamil Nadu Energy Development Agency for construction of wind energy technology under RSO24 on collection of 50% market value.

92. It is also seen from the documents produced and as per G.O. Ms. No.327 of Revenue (Ni. Mu.) 5/2 department dated 26.05.2005 decided to transfer 393 Acres for creating IT Park to Elcot Institution. Out of which, 80 Acres were given to Wipro, 50 Acres have been give to Satyam by Elcot which was approved as per this document.

93. As per G.O. Ms. 52 dated 09.04.2007 of Environment and Forest (F14) Department, an extent of 317 Ha. of land in Sy. No.657/3E, 657/3C, 3D, 3F to 3K, 657/3A3, 453/2C, 432/1, 429/1, 433/1A to 1H, 433/2A to 2F, 444/2, 434/2, 430, 431 of Pallikaranai Village were declared as Forest Land under the Tamil Nadu Forest Act, 1882. Out of 10 Ha. of land given to the Central Institute of Classical Tamil, Chennai was cancelled and also another extent of 5.62 Ha. of land comprised in Sy. No.534/1 of Pallikaranai Village given to the Elcot as per G.O. Ms. No.306 dated 01.06.2007 was also decided to be taken back and instead an extent of 0.27 Ha. in Sy. No. 1/2, 0.52.5 Ha. in Sy. No.2/2, and 0.30.0 Ha. in 430/3 of Perumbakkam Village having an extent of 6.71.5 Ha. was decided to be given to the above said institution namely, Central Institute of Classical Tamil, Chennai.

94. It is seen from the documents produced by the Revenue Department that an extent of 53.26.5 Ha. of land in Sy. No.657, 658 and 724 was transferred to the Chennai Metropolitan Railway Project. As per G.O. Ms. No.127 dated 24.12.2012 of Municipal Administration and Water Supply (MC-I) Department, the Government had decided to transfer 170.40.5 Ha. belonging to the Chennai Corporation patta lands at Pallikaranai in Sy. No.657/1B3 and 382 to the Forest Department, relaxing the orders in G.O. Ms. 35 of Municipal Administration and Water Supply Department dated 17.02.1997 by which this land was transferred to the Chennai Corporation. They also produced certain documents showing the number of lands transferred to the other departments as well. As per G.O. Ms. 147 of Revenue (LD-4) Department dated 12.05.2014, on the basis of the request made by the Principal Chief Conservator of Forest by their Letter No.TS2/29993/2009 dated 02.03.2012, the Government had decided to cancel the orders in G.O. Ms.500 of Revenue (LD-4) Department dated 01.10.2010 wherein an extent of 71.58 Ha. of land in Sy. No.602/7 and 534/7 of Sholinganallur and Perumbakkam Villages respectively of Tambaram Taluk of erstwhile Kancheepuram District transferred to the Industrial Department for setting up financial city and media entertainment park was decided to be handed over to the Forest Department to make it part of Pallikaranai Marshland.

95. The 6th Respondent in O.A. No.51/2016 had produced certain documents along with their objection to the Committee report. Some of the documents are relevant for our purpose. They produced interim report of the Advocate Commissioner appointed by the Hon ble High Court of Madras in CR.O.P. No.4413 of 2013, made the following recommendation:-

"RECOMMENDATION:

1. As per the following GOs, pockets of marsh land are transferred to the Forest Department.

- a. GO M.S. 52 E & F (FR - 14) Department dated 09.04.2007 - extent transferred 317.00.0 hectares
- b. GO M.S. 147 Revenue (LD - IV) Department dated 12.05.2014 Extent 71.70.0 hectares.

c. Area transferred from Chennai Corporation to Forest Department vide GO M.S. No. 127 Municipal Administration and Water Supply (MC - 1) department dated 24.12.2012 - extent allotted 17.40.5 hectares.

d. Area notified under Section 26 of 16 TNF Act published in Kancheepuram District Gazette No.6 dated 01.07.2013 400 HOMES to an extent of 131.55.0 hectares.

1. Thus the total extent transferred to the Forest. Department is 590.65.5 hectares. All the areas must be transferred to the Tamil Nadu Forest Department.

2. The Government must take step to include the Pallikaranai marsh in the Ramsar list.

3. All the encroachments in Kamatchiannan Nagar, Ma.Po.Si. Nagar, Quaid - e - mileth Nagar, Mahalakshmi Nagar, Ambedkar Nagar, KP Kandan Nagar, must be removed and the land to be restored to its original depth so that the water carrying capacity can be encroachment identified that must also be removed.

4. The authorities must evolve immediate steps to strengthen the bunds of the marsh and make it a con encroachments zone.

5. Allotment of marsh land by the Government to any individual or to any Government project must be banned.

6. The stretch commencing from Velacherry MRTS bridge in the Velacherry Medavakkam Read upto Ma Po Si Nagar should be protected. The bands should be strengthened and to be seen that no encroachment is made.

8. The debris dumping should be stopped immediately.

9. There must be a monitoring of pollutants from all sources like water, air and soil must be carried out periodically by some independent Research Organization.

10. The Sewerage Treatment plant must be re located to some other area. The STP Plant must stop pumping of water into the Buckingham Canal.

11. The grant of patta in S. Ns. 649, 657, 697, 699, 700, 701 and 702 in all its parts and sub divisions are to be probed The Revenue Authorities and Registration Authorities must submit a report to this Hon'ble Court how the pattas are transferred, title of the respective parties for taking further action.

12. Their must be construction of bund around the entire marsh land in order to permanently mark the marsh land to prevent further encroachment. Along with the bund EL patrolling path is to be made.

13. The dredged over burden in 3. No. 657 / 3A5 made to make a road for a private Engineering College has to be removed and the entire area is to be restored to its original state.

14. All channels connecting the marsh land with its tributaries and distributaries has to be connected with the marsh land to sustain the eco development of the marsh.

15. The field staff of the Tamil Nadu Forest Department need to be increase so as to make an effective patrolling and preventing and conserving the marsh land.

16. Section 47 A Tamil Nadu Town and Country Planning Act 1971 state that for Development of any wetland prior permission of the District Collector is required. This Provision is to be implemented in its entirety."

96. The 6th Respondent had also produced the third report submitted by the committee of experts constituted by the Hon'ble High Court of Madras in W.P. Nos.18888 of 1997 and 13105 of 2008, making the following recommendation:-

"After many discussions and deliberations with the various agencies and stakeholders, the Expert Committee has firmed the following conclusions and recommendations.

a) The existing method of handling municipal solid waste at Perungudi is not scientific and violates many provisions of MSW Rules 2000. The indiscriminate dumping of waste results in degradation of environmental quality not only in the vicinity of dump site but also in the neighbourhood areas.

b) The fire in the dumpsite, close to the STP continues despite specific orders of this Hon'ble court. The smoke contains many toxic gases known as Products of Incomplete Combustion (PICs) that are carcinogenic.

c) The dump site at Perungudi does not comply with the Siting Criteria of MSW Rules.

d) The dumping area is progressively increasing. No source segregation is being adopted, exasperating the existing problem.

e) The RDF proposal of the Corporation has been proved nonviable both technically and economically. The proposed MSW handling violates MSW Rules especially on source segregation, recycle and reuse and storage area.

f) If power generation from RPD is considered at the site, the air emission would undoubtedly affect humans. Further thermal process units cannot be established as per siting criteria. If power generation is not considered and if the stage is only upto manufacture of pellets, end use of pellets has to be established. This will not be

economical as the transportation cost would be prohibitive.

g) The Committee Members strongly advocating of discontinuance of any activities in any form at Perungudi considering the Marsh land and habitants.

h) The final effluent of sewage treatment plant (STP) of CMWSSB is just meeting the standards prescribed by TNPCS. In the absence of equalization or balancing tank, the units are likely to function at low efficiency rates. The Committee Members do not agree with the letting of sludge from secondary clarifier into primary setting tank inlet instead of disposing into sludge drying beds. The Sow measurements are manually recorded, automatic recorders should be instated.

i) During the visit on 2 June 2009, due to collapse of the chamber in the outfall pipeline, the treated sewage was overflowing from the sump and the entire area is lagooned (since 16 March 2009), CMWSSB could not complete this small repair even after 75 days. This leads to several environmental degradation of ground water, mosquito breeding and odour problem.

j) Standard Operating Procedures (SOPs) are in sufficient for meeting any emergencies

k) The analytical data furnished by the operating agency are questionable as there is not much variation in the values. From the BOD bottles conditions, it is concluded that the agency do not follow the standard protocol.

l) There is no analysis on gases produces. In assembled any failure in digestion process, how the gases will be handled needs to be addressed. This is very much essential in view of habitat areas within 200 m.

m) The STP of Alandur Municipality does not function property. Coarse particles are seen in the final effluent indicating the screen chamber is not functioning.

To sum up, the recommendation of the Committee are as follows:

a) The Corporation of Chennai and a local bodies in the proximity of the Pallikaranai Marsh should implement a regime of Zero Waste Management within the next years in accordance with the Municipal Solid Waste (Management and Handling) Rules 2000 and the emerging practice across the world. At a conservative estimate, implementing Zero Waste Management would reduce the need for landfills to about 20% of the present requirement. Zero Waste Management which should comprise:

i) Mandatory Segregation of solid waste at source within a specific time frame; ii) Door step collection of segregated waste, preferably through separate collection streams so as to facility recycling; iii) Composting of organic waste, preferably at

household / community level and if necessary at city level also; iv) Channelizing recyclable waste to recyclers; v) Progressive elimination of use of disposable plastic packaging and non recyclable material by encouraging durable material so as to avoid overloading on the Municipal waste stream within a specific time frame; vi) To achieve the above object, the Government may consider enacting the Tamil Nadu Throwaway Plastic Articles (Prohibition of Sale, Storage Distribution and Transport) Bill of 2003, which had been considered by a Select Committee available with the Department of Environment and Forest. (Similar legislation have since been enacted by Himachal Pradesh, West Bengal, Union Territory of Chandigarh, Union Territory of New Delhi, Bangladesh and Pakistan;

vii) Introducing Extended Producer Responsibility on Manufacturers and Distributors making them responsible for the collection and disposal of waste generated. by their products; vii) Producers should be asked to meet certain recycling targets to be fixed by the Government at the state level; ix) Establishing quantitative targets for progressive diversion of waste from garbage dumps land is so as to progress towards Zero Waste Management.

b) As an interim measure, the Corporation of Chennai should earmark a limited area outside the marsh for sanitary land fill /managing MSW for the next 4 years but no un - segregated waste should be dumped in such site.

c) The Alandur Municipality has stated that an alternate site is under development for handing solid waste. Pending such relocation, the Municipality should ensure full segregation of waste. Further

d) The Perungudi site is not suitable for the Integrated MSW Plant.

e) No activities should be carried out at Perungudi after 4 years.

f) Corporation of Chennai should immediately initiate steps for remediation of the dump site or reclamation whichever feasible.

g) Corporation of Chennai should ensure that no outsiders are allowed inside for metal recovery. This will eliminate the dump fires.

h) CMWSSB should shift the STP to a suitable area where the sewage outfall during emergencies do not create any adverse environmental condition including aesthetic aspects. The proposed 60 MLD STP adjacent to the present STP should not come up. Pending relocation, equalization or balancing tank has to be constructed. The excess secondary sludge should be taken to sludge drying bed. The dried sludge can be used as manure.

i) Standard Operating Procedure for operation needs to be addressed for emergency conditions and Automatic recorders are to be installed for flow measurements."

97. The 6th Respondent also produced the copy of the Judgment passed by this Tribunal in O.A. No. 145 of 2015 (I.H. Sekar Vs. Secretary, Department of Environment and Forest, Chennai and Ors.) dated 02.08.2017 for the purpose of showing that out of the total extent of 24.93.0 Ha. comprised in Sy. No.707 of Sholinganallur Village, an extent of 2.83.5 Ha. was sub divided as Sy. No.707/2 and transferred to the Tamil Nadu Transport Corporation for construction of Regional Transport Office vide G.O. Ms. No.25 of Revenue Department dated 18.01.2013 and vide G.O. Ms. No.194 of Revenue Department dated 09.06.2014, 12.72.0 Ha. was sub divided as Sy. No.707/3 and transferred to Tourism, Culture and Religious Endowment Department for the formation of Tamil Nadu Music and Fine Arts University which was classified as Government Poramboke - Kuzhuveli, after obtaining technical opinion from the Public Works Department and permission from the Government.

98. This Tribunal, after consideration of the documents, came to the conclusion that though Kuzhuveli Poramboke is also property to be protected as river poramboke, but being a non-objectionable land, transfer was upheld, though there was a contention raised by the applicant in that case that this land will have to be protected as Pallikaranai Marshland and it must be transferred to the Forest Department. But at the same time, considering the dictum laid down in M.C. Mehta Vs. Kamalnath & Ors. (1997) 1 SCC 388 and Fomento Resorts and Hotels Ltd. Vs. Minguel Maritins reported in (2009) 3 SCC 571, the Full Bench decision of the Hon ble High Court of Madras in T.K. Shanmugam, Secretary, CPI(M) North Chennai District Committee Vs. State of Tamil Nadu & Ors. (2015) 5 L.W. 397 following the decision of the Division Bench in L. Krishnan Vs. State of Tamil Nadu (2005) 4 CTC 1 and the decision of the Hon ble Apex Court in Jagpal Singh & Ors. Vs. State of Punjab and Ors. (2011) 11 SCC 396 observed that "if the disputed land is a water body definitely it is be protected from any construction whereby the nature of water body would be destroyed adversely affecting the ecology. The position of marshland, back water and wetland stands in a different footing. The wetlands undoubtedly play a vital role in the hydrological cycle on account of their wide range ecosystem services like water supply and purification, water assimilation, buffering extreme events of flood, droughts, storms, cyclone, erosion control, micro climatic regulation etc. They play a significant role by harbouring wide range of floral and faunal diversity including rare endangered epidemic species and also support complex food chains and help to mitigate and adopt to change in climate because of their ability to act as carbon sinks regulate water regimes, prevent erosion and provide habitat to biodiversity under stress."

99. Further, this Tribunal also in that decision extracted the definition of the wetland under Rule (2) (g) of Wetland (Conservation and Management) Rules, 2010 and the necessity to protect the same and also relied on the decision of the Hon ble Apex Court in M.K. Balakrishnan Vs. Union of India & Ors. [W.P. (C) No.230 of 2001] dated 08.02.2017 reported in (2017) 7 SCC 805, passed the following order:-

"49. As far as the dispute with regard to the 7 acres of land transferred to the Transport Department by the State, which is the crux of the dispute between the

parties before the Tribunal, it is not disputed that this area lies at the rear end of the lands in Survey No.707 and adjacent to the developed land. The land is transferred to the Transport Department by the State, for a public purpose. If any construction is taken on the said land, with the required precautions, such construction by itself may not cause serious environmental problem. Therefore, we find it not necessary to restrain the State from utilizing the land for construction of the structures for the Transport Department and for that purpose filling up that portion of the land, provided the State and the Transport Department take all the necessary precautions required so as to cause no harm to the nature of the remaining land in Survey No.707. While making any construction in the disputed 7 acre plot, the respondents shall not put any debris or other materials on the remaining land in Survey No.707 and shall not alter the nature of the remaining land. The permission granted shall not be a precedent to reclaim or convert the remaining land. It is also clarified that the non granting of prohibition against proposal of the Transport Department to construct buildings and driving test track in 7 acres of lands in Survey No.707, does not mean that the remaining land or any part of it could be used for similar purpose. It is made absolutely clear that as far as the entire remaining area is concerned, any decision to permit any construction on all or any portion of the remaining land, shall be taken only after the Tamil Nadu State Wetlands Regulatory Authority considers the same and finds that construction in the said land would not cause any environmental or ecological problem.

50. The application is therefore disposed accordingly, with no order as to costs."

100. The Hon ble High Court of Madras in CR.O.P. No.4414 of 2013 (Lakshmanan & Anr. Vs. The State by Inspector of Police, Central Crime Branch-II, Chennai & Ors.) passed the following order:-

"9. Therefore, both the Government as well as the Corporation are directed to verify as to whether-

(i) they have got title deeds;

(ii) any patta is available;

(iii) if patta is available, when it was given and other connected proceedings;

(iv) from which year onwards they are in possession.

10 (a) The newly impleaded Inspector General of Registration, Chennai Zone, Rajaji Salai, Chennai shall direct all the Registrars in Tamil Nadu forthwith not to register any document relating to Pallikaranai Marshland lands comprised in S.No.657 / 36 (0.405) ; S.No.657 / 3C, 3D, 3F to 3K (3.53.0), S.No.657 / 3A3 (133.00), S.No.453 / 2C (26.06.0), S.No.432 / 1 (56.55.0), S.No.429 / 2 (26.21.5), from S.No.433 / 1A to 1H and S.No.433 / 2A to 2F, S.No.444 / 2 (34.28. 5), S.No.434 / 3 (6.87.0), S.No.431 (13.20.0), S.No.657 / 183 (40.02.5), S.No.657 / 3A2 (122.38. 0), S.No.658 / 1A

(34.84.0), S.No.657 / 1A (80.91.0), S.No.657 / 4A (4.89.5), 657 / 4C (10.90.5) and S.No.657 / 3A1, etc. either separately or jointly alongwith any other properties.

(b) Further, the Inspector General of Registration, Rajaji Salai, Chennai is directed to get the details of the documents regarding marshlands registered in various registrar offices in Tamil Nadu from 1990 onwards (year wise details have to be given separately) giving the extent of marshlands dealt with viz. Sale, gift, allotment, lease, license, etc. within twelve (12) weeks from the date of receipt of a copy of this order.

(c) The Joint Registrar, South Chennai Registration office, Saidapet, Chennai is directed not to register any documents relating to the aforesaid survey numbers.

(d) The respondents are further directed to prohibit constructions of any kind anywhere in the marshlands.

(e) The Government is directed to issue paper publication informing the public about the prohibition with regard to registration of any documents of marshlands.

(f) Apart from the above survey numbers, the respondents 2 to 5 are directed to verify whether pattas have already been changed in respect of marshlands in favour of private parties. If pattas have been given, above respondents are to furnish the details in whose names pattas have been granted from 1990 onwards.

11. The above details are directed to be furnished by 28.11.2016.

12. The respective Government Pleaders appearing for the Government and Corporation undertake to get instructions. The copies of the earlier orders in this regard are directed to be furnished to the learned Additional Government Pleader appearing for the Corporation."

101. These documents were relied on by the learned Senior Counsel appearing for the 6th Respondent for the purpose that Sy. No. 714 to 721 of Pallikaranai Village are not part of the Pallikaranai Marshland and the interim order will have to be vacated, as even the Hon ble High Court of Madras as well as this Tribunal have not considered these lands as part of the Pallikaranai Marshland.

102. But ultimately, the Advocate Commissioners have filed a final report wherein they have observed that unless a thorough survey is conducted on the basis of the original revenue records, it is not possible to come to the conclusion as to whether any part of the land claimed by the parties including the 6th Respondent Association were the originally part of the Pallikaranai Marshland or not and such an exercise will have to be done by the Revenue Department in co-ordination with the Forest Department for the purpose of identifying the Pallikaranai Marshland and also to prepare an action plan for the purpose of protecting the water body which was also extracted by this Tribunal in earlier paragraphs while dealing with the final report submitted by the Advocate Commissioners appointed by this Tribunal in O.A. No.51 of 2016.

103. Further, while disposing the CR.O.P. No.4413 of 2013 and 22457 of 2013, the Hon ble High Court of Madras by final Judgment dated 19.08.2021, after considering the importance and necessity to protect the marshland and the wetlands and also considering the suggestions given by the Amicus curie Mr. T. Mohan, Advocate in Para 15 of the order and ultimately, disposed of the same as follows:-

"15. In view of that, he has given suggestions, which are extracted as follows:-

"Wetlands are the ling between land and water. The confluence of the two systems makes them highly bio diverse. In addition to holding a diverse and numerous species, these wetlands also performs a number of ecosystem services like recharging groundwater, floodwater mitigation, storm water drain and nutrient recycling. Relegated as wastelands in the colonial era, these ecologically rich areas have been bearing the brunt of development and industrialization. Pallikaranai, the only urban wetland in Chennai, is no exception. It has suffered the same fate, probably more, and remains largely neglected and not given the due protection they deserve. The importance of Pallikaranai marshlands is being slowly understood by the public and policy makers alike. The devastating floods of the recent times have spotlighted the functional role of the wetlands in acting as a buffer during storms. They have also highlighted the extent of intrusion into the wetlands by urbanization as whole colonies, street and villages stood submerged in waters up to 25 ft depth. Buildings came to be where water would have been otherwise absorbed by the marshland "sponges" but were concretized. The sublime became conspicuous. The ecosystem services so far unnoticed came to the fore when it is but too late.

We have also come to realize that natural and healthy ecosystems are the best carbon sinks. Therefore, the fact that a 2019 Anna University study reported Pallikaranai marshland as a main source of methane emission, tells us something is wrong. Used as a dumping site since the eighties, a major part of the wetlands came to be filled with all kinds of waste and sewage, both domestic and industrial that suppressed the wetland ecosystem completely. Wetlands became wastewater discharge result in proliferation of weeds. Another essential facet of the Pallikaranai marshlands that cannot be ignored is its birds. Thousands and thousands of them call it home. Yet another thousand and thousands make it their home during the migratory season. Pallikaranai supports about 18 internationally listed endangered species of birds. Rare and endangered birds have been sighted regularly. It is also crucial as a migratory site due to its location at the southernmost tip of the Country, after which Ocean lie ahead for miles. About 40,000 birds are supported by this marshland, both resident and migratory. While birds are definitely a highlight of these marshlands, they are just one part of Pallikaranai s biodiversity. According to the Conversation authority of Pallikaranai Marshland, Tamil Nadu, the biodiversity across a spectrum of species is as below:-

167 Species of Plants

14 Species of Protozoa

178 Species of Birds 07 Species of Rotifera
10 Species of Mammals 08 Species of Cockroaches
15 Species of Reptiles 20 Species of Dragonflies
11 Species of Amphibians 25 Species of Snails & Allies
50 Species of Fishes 10 Species of Lizards
11 Species of Cladocera 73 Species of Phytoplanktons
34 Species of Butterflies

The rich biodiversity of Pallikaranai is also a contributory reason for its innumerable ecosystem services. The wetlands have been reduced to almost 10% of its original size, from a whopping 5500 hectares in 1965 to about 600 hectares in 2013. The loss unfortunately cannot be treated as simply a reduction of acreage. The real loss is apparent in Chennai City's depleting groundwater and poor recharge, high pollution levels, poor resilience during storms, reduced numbers of resident and migratory birds, disappearance of some animals and loss of aesthetic space greenery.

Waking up to these facts does not automatically translate into protection of its lands or conservation of its habitat. The destruction is far from complete. Incursion into the wetlands by individuals, companies and industries continue. Damaging projects, small scale and large scale are in the pipeline. Housing permits are given out clandestinely, roads are allowed to fragment these marshlands, and companies are allowed to expand, and so on.

In the context of increasingly shrinking wetlands habitat of Pallikaranai, it is extremely necessary that urgent steps are taken to protect the wetlands in its entirety and concentrate efforts to remove encroachments and other habitat threatening activities.

The Central Government has notified the Wetlands (Conservation and Management) Rules, 2017 replacing the old 2010 Rules. These Rules require the State Government to constitute a Wetlands Authority to identify wetlands in the State and protect them. Accordingly, the Tamil Nadu State Wetlands Authority has been formed. These rules emphasise that the "ecological character" of wetlands should be preserved and managed in principle of "wise use" of wetlands as determined by the Wetlands Authority. It further lists activities that should be restricted in notified wetlands. Further, the guidelines released by the MoEFCC for implementing the 2017 Rules, recommends Registration of wetlands in Land revenue records for protection against encroachment or illegal claims. According to the Tamil Nadu State Wetlands Authority, Pallikaranai is a protected wetland. Till date, 694.88.5 ha. out of the total

marshland area of 807.08 ha is brought under the control of Forest Department. As an initial step, these lands should be notified under the Wetlands Rules, 2017, in addition to declaring them as Reserve Forest under Tamil Nadu Forest Act, 1882 for enhanced protection. It is well known that encroachments and illegal claims are extensive in the Pallikaranai marshlands. The State Government should identify all such areas where patta has been obtained illegally and take steps for its immediate cancellation, consequently registering them as Wetlands under the Wetlands Rules, 2017. All other encroachments have to be evicted. It is also essential to conduct periodic surveys of the marshlands to ensure that encroachments are kept in check, other human activities are monitored and the wetland is allowed to retain its natural state.

India is a party to the Ramsar Convention, an intergovernmental treaty that provides for the protection of wetlands. India became a signatory in the year 1982 and has about 42 designated Ramsar sites that are bound by the regulatory framework aimed at protection of wetlands. An area can be designated as a Ramsar Site if it meets one of the nine qualifying criteria and Pallikaranai meets 7 out of these 9 criteria. The State Government has been in the process of declaring Pallikaranai as a Ramsar site for over 10 years. This application should be expedited and declaration completed at the earliest.

Birds are an integral part of Pallikaranai and the State Government should consider the possibility of declaring Pallikaranai marsh as a birds sanctuary for added and focused protection for the resident and migratory birds so that the competing space for birds for activities like roads, towers, etc. can be prevented. Dumping wastes of all kinds is the other pernicious problem which has been destroying the quality of the Pallikaranai marsh, making it unable to perform its ecological services. In fact, the emissions from the marshlands have become toxic and beyond the absorbing capabilities of the wetlands. Methane and carbon dioxide emission from the wetlands have become problematic. The dumpyard and Perungudi Sewage Treatment Plant and Alandur STP occupy about 250 acres of Pallikaranai marsh, and the Perungudi MSW site receives about 5000 tons of waste every day and are great threats to the marsh. Dumping of unsegregated waste, untreated sewage, domestic waste, industrial wastes, continues till date despite protests and orders of this Hon ble Court. Toxins from these sites leach into the marshlands changing the habitat irrevocably. Water quality analysis indicates the presence of various toxins, mercury, lead and cadmium, among many, beyond and above the permissible levels. It goes without saying this is detrimental to the numerous species of flora and fauna in the marshland. No conservation effort will have effect if such dumping is allowed to continue indiscriminately. Routinely, we come across news of curbing dumping by the Corporation of Chennai but rarely does it seem to make any real difference on the ground.

There are several Government established institutions and complexes that have occupied areas of the marsh such as ELCOT, Tamil Music College and so on. In these areas, further expansions should be stopped completely. In addition, areas within the allocated lands in the above said complexes must be identified and reclaimed as wetlands.

The Hon ble Court may order directing the Union of India, Ministry of Environment, Forest and Climate Change and the State of Tamil Nadu represented by its Secretary to Government and Forest to implement the following for conservation of the Pallikaranai marsh:

1. Relocation of Perungudi and Alandur dump yard to an alternative site and preventing any disposal of municipal solid waste and treated /untreated effluents, sewage let out by industries, housing complexes and the CMWSSB.
2. Survey of encroachments, unauthorized settlements and their immediate relocation followed by eviction whichever is feasible for the State Government.
3. Identify and cancel pattas obtained illegally.
4. Declare as protected wetland under the provisions of the Wetland Rules, 2017 forthwith in order to implement the conservation measures stated therein.
5. Prohibit any sort of non-forestry activity in the Pallikaranai marsh.
6. Explore the feasibility of declaring Pallikaranai as a bird sanctuary under the Wildlife Protection Act, 1972.
7. Reclaim unutilized lands allotted to Government industries and institutions.
8. Relocate all institutions, individuals and industries who have been allotted any land identified as forming part of the Pallikaranai marsh originally by the Committee referred in point 11 below.
9. Take effective steps to declare Pallikaranai as a Ramsar site.
10. Take up environmental awareness programs for the people living around marsh about the importance of Pallikaranai and educate them about the activities that are detrimental to the habitat and ecology.
11. Direct the State Government to form a Committee for preservation of Pallikaranai with NGOs and environmentalist empowered under the Environmental Protection Act, 196 to appropriate scheme to restore Pallikaranai marsh, regulate development around the marsh and monitor all developments."

14. Even though, this Petition is for anticipatory bail, as it involves illegal transfer of marsh lands, this Court invokes Article 226 of the Constitution and issues necessary directions in the public interest to protect the marsh lands. In view of the above, the Respondents are directed to do the following acts:-

1. Relocate Perungudi and Alandur dump yard to an alternative site and prevent any disposal of municipal solid waste and treated /untreated effluents, sewage let out by industries, housing complexes and the CMWSSB;
2. Survey of encroachments, unauthorized settlements and their immediate relocation followed by eviction whichever is feasible for the State Government;
3. Identify and cancel pattas obtained illegally;
4. Declare as protected wetland under the provisions of the Wetland Rules, 2017 forthwith in order to implement the conservation measures stated therein;
5. Prohibit any sort of non-forestry activity in the Pallikaranai marsh;
6. Explore the feasibility of declaring Pallikaranai as a bird sanctuary under the Wildlife Protection Act, 1972;
7. Reclaim unutilized lands allotted to Government industries and institutions;
8. Relocate all institutions, individuals and industries who have been allotted any land identified as forming part of the Pallikaranai marsh originally by the Committee referred in point 11 below;
9. Take effective steps to declare Pallikaranai as a Ramsar site;
10. Take up environmental awareness programmes for the people living around marsh enlightening them about the importance of Pallikaranai and educate them about the activities that are detrimental to the habitat and ecology;
11. Direct the State Government to form a Committee for preservation of Pallikaranai with NGOs and environmentalists empowered under the Environmental Protection Act, 1986 to frame an appropriate scheme to restore Pallikaranai marsh, regulate development around the marsh and monitor all developments;
12. Complete the fencing around Pallikaranai marsh land;
13. Water block in the Pallikaranai shall be removed by the PWD so that flow of water into marsh land will not be affected;

14. No further encroachment shall be permitted to be made in the Pallikaranai marsh land, which is meant for birds and other insects;

15. A report regarding compliance of the above directions shall be filed before this Court after 16 weeks. The conditions imposed by this Court, while granting anticipatory bail on 02.12.2014, modified subsequently, are completely relaxed.

16. With the above directions, this Criminal Original Petition is disposed. Consequently, connected Miscellaneous Petitions are closed. No costs.

17. Call the matter on 21.12.2021 „for reporting compliance .

104. So under such circumstances, since the Hon ble High Court of Madras has already issued certain directions to conduct a detailed survey and also to submit a compliance report on the basis of the directions issued by the Hon ble High Court, we feel that the same directions can be issued and till such extensive survey is conducted on the basis of the original revenue records of pre independence era, there is no necessity to make any relaxation in the interim order passed by this Tribunal in O.A. No.51/2016 against the 6th Respondent Association in that case and both these applications can be disposed of as follows:-

a. The official respondents including the Commissioner Land Administration, District Collector, Forest Department, Survey and Settlement Department are directed to conduct a detailed survey to find out the original extent of the Pallikaranai Marshland on the basis of the revenue records of pre independence era and take steps to remove the encroachments etc. as directed by the Hon ble High Court of Madras in CR.O.P. Nos.4413 of 2013 and 22457 of 2015, subject to the further orders to be passed by the Hon ble High Court in that case on the basis of the compliance report filed.

b. The Chief Secretary, State of Tamil Nadu is directed to appoint a high level committee under his leadership comprising of the Additional Chief Secretary for Environment and Forest, Principal Secretary for Revenue, Additional Chief Secretary for Water Resources Department, Additional Chief Secretary for Municipal Administration and Water Supply, the Principal Chief Conservator of Forest (Head of Forest Force) and Chief Wildlife Warden, the Commissioner - Greater Chennai Corporation, the Managing Director / Chairman - Chennai Metropolitan Water Supply and Sewerage Board, Commissioner Land Administration and the concerned District Collector and District Forest Officer - Chennai who is in charge of the Pallikaranai Marshland in whose jurisdiction the entire marshland falls to evaluate the survey to be conducted and further directions (if any) to be issued so as to prepare an action plan for the purpose of protecting the Pallikaranai Marshland, after identifying the encroachments and steps to be taken for removal of the same and declaring the same as a protected marshland under the Wetland (Conservation and Management) Rules, 2017 or under the Wildlife (Protection) Act, 1972 and Madras

Forest Act as the case may be and transfer the same in favour of the respective authority for their future protection and management and implementation of the action plan to be prepared.

c. Till this exercise is completed, the interim order passed by this Tribunal in O.A. No.51/2016 (SZ) against the 6th Respondent in that case will continue.

d. The Principal Secretary for Environment and Forest and Commissioner Land Administration are directed to file a periodical report of the progress of the implementation of the directions issued by this Tribunal subject to the further directions to be issued by the Hon ble High Court of Madras in the decision cited supra once in 6 (Six) Months for consideration and further directions (if any) to be issued.

e. The Greater Chennai Corporation is also directed to consider the question of handing over of Perungudi dump yard after retrieving the same by adopting the bio-mining as directed by this Tribunal restricting their area, if it is permissible as per the directions issued by the Hon ble High Court of Madras and also further orders to be passed by the Government in this regard in compliance with the directions issued by the Hon ble High Court of Madras in the decision cited supra and take steps to hand over the remaining land to the Forest Department to be included as part of the Pallikaranai Marshland in order to restore it to its original position and this direction is subject to the further orders to be passed by the Hon ble High Court of Madras in this regard on the basis of the reports to be submitted as directed in the decision cited supra.

f. The Tamil Nadu Pollution Control Board is directed to ascertain the quality of the water in the Pallikaranai Marshland and if there is any pollution caused due to discharge of any untreated sewage, then they are directed to take appropriate action against those persons who are responsible in accordance with law.

g. The Greater Chennai Corporation as well as the CMWSSB are directed not to discharge any untreated sewage into the Pallikaranai Marshland or do any act in the dumping ground in such a way as to encroach into the water body and pollute the water quality in the water body by their activities. If any such acts have been committed by them in violation of the Solid Waste Management Rules, 2016, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, then the Tamil Nadu Pollution Control Board is directed to take appropriate action against them in accordance with law.

h. Once the lands are retrieved and handed over to the Forest Department, then the Forest Department is directed to take steps to protect the same against the encroachment and pollution and develop the same as an eco/biodiversity park and make it a good bird sanctuary.

105. The points are answered accordingly.

106. In the result, both these applications are disposed of as follows:-

(i) The official respondents including the Commissioner Land Administration, District Collector, Forest Department, Survey and Settlement Department are directed to conduct a detailed survey to find out the original extent of the Pallikaranai Marshland on the basis of the revenue records of pre independence era and take steps to remove the encroachments etc. as directed by the Hon ble High Court of Madras in CR.O.P. Nos.4413 of 2013 and 22457 of 2015, subject to the further orders to be passed by the Hon ble High Court in that case on the basis of the compliance report filed.

(ii) The Chief Secretary, State of Tamil Nadu is directed to appoint a high level committee under his leadership comprising of the Additional Chief Secretary for Environment and Forest, Principal Secretary for Revenue, Additional Chief Secretary for Water Resources Department, Additional Chief Secretary for Municipal Administration and Water Supply, the Principal Chief Conservator of Forest (Head of Forest Force) and Chief Wildlife Warden, the Commissioner - Greater Chennai Corporation, the Managing Director / Chairman -

Chennai Metropolitan Water Supply and Sewerage Board, Commissioner Land Administration and the concerned District Collector and District Forest Officer - Chennai who is in charge of the Pallikaranai Marshland in whose jurisdiction the entire marshland falls to evaluate the survey to be conducted and further directions (if any) to be issued so as to prepare an action plan for the purpose of protecting the Pallikaranai Marshland, after identifying the encroachments and steps to be taken for removal of the same and declaring the same as a protected marshland under the Wetland (Conservation and Management) Rules, 2017 or under the Wildlife (Protection) Act, 1972 and Madras Forest Act as the case may be and transfer the same in favour of the respective authority for their future protection and management and implementation of the action plan to be prepared.

(iii) Till this exercise is completed, the interim order passed by this Tribunal in O.A. No.51/2016 (SZ) against the 6th Respondent in that case will continue.

(iv) The Principal Secretary for Environment and Forest and Commissioner Land Administration are directed to file a periodical report of the progress of the implementation of the directions issued by this Tribunal subject to the further directions to be issued by the Hon ble High Court of Madras in the decision cited supra once in 6 (Six) Months for consideration and further directions (if any) to be issued.

(v) The Greater Chennai Corporation is also directed to consider the question of handing over of Perungudi dump yard after retrieving the same by adopting the bio- mining as directed by this Tribunal restricting their area, if it is permissible as per the directions issued by the Hon ble High Court of Madras and also further orders to be passed by the Government in this regard in

compliance with the directions issued by the Hon ble High Court of Madras in the decision cited supra and take steps to hand over the remaining land to the Forest Department to be included as part of the Pallikaranai Marshland in order to restore it to its original position and this direction is subject to the further orders to be passed by the Hon ble High Court of Madras in this regard on the basis of the reports to be submitted as directed in the decision cited supra.

(vi) The Tamil Nadu Pollution Control Board is directed to ascertain the quality of the water in the Pallikaranai Marshland and if there is any pollution caused due to discharge of any untreated sewage, then they are directed to take appropriate action against those persons who are responsible in accordance with law.

(vii) The Greater Chennai Corporation as well as the CMWSSB are directed not to discharge any untreated sewage into the Pallikaranai Marshland or do any act in the dumping ground in such a way as to encroach into the water body and pollute the water quality in the water body by their activities. If any such acts have been committed by them in violation of the Solid Waste Management Rules, 2016, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, then the Tamil Nadu Pollution Control Board is directed to take appropriate action against them in accordance with law.

(viii) Once the lands are retrieved and handed over to the Forest Department, then the Forest Department is directed to take steps to protect the same against the encroachment and pollution and develop the same as an eco/biodiversity park and make it a good bird sanctuary.

(ix) Considering the circumstances, parties are directed to bear their respective costs in the respective applications.

(x) The Registry is directed to communicate this order to the Chief Secretary, State of Tamil Nadu, Principal Secretary for Environment and Forest, Principal Secretary for Revenue, Principal Secretary for Public Works Department, Additional Chief Secretary for Municipal Administration and Water Supply, Principal Chief Conservator of Forest (Head of Forest Force) and Chief Wildlife Warden, Commissioner Land Administration, District Forest Officer - Chennai who is in charge of the Pallikaranai Marshland, the Commissioner - Greater Chennai Corporation, the Managing Director / Chairman - Chennai Metropolitan Water Supply and Sewerage Board and the concerned District Collector in whose jurisdiction the entire marshland falls, Chairman -

Tamil Nadu Pollution Control Board for their information and compliance of directions.

(xi) As and when the periodical report is received, the Registry is directed to place the same before the Bench for consideration and issuing necessary directions, if any required in this regard.

107. With the above observations and directions, both these original applications are disposed of.

108. In view of the fact that the Original Applications are disposed of, all pending interlocutory application shall stand disposed of.

Sd/-

Justice K. Ramakrishnan, JM Sd/-

Dr. Satyagopal Korlapati, EM O.A. No.83/2014 (SZ) & O.A. No.51/2016 (SZ) & I.A. No.92/2021 (SZ)
31st January, 2022. Mn.