

National Green Tribunal Southern Zone vs The Secretary To Govt. Of Tamil Nadu ... on 29 January, 2021

Author: K. Ramakrishnan

Bench: K. Ramakrishnan

Item No.33:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 55 of 2020 (SZ)
(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion SUO MOTU

Based on the News Item in Chennai Express

Newspaper dated 03.03.2020, Chennai Supplementary

"Back to the Brink"

...Applicant(s)

Versus

The Secretary to Government of Tamil Nadu,
Public Works Department,
Govt. Secretariat, Fort St. George,
Chennai and others.

...Respondent(s)

Date of hearing: 29.01.2021.

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

Suo Motu by Court.

For Respondent(s):

Mr. Dr. V.R. Thirunarayanan for R1 to R5 & R9.

Mr. C. Kasirajan through

Ms. Meena for R6.

Mr. P. Srinivas through

Mr. N.K. Ponraj for R8.

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ORDER

1. The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in Chennai Express, Chennai Supplementary dated 08.03.2020 under the caption "Back to the Brink". It was alleged in the newspaper report that though huge amount has been spent by the Government for rejuvenating the Putheri Lake in Pallavaram, but now due to the negligence and lapses on the part of the local bodies, there is no maintenance of the lake, leading to hyacinth growing in the lake which is affecting the flow of water and also reducing the oxygen level in the water. It is also alleged in the report that indiscriminate discharge of sewage is being done in that area and the municipal authorities are pumping sewage water into the lake without treatment. So, a Joint Committee was constituted to go into the question and submit a report and the case was being posted from time to time for getting the report. Lastly, it was adjourned to today by notification dated 21.01.2021.

2. When the matter came up for hearing today through Video Conference, Mr. Dr. V.R. Thirunarayanan represented respondents 1 to 5 & 9, Mr. C. Kasirajan through Ms. Meena represented 6th respondent, Mr. P. Srinivas through Mr. N.K. Ponraj represented 8th respondent.

3. We have received the report submitted by the Executive Engineer, Public Works Department, Lower Palar Basin received on 29.01.2021 which reads as follows:-

"Report filed by the Executive Engineer, WRD, Lower Palar Basin Division, Kancheepuram I, R. Ramesh son of R. Ramamoorthy, aged about 55 years officiating as Executive Engineer, Water Resources Department (WRD) of the Public Works Department having my office at the Collectorate Campus, Kancheepuram District, Kancheepuram -1 submit my report as follows:

2. I submit that the above case has been suo motu registered by this Tribunal on the basis of the paper report published in Chennai Express Newspaper Chennai Supplementary dated 03.03.2020 under the caption "Back to Brink" on the allegations that though huge amount has been spent by the Government for rejuvenating the Putheri Lake in Pallavaram, but now due to the negligence and lapses on the part of the local bodies, there is no maintenance for the lakes, leading to large growth of water of hyacinth have been grown affecting the flow of the water and also reducing the oxygen level in the water, indiscriminate discharge of sewage is being done in that area and the municipal authorities are pumping sewage water into the lake thereby affecting the quality of the water causing pollution and that there arises a substantial question of environment for interference of the Hon'ble Tribunal for giving necessary directions to solve the problem.

3. The Hon'ble Tribunal has, therefore, appointed a Joint Committee comprising of the District Collector, Chengalpattu, District, The Tamil Nadu Pollution Control

Board, Engineer-in Chief, Water Resources Organisation (WRO) and Public Works Department (PWD), the Commissioner, Pallavaram Municipality, Senior Officer from Chennai Metropolitan Water Supply & Sewerage Board to go in to the allegations in the report and submit a factual and action taken report to this Hon'ble Tribunal.

4. The Hon'ble Tribunal further directed that if there is any discharge of untreated sewage, then the committee is directed to identify the persons responsible for the same and initiate action against the people in accordance with law, as discharging untreated sewage into the water body is an offence under the Water Prevention (control of Pollution) Act, 1974. If there is any pollution caused and the water quality has deteriorated then they are also directed to submit the action plan for remediating the same with shorter and longer time lines. If they are able to trace out persons responsible for the contamination, then they are directed to take action against such person including launching of prosecution and imposing environmental compensation and take steps to recover the amount from such person(s).

(i) The Hon'ble Tribunal designated the Water Resources Organisation (WRO) and Public Works Department will act as nodal agency for co-ordination and for providing all necessary logistics for this purpose.

(ii) The Chief Engineer, Public Works Department (PWD) and Water Resources Organisation (WRO), Chennai were Suo Motu impleaded as additional 9th respondent.

(iii) The committee was further directed to submit the report to this Tribunal within a period of two months.

5. Report of the Public Works Department:

The Putheri tank is not maintained by the PWD and is under the maintenance control of Pallavaram Municipality. The main allegation is that though huge amount has been spent by the Government for rejuvenating the Putheri Lake in Pallavaram but now due to the negligence and lapses on the part of the local bodies, there is no maintenance for the lakes, leading to large growth of hyacinth have been grown affecting the flow of the water and also reducing the oxygen level in the water, indiscriminate discharge of sewage is being done in that area and the municipal authorities are pumping sewage water into the lake thereby affecting the quality of the water causing pollution. Hence PWD has no specific remarks to offer in respect of the Putheri. The Joint inspection was held on 20.08.2020 with the members of the committee appointed by the Hon'ble Tribunal and the report is under preparation and would be filed before the Hon'ble Tribunal immediately after the preparation of the report.

6. Any scheme launched by the State Government and District Administration to restore the water body and if so its present stage of implementation.

There are plans for rehabilitation and restoration of all tanks including Putheri Tank in the overall Kovalam Basin (comes under Chengalpattu and Chennai District) under Comprehensive Flood Mitigation Project with an amount of Rs.2000 Crore which also involves creating biodiversity parks/ tree planting around the banks of the water body protecting the lake against the future encroachment Detailed Project Report has been sent to Government and after approval from the World Bank, the said project scheme will be executed and the repairs/ renewal of shutters and all other component works to rehabilitate the Putheri on either by the PWD or by the local body concerned.

It is therefore, prayed that this Hon'ble Court may be pleased to take on record the submissions made in Paragraphs 1 to 6 above and pass appropriate further orders as deemed fit and necessary in the circumstances of the case and thus render justice."

4. It is mentioned in the report that the Putheri tank in question is not maintained by the Public Works Department and it is under the maintenance and control of Pallavaram Municipality. Joint inspection was conducted on 20.08.2020 by the members of the committee and they would be filing their report immediately before this Tribunal.

5. It is also mentioned in the report that there are plans for rehabilitation and restoration of all tanks including Putheri tank in the overall Kovalam Basin (comes under Chengalpattu and Chennai District) under Comprehensive Flood Mitigation Project with an amount of Rs.2,000/- Crore which also involves creating biodiversity parks/ tree planting around the banks of the water body protecting the lake against future encroachment and Detailed Project Report (DPR) has been sent to the Government and after getting approval from the World Bank, the said project will be launched.

6. The 8th respondent/Pallavaram Municipality filed report dated 06.01.2021 which reads as follows:-

"REPORT FILED BY THE 8th RESPONDENT I, Mathivanan, son of Chelliah, Hindu aged about 57 years, Working as Commissioner, Pallavapuram Municipality, Chennai-44, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Commissioner of the Pallavapuram Municipality, the th 8 respondent herein and well conversant with the facts of the case from the connected files.

2. It is submitted that the Newspaper report of the dated 03-03- 2020 was a report regarding the Sewage reaching the Putheri Lake.

3. It is submitted that the said complaints had arisen due to the fact that during the Monsoon of 2019, there was huge inflow of sewage in the Underground Sewage system (UGSS) of the Pallavapuram Municipality and the same was a cause for the

overflow of the sewage mixed with Rain water from the pumping lines, lifting stations and the pumping stations in a few places.

4. Particularly in the Lifting station in Aishwarya Nagar there was overflow of the water that accumulated in the collection well. As there was a power failure at the time of the excessive rains the overflow of the sewage and flood waters had occurred. Due to this the water mixed with sewage had drained into the Putheri Lake through the natural channels in the area.

5. The said overflow was the reason for the Sewage mixed with rain water to reach the Putheri lake. The said defect in the capacity of the lifting station was identified. In order to rectify the same, the capacity of the said Lifting station was improved by increasing the power of the Pumps installed in the Lifting station. In addition, a new Power Generator to power the Lifting station at times of power failure was also installed.

6. In this regard the two 5HP motors were replaced with two 10 HP motors and the allied pumps. This essentially increases the capacity of the Lifting station to more than double its capacity and the said overflow has been now completely addressed. Moreover, the provision of Generator will ensure that the Lifting station will function even during the times of power failure during the Stormy weather.

7. Even during the monsoon season from October 2020 till date, the overflow of the same lifting station has not happened and the UGSS is now functioning without any overflow or leakages. It is submitted that the overflow that happened in the Monsoon of 2019 was also due to the fact that the UGSS was completed in 2017-18 in the left out area and the same was first heavy monsoon after the completion of the UGSS in the said area.

8. With regard to the maintenance of the Putheri Lake it is submitted that the Lake is in two parts namely South and North and it is separate by the Radial Road. The Lifting station is on the Southern part of the lake. The work of deepening the lake in order to restore its capacity was carried out by this Respondent and completed in the Month of June 2020, utilizing the CSR Funds through the District Collector, Kanchipuram. The work involved desilting, deepening, formation of Bund, footpath around its periphery. With regard to the Northern part the same deepened with the assistance of an NGO by name Pasumai Sei and the lake has been restored to its full capacity.

9. Further on 30-12-2020 it was noticed that few loads of solid waste had been dumped on the northern part of the Putheri lake on the night of 29-12-2020. Immediate action was taken and the same was also removed using the machinery of the Respondent herein.

In the foregoing circumstances it is prayed that this Honourable Tribunal may be pleased to accept the above and pass suitable orders and thus render Justice."

7. It is seen from the report that certain steps have been taken to mitigate the issue and the entire solid waste dumped in that area has been removed.

8. So considering the circumstances, the Joint Committee is directed to submit the report to this Tribunal on or before 18.02.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules, failing which, action will be taken against the members of the committee for non-compliance of the direction as contemplated under Section 25 & 26 of the National Green Tribunal Act, 2010 as more than 10 (Ten) months have lapsed, after passing the order and constituting the committee.

9. The Registry is directed to communicate this order to the members of the committee as well as to the official respondents including the Chief Secretary, State of Tamil Nadu by e-mail immediately for information and compliance of the direction.

10. For consideration of report, post on 18.02.2021.

.....J.M. (Justice K. Ramakrishnan)E.M. (Shri. Saibal Dasgupta) O.A. No.55/2020, 29th January, 2021. Mn.