

# **Tribunal On Its Own Motion Based On The ... vs The Chief Secretary To Govt. Of ... on 30 July, 2021**

**Bench: K. Ramakrishnan, K. Satyagopal**

Item No.13:

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

Original Application No.144 of 2021 (SZ)  
(Through Video Conference)

IN THE MATTER OF:

Tribunal on its own motion  
Suo Motu based on the news items published in  
The Times of India, Times City Edition dated 15.04.2021 & 01.06.2021  
"Squatters gone, but Coom still a dump" and  
"Waste is segregated, but not cleared from Coom in Otteri" and in  
The Hindu newspaper, Chennai Edition dt. 20.06.2021  
"Encroachments are back along the Coom in Chetpet"

...Applicant(s)

Versus

The Chief Secretary to Govt. of Tamil Nadu,  
Govt. Secretariat, Fort St. George,  
Chennai, Tamil Nadu and Ors.

...Respondent(s)

Date of hearing: 30.07.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE MR. Dr. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Suo Motu by Court.

For Respondent(s): Dr. D. Shanmuganathan for R1 to R8, R10, R11 & R13.  
Mr. C. Kasirajan through  
Ms. D. Ashwini for R9.  
Mr. Janakiraman for R12.

1. The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper reports published in The Times of India, Times City Edition dated 15.04.2021 & 01.06.2021 under the caption "Squatters gone, but Cooum still a dump" and "Waste is segregated, but not cleared from Cooum in Otteri" respectively and also in The Hindu newspaper, Chennai Edition dated 20.06.2021 under the caption "Encroachments are back along the Cooum in Chetpet".
2. As per order dated 07.07.2021, this Tribunal had admitted the matter and directed the Greater Chennai Corporation, Chennai Metroplitan Water Supply and Sewage Board (CMWSSB), Chennai River Restoration Trust, Public Works Department (PWD) and Tamil Nadu Pollution Control Board to file independent reports regarding the allegations made in the newspaper reports and if the allegations are true, then what is the nature of action taken by them and posted the case to today for that purpose.
3. When the matter came up for hearing today through Video Conference, Dr. D. Shanmuganathan represented respondents 1 to 8, 10, 11 & 13, Mr. C. Kasirajan through Ms. D. Ashwini represented 9th respondent and Mr. Janakiraman represented 12th respondent.
4. It is also brought to our notice regarding another newspaper report published in The New Indian Express, Chennai Edition dated 08.07.2021 under the caption "Acidic sewage on Cooum may erode pipes".
5. It is alleged in the latest newspaper report that when contacted Senior Officer of CMWSSB informed that I & D and STPs are temporary measures to relieve the river of sewage and that priority is to strengthen the existing sewage system. There is no space to lay the pipelines through roads and that was the reason why, they are taking the sewage pipeline through the river bed. Whenever, leakage is being intimated, they are immediately taking steps to arrest the same. So, leaking of sewage into the river is a remote possibility.
6. It is also alleged in the latest newspaper report that in spite of several directions given, there is still untreated sewage being discharged into the river Cooum and if the pipelines are drawn, it is likely to be eroded and possibility of leakage cannot be ruled out, is the report says.
7. It is also mentioned that according to the unofficial estimates, there are around 900 sewage outlet falls to the Cooum that are yet to be plugged. Other than leakages, there may be procedural violations in the implementation of the project. They have not obtained NOC from the PWD, when it was asked, reply was that it was joint venture by PWD and CMWSSB. The CMWSSB had not approached the Pollution Control Board for consent to establish and consent to operate for Modular STPs.
8. Considering these aspects, we feel that instead of waiting for the independent reports from each department which has not been filed in spite of opportunity given, we feel it appropriate to appoint a Joint Committee to go into these issues and submit a report.

9. So, we appoint a Joint Committee comprising of (i) Superintending Engineer, Public Works Department & Water Resource Department, Palar Circle, (ii) Senior Officer from the Tamil Nadu Pollution Control Board deputed by its Chairman, (iii) Senior Officer from Chennai River Restoration Trust and (iv) a Senior Officer from the Ministry of Environment, Forests & Climate Change (MoEF&CC), Regional Office, Chennai to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

10. They are also directed to submit the report regarding the violations if any committed by the CMWSSB in respect of laying the pipes and establishment of Modular STP along the Cooum River bed and the source of discharge of untreated sewage as alleged in the newspaper report into the Cooum River and what is the nature of action taken by the concerned departments and if any damage has been caused to the environment, then the committee is directed to assess the environmental compensation for the damage caused to the environment, apart from providing remedial measures to restore the damage caused to the environment.

11. The Public Works Department (PWD) will be the nodal agency for co- ordination and also for providing necessary logistics for this purpose.

12. In the mean time, the respondents are also directed to file their independent response regarding the allegations made in the newspaper report which was referred to above.

13. Though a reply was filed by the Chennai River Restoration Trust namely, 10th respondent, it was not in the proper form. When this was pointed out, the learned counsel appearing for the State departments submitted that he will file a detailed report of the respective respondents for whom he is appearing to address all these aspects before the next hearing date.

14. The committee as well as respondents are directed to submit the report and independent response respectively to this Tribunal on or before 31.08.2021 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.

15. The Registry is directed to communicate this order to the members of the committee and also to the official respondents along with the copy of the newspaper report already relied on and also the latest newspaper report mentioned today and gist of the Suo Motu proceedings with full cause title by e-mail immediately so as to enable them to comply with the direction.

16. For completion of pleadings and also for consideration of report, post on 31.08.2021.

Sd/-

.....J.M. (Justice K. Ramakrishnan) Sd/-

.....E.M. (Dr. K. Satyagopal) O.A. No.144/2021, 30th July, 2021. Mn.