

National Green Tribunal Southern Zone vs The District Collector Chennai ... on 28 February, 2022

Bench: K Ramakrishnan, K. Satyagopal

Item No.15 & 16:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 33 of 2020 (SZ)
With
Original Application No. 255 of 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the news item in
Dinamalar Chennai newspaper dated 10.02.2020,
"Stagnation of Drainage Water in
Velachery, Veerangal Canal -
People suffer from Respiratory Problem"

With

The District Collector,
Ors.

...Respondent(s)

And

Tribunal on its own motion SUO MOTU
Based on the News Item in Dinamalar Newspaper
Newspaper 06.11.2020, Chennai Supplementary
"Rising of New Buildings in water ways,
Danger to Velachery due to callousness of officials"

With

The chief Secretary to Govt. of
Tamil Nadu, Chennai & others.

...Respondent(s)

Date of hearing: 28.02.2022.
CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

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O.A. No. 33 of 2020
For Applicant(s):

Suo Motu

For Respondent(s):

Dr. D. Shanmuganathan for R1 & R4
Mr. Sai Sathya Jith for R2
Mr. Raghul Adhitya for Ms. P.T. Ramadevi for R3.

O.A. No. 255 of 2020

For Applicant(s):

Suo Motu

For Respondent(s):

Dr. D. Shanmuganathan for R1 to R4, R8 and R9
Mr. Raghul Adhitya for Ms. P.T. Ramadevi for R5.
Mr. Sai Sathya Jith for R7

ORDER

1. As per order 13.09.2021, this Tribunal had considered the various orders passed in both the cases on different occasions and considered the reports submitted by the Pollution Control Board in O.A. No. 33 of 2020 dated 31.08.2021 e-filed on 11.09.2021 extracted in Para 6 of the order and also considered the report filed by Greater Chennai Corporation dated 19.08.2021, e-filed on 11.09.2021 in O.A. No. 255 of 2020 extracted in Para 9 of the order and then passed the following order:

10. According to the Greater Chennai Corporation, the land in question belongs to the Revenue Department and at the time of inspection, it was found that Revenue Authorities have taken action by demolishing the encroachment made in their land. Further, the Greater Chennai Corporation submitted that they will comply with the recommendations (if any) made by the Joint Committee.

11. Quite unfortunately, in both these cases, no report has been filed by the Joint committee as directed. It is quite unfortunate that a serious issue regarding the environment is being ignored by the authorities who are expected to take immediate action to resolve the issue. This issue is pending since long time like several other matters as well namely, discharge of untreated sewage into the canals which ultimately reaches any one of the water bodies and causing contamination to the water in the water body.

Further, most of the departments are blaming each other for non-

implementation of their part in resolving the issue namely, construction of sewage treatment plant is with the Chennai Metropolitan Water Supply and Sewerage Board, encroachments will have to be dealt with by the Public Works Department and Revenue Department. There is no proper co-ordination between the authorities in considering the issue with harmonious approach for resolving the issue in an effective manner as such.

12. It is time and again reiterated by the Hon'ble Apex Court as well as by the various Hon'ble High Courts including the Hon'ble High Court of Madras and the National Green Tribunal regarding the responsibility of the State machinery in protecting the environment, which includes protection of water bodies by removal of encroachments and abating possible source of pollution to the water

bodies. Quit unfortunately, no satisfactory reports are coming from the respective departments so far. Even in this case, neither the Public Works Department and Water Resource Organization nor the District Collector or the Chennai Metropolitan Water Supply and Sewerage Board have come with any independent report regarding the action taken from their side to resolve the issue permanently by removing encroachment and preventing discharge of untreated sewage into the water bodies, apart from the Joint Committee filing their report of which these responsible department were also parties. This Tribunal in several cases, commented heavily on the lethargic attitude on the part of the authorities who are expected to protect the environment in discharging their duties and in spite of all these instructions, not even a snail pace improvement is happening in any of these cases. We are really pained to repeat our displeasure and the responsible officers are expected to obey and comply with the directions issued by this Tribunal, especially when the Tribunal is dealing with important issues relating to environment, which is required for the purpose of protecting the public health at large which is always under stress during monsoon season and during every season newspaper reports highlight stagnation of the sewage water that causes untold hardship to the people in the locality. Further, this is not an issue in respect of this area alone. Such complaints are being seen in other areas as well and all these things will have to be collectively taken note of by the Chennai Metropolitan Water Supply and Sewerage Board which is in charge of providing proper sewage system in the corporation area and other suburbs in respect of which they are heaving jurisdiction. In view of the large number of cases pending in respect of Velachery Lake and also regarding the sewage problems resulting in damage to the lake, we direct the Additional Chief Secretary for Municipal Administration and Water Supply to convene a meeting with all the Stakeholder Departments and prepare a long term and short term action plan for the purpose of resolving the issue permanently, so that on the basis of the proposed action plan that is likely to be prepared, this Tribunal can dispose of all these cases in an effective manner by giving direction to the respective departments to implement the action plan within the time frame fixed, but at the same time, while fixing the time frame, it should be ensured that a reasonable time frame is fixed to ensure that the environment is not adversely affected for such long time.

13.The Chennai Metropolitan Water Supply and Sewerage Board is also directed to consider the possibility of collecting the sewage and taking the same to the nearest STP through the tankers where the Under Ground Sewage System (UGSS) has not been implemented or under progress till that is implemented, so as to avoid discharge of sewage into the water bodies or into the waterways.

14.The Committee appointed in these cases are also directed to file further respective reports before the next hearing.

15.They are directed to submit the report to this Tribunal on or before 08.10.2021 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.

16.The Registry is directed to communicate this order to the members of the Joint Committee in both these cases, official respondents and also to the Additional Chief Secretary for Municipal Administration and Water Supply along with the copy of the orders and the copy of the proceedings in respect of Velachery lake, so that the Additional Chief Secretary can go into the issue and come

with proper action plan in this regard.

2. Further, this Tribunal had deleted Tahsildar Velachery and impleaded Tahsildar Sholinganallur as additional 10th respondent and the case was originally posted to 08.10.2021 for consideration of further report and action taken report.

3. It was again taken up on 22.11.2021 and extracted the order passed on 13.09.2021 in Para 2 of the order and then passed the following order:

3. The case was posted to 08.10.2021 for consideration of further reports and action plan as directed. On 08.10.2021, it was adjourned to today by notification.

4. But quite unfortunately, no further reports have been filed in this regard.

The committee was also directed to file further reports but the same has not been filed so far.

5. In similar issues of implementation of underground sewage system and preventing discharge of sewage into the water bodies, this tribunal had directed the Chief Secretary to look into the issue and come with a proper action plan in O.A. No. 102 of 2021 and 02 of 2020 and posted the case to 07.01.2022 for that purpose. This Tribunal feel that these cases can also be posted to same date, so that we can get a consolidated and comprehensive report regarding this aspect as well from the Chief Secretary. „

6. The Registry is directed to communicate this order to the Chief Secretary and the official respondents and members of the Joint Committee by email immediately for their information and compliance of the directions issued by the this Tribunal as per order dated 13.09.2021.

4. The case was posted to 07.01.2022 for consideration of further reports and thereafter it was adjourned from time to time by notifications and lastly it was adjourned to today by notification dated 03.02.2022.

5. Quite unfortunately even today the reports sought for from various respondents including the Chief Secretary has not been filed. The Greater Chennai Corporation, Superintending Engineer, Palar Basin Circle, WRD, Pollution Control Board, CMWSSB, the Additional Chief Secretary, Municipal Administration and Water Supply Department and the Chief Secretary to Government are directed to file their independent reports regarding implementation of the underground sewage system to avoid untreated sewage reaching the Velachery lake on or before 07.03.2022 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.

6. The Registry is directed to communicate this order to the official respondents including the Superintending Engineer, Palar Basin Circle, WRD, Chairman, Pollution Control Board, Commissioner, Greater Chennai Corporation, Managing Director CMWSSB, the Additional Chief Secretary, Municipal Administration and Water Supply Department and the Chief Secretary to

Government for their information and compliance of the direction.

7. For consideration of further report and action taken report, post on 07.03.2022.

.....J.M. (Justice K. Ramakrishnan)E.M. (Dr. Satyagopal
Korlapati) O.A. No. 33/2020(SZ)& O.A. No. 255/2020(SZ) 28th February, 2022. (AM)