

National Green Tribunal Southern Zone vs Engineer In Chief (Water Resources ... on 31 August, 2021

Bench: K Ramakrishnan, K. Satyagopal

Item No.6:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.238 of 2020 (SZ)
(Through Video Conference)
IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the news item in
The Times of India Newspaper, Chen
Dt. 29.10.2020, "Wall of gated comms
Stream along OMR" aw

licant(s)

Engineer in @Nef Q
and Chief E SIN et

r. D. Shanmuganathan for R1 to R3.

1. The above case has been Suo Motu registered by this Tribunal on the basis of the newspaper report published in The Time of India, Chennai

Edition dated 29.10.2020 under the caption "Wall of gated community

[1]

blocks stream along OMR'"and thereby flood is being experienced during rainy seasons in certain areas.

. This Tribunal had admitted the matter on 09.11.2020 and then appointed a joint committee to go into the question and submit a report.

Thereafter the matter has been adjourned from time to time either at the

request of the parties or by n ince no reports have been filed

as per order dated 06.08.2 'Tribunal came heavily on the

members of the joint committe

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Committee above case. has been suo motu registered the newspaper report about that there were large Mahabalipuram Road near Sholinganallur which results in flooding in that area. A compound wall of gated community has blocked the flow of water in the stream. The stream carries excess water during monsoon and large stretch encroached areas such as Arasankazhani, Velanthangal Nagar, Nethaji Nagar, Bolineni Hill side, Perumbakkam Slum Clearance, Board and DLF are getting flooded. Further it was alleged in the newspaper report that this stream carries water from various water bodies in Karanai Membakkam and Ottiyambakkam villages. Though complaints have been made to the authorities no action has been taken. Hence the Tribunal was pleased to a joint committee comprising of the District collector, Chengalpattu District and the Superintending Engineer of Public Works Department (PWD) and Water Resources Org. 2 respective area to inspect the area in question and report regarding the nature of the original application 31.03.

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In accordance with the order dated 06.08.2021, the Committee Members inspected the impugned site on 26.07.2021 and the report thereon is as follows:

During inspection of the Members of the Joint Committee, it is seen that the construction of a wall is in the North West Corner of the S.F. No. 184/1 of Karanai Village in Vandalur Taluk of Chengalpattu District. There is a thangal in S.F. No. 60, 107, 108 and 109 and that the thangal portion in S.F. No. 109 is in isosceles shape and has an abrupt end at the corner of the patta land in S.F. No. 184/1, where a wall was constructed.

One private flat promoter had developed the patta land in S.F. No. 184/1, along with adjoining lands and promoted as housing colony much long back. It was constructed perhaps for the reason of protection. It is also understood that the patta lands toward the impugned site is being developed as housing colonies and the real dispute is only the impugned site and the news item had been flashed as it was stated that the.

The news item No. Nn Nn is stoutly denied since as published as to the checking of the site there are no streams. "The disputed site is in the proximity of the Pallikkaranaï marsh the portion left out by the promoter while developing the colony/plots is lower than the level of the Pallikkaranaï marsh and the rainwater collected in its own catchment inundates around the colony itself and this technical fact was not considered in the news items.

There are two major tanks, namely Ottiyampakkam tank and Madurapakkam tank and the surplus drainage channels of these two tanks also terminate in the patta land which would indicate that the surplus water during rainy season would remain in the patta lands and would dry up after the rain is abated since the lands were fertile lands.

Notwithstanding the a ighways Department has formed a road in the drainas Madurappakkam tank via patta lands in S.F. Nos 298 of Karanai Village was due to conversion of aya nto housing colony/plots.

Hence its) dated Me, ated that \ ' anys son would remain rain is abated since the lands were fertile lands. Notwithstanding the above, the Highway Department has formed a road in the drainage source from Madurappakkam tank via patta lands S.Nos. 228, 297 and 298 of Karanai Village was due to conversion of ayacut lands into housing colony/plots.

5. It may be mentioned here, that whenever the surplus drainage channels or canals provided for the purpose of discharging the excess water from the tank and to terminate that the particular point, it cannot be said that the water will stagnate there itself since it is likely to flow down wards and join either another channel or water body. Whenever any obstruction is made to that ourse during rainy season, it is likely to affect the environm 'manmade floods in those areas.

Whenever developments are.

in such areas, it is for the authorities & take note of the fa 'OW x | _ norma hap ONO) "a on account 6 EY bom dial me a y S hout. causing any arby ®t Officer, who oid. danger being caused to the public. Such a thing has not been mentioned in the report. It is also not known as to how the water that is being collected through the surplus drainage channel is now being discharged without causing any obstruction, is there any alternate method provided for that purpose to avoid inundation of water in those areas and that was intended by this Tribunal to be reported when appointed the committee.

. When this was pointed out, the learned counsel appearing for the State Department submitted, if some time is granted they will come with a proper report in this regard. So, the committee is directed to revisit the area to examine these aspe proper report as to how the situation is being remediated 1 uctions have been permitted in that area and if there is any pa@ flood during heavy rains in that . ; ov XG & area, whate othe measures thi are going Mcdyo avoid the same OR aces! »?

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e-filing-in the form of Searchable PDF/OCR on or before 23.09.2021 by e Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

8. The Registry is directed to communicate this order to the members of the committee, official respondents through e-mail immediately so as to enable them to comply with the direction.

9. For consideration of further report, post on.23.09.2021 Sd/--

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