

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 37/2012(SZ)

(With report dated 25.04.2022)

S.P. Surendranath Karthik

Applicant

Versus

The Chairman, Pallavaram Municipality and Ors.

Respondent(s)

Date of hearing: 27.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER
HON'BLE PROF. A SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Kaushik Narain Sharma

Respondent: Mr. Purushothaman represented Mr. P. Srinivas for R1 & R12.
Mrs. Vivekha Pon represented Mr. S. Sai Sathya Jith for R2 & R3.
Mrs. P. Jayalakshmi represented Mr. D.S. Ekambaram for R4.
Dr. D. Shanmuganathan for R5 to R11.

ORDER

1. Grievance in this application is against illegal dumping of garbage at Pallavaram Periya Eri (a waterbody) in the jurisdiction of Tambaram Municipal Corporation in District Chengalpattu, Tamil Nadu.

2. According to the applicant, in violation of Municipal Solid Waste Management Rules, 2016, the municipal waste is being dumped into the waterbody for the last eight years. The waterbody is at a distance of 7.5 Kms from Chennai Airport. It is a natural resource for residents and migratory birds in the area. The water is used for drinking, domestic and other purposes. It is also a source of recharge of ground water. The

applicant has referred to judgment of the Madras High Court dated 27.06.2005 in *W.P. No. 20186/2000 and W.P. No. 29342* in the case of *L. Krishnan v. State of Tamil Nadu* directing restoration of water bodies to their original condition. The area of the waterbody is about 300 acres as per Revenue record but has actually shrunk to 75 acres now. The Municipality does not have any compost yard and is using the burial ground as dumping yard. As per information sought from the State PCB, the State PCB has not authorized dumping of garbage in the water body.

3. The application was filed on 21.09.2012 and after notices were issued, vide order dated 31.10.2012 of the Principal Bench, the matter was transferred to the Southern Bench which had by then started functioning. Thereafter, the matter has been considered in the last ten years by several orders requiring remedial action in light of status reports filed by the Municipal Corporation and State PCB.

4. It will suffice to refer to the report of the State PCB dated 11.08.2021 and reports filed by the Municipal Corporation dated 25.4.2021 for purposes of this order.

Compliance status shown in the report of the State PCB dated 11.08.2021 with reference to its earlier directions

<i>Sl. No.</i>	<i>Directions issued</i>	<i>Compliance</i>
1.	<i>The Municipality shall comply with the provisions of Solid Waste Management Rules, 2016 and shall comply with the orders passed by the Hon'ble NGT in OA 606 of 2018 from time to time</i>	<i>Not complied. The Pallavaram Municipality has yet to complete the bio-mining of the legacy waste dumped in the Pallavaram Periya Eri.</i>
2.	<i>The Municipality shall ensure 100% Collection of solid waste being generated within its jurisdiction with proper segregation, door to door collection, processing and disposal by complying with the</i>	<i>Complied with.</i>

	<i>provisions of Solid Waste Management Rules, 2016.</i>	
3.	<i>The Municipality shall ensure to prevent dumping of solid waste at the Pallavaram Periya Eri at any circumstances.</i>	<i>Presently no new dumping of solid waste observed in Pallavaram Periya Eri.</i>
4.	<i>The Municipality shall ensure that the entire legacy waste dumped at the Pallavaram Periya Eri shall be remediated/biomined completely within six months in accordance with the provisions of SWM Rules, 2016.</i>	<i>Not complied. The Pallavaram Municipality has yet to complete the bio-mining of the legacy waste dumped in the Pallavaram Periya Eri. The Pallavaram Municipality has stated that they have completed the bio-mining to the tune of 1,08,000 Cubic Meters and the processed waste has been converted into Refuse Derived Fuel and lifted. The said local body has also stated that they have entrusted the work of assessing the extent of legacy waste lying on the said site beyond the original estimate of 1,08,000 Cubic Meters to M/s. Centre for Environmental studies, Anna University.</i>
5.	<i>The Municipality shall levy fine on the violators dumping solid waste in the Pallavaram Periya Eri and other water bodies in their jurisdiction under Local body Acts.</i>	<i>Ensured to comply with.</i>
6.	<i>The Municipality shall dispose the recyclable solid waste through authorized recycling facilities and non-recyclable solid waste through co-processing in cement kilns or through Waste to Energy plants for beneficial use only and shall stop disposing the same into the Kodungaiyur dumpsite immediately.</i>	<i>Not complied. The Pallavaram Municipality has stated that it generates 104T/day of solid waste of which 26.7T/day of compostable waste are processed at its micro composting centers at 7 locations and in 22 nos. of onsite Compostable Centre to handle biodegradable waste to the tune of 17.3 MT/day, 10T/day of plastics, glass bottles and metals and 10T/day of Garden waste and coconut shell are sent to waste</i>

		processing facility at Perunkudi and remaining 40 T/day of non-biodegradable waste is taken to the Ganapathipuram Transfer station. From there the same is transported to Appur dumpsite.
7.	<i>The Municipality shall create awareness regarding the source segregation of the solid wastes and to encourage the public to deposit only segregated wastes and shall deploy sanitary supervisors to conduct various demonstrations regarding the segregation of the solid wastes and to demonstrate the home composting process to the residents in all the residential areas in its jurisdiction.</i>	Complied with.
8.	The Municipality shall provide dedicated CCTV camera within six months at the vulnerable points to prevent the dumping of solid waste by the public.	Not complied.
9.	The Municipality shall establish the construction and demolition waste management facility within the premises of the Vengadamangalam solid waste processing facility as reported with necessary control measures within six months after obtaining necessary consent from the competent authorities.	Not complied.
10.	The Municipality is liable to pay Environmental Compensation for non-compliance of conditions stipulated in 1 to 9.	Not complied.

5. Thereafter, compliance status shown in the latest report filed by the Tambaram Municipal Corporation dated 25.04.2022 is as follows:-

“Action taken on the direction of the tribunal:

- i. *The municipal garbage was dumped at Peria Ed for several years and the legacy waste of 1,08,000 Cu.metre above*

ground level was removed through bio-mining process. **The garbage below ground level is calculated as 61000 Cu. metre by Anna University and DPR has been prepared at an estimated cost of Rs.5.00 Cr and submitted for approval before The Director of Municipal Administration under SBM 2.0 and the sanction is awaited.** At present there is no garbage is being dumped at Periya Eri.

- ii. As per the direction of the Tribunal installation of CCTV Cameras was completed and the area is under the CCTV Surveillance and the same was monitored by the Corporation officials to stop the illegal dumping of waste.
- iii. With regard to the direction issued by this 1-lontle Tribunal in Para 4 & 5 of its order dated 17-12-2021 about the newspaper article published in Dinamani, Chennai Edition dated 07-12-2021 it is submitted that the Chettikulam located near Pallavaram Railway Station is vested with the Revenue Department. **Further the Revenue Department has conducted survey for removal of the encroachment in the last month as per the instructions of the District Collector, Chengelpet.**
- iv. With regard to dumping of garbage in the Chettikulam area it is submitted that the garbage from the households is being collected regularly by Door to Door Collection. With regard to the dumping of Construction Debris it is submitted that it was done by some miscreants during night time and after the news article the said area was inspected by the Sanitary Inspector and the same was also cleared and the said area is free from garbage now.
- v. **With regard to the restoration of Periya Eri is concerned it is submitted that once the Bio Mining of existing legacy waste is completed the restoration work will be commenced and it will completed at the earliest.”**

6. From the above, it is seen that the violation of Solid Waste Management Rules is still continuing to the detriment of environment and public health. There is also damage to the water body in violation of law which needs restoration in view of acknowledged ecological significance of the water body.

7. The Tribunal considered the issue of another waterbody in the same area being Sembakkam Lake vide order dated 20.04.2022 in O.A. No.

273/2017 (SZ), *Sri Sarvamangala Nagar Residents Association v. Secretary to Government Public Works Department, Chennai and Ors.*, which was also affected by the illegal dumping of waste. Action taken by Tambaram Municipal Corporation and other authorities was held to be inadequate. The Tribunal observed and directed as follows:-

“3.....There is continuing violation of Constitutional Provisions under Article 243 W and 243 ZD with 12th schedule, the Water (Prevention and Control of Pollution) Act, 1974, the statutory Rules, particularly Solid Waste Management Rules, 2016 and obligation of the State Authorities to provide clean environment, which is part of Right to Life of the citizens. There is also clear violation of directions of the Hon’ble Supreme Court in Paryavaran Suraksha 2017 5 SCC 326, followed by orders of this Tribunal in pursuance of order of the Hon’ble Supreme Court in Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.¹, including order dated 21.09.2020 in O.A. No. 593/2017, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. There is also violation of directions of the Hon’ble Supreme Court for compliance of Solid Waste Management Rules, 2016 in WP 888/1996, Almitra H. Patel Vs. Union of India & Ors., followed by judgment of this Tribunal dated 22.12.2016 in O.A. No. 199/2014, Almitra H. Patel. & Anr. Vs. Union of India & Ors. and further orders in O.A. No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 particularly order dated 23.04.2019, passed in the presence of Chief Secretary, Tamil Nadu. We also find that inspite of report of the joint Committee that the lake was encroached and out of 150 acre area of the lake, only 104 acre remains, no information has been furnished about action taken in that regard which is clear breach of ‘Public Trust Doctrine’ by the State Authorities.

4. **Thus, it is a matter of regret that such failure should continue. Accordingly, we direct the Chief Secretary, Tamil Nadu to forthwith look into the matter and take remedial action for compliance of law by holding a meeting with the concerned Secretaries in the interest of rule of law and public health.** *The Chief Secretary may also ensure appropriate disciplinary action against the erring officers for such gross negligence and failure of public duties. The State PCB may initiate prosecution against the erring officers in accordance with the direction of the Hon’ble Supreme Court in Paryavaran Suraksha (Supra). An action taken report mentioning status of compliance as on 30.09.2022 be filed with the Registrar, Southern Bench of this Tribunal by 15.10.2022 by e-mail.....*

Tambaram Corporation must set up sewage and solid waste management facilities. The Sembakam lake catchment area should be free from encroachment. No sewage and solid waste disposal may take place in the lake. The water quality of the lake has to be maintained. Sewage treated water may be utilised for non potable purposes. Solid waste be processed on

¹ (2017) 5 SCC 326

day today basis and the legacy waste remediated at the earliest.”

8. The Tribunal also considered the matter of management of solid waste and liquid waste in the State of Tamil Nadu vide order dated 21.07.2022 in O.A. 606/2018 (*In respect of State of Tamil Nadu*), *In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues* in the presence of Chief Secretary, Tamil Nadu, Additional Chief Secretaries, Municipal Administration and Water Supply Department, Environment and Forest Department and other Senior Officers. Considering the gaps in solid waste and sewage management and finding continuing violations, the Tribunal directed change in approach so as to ensure prompt compliance by according high priority to enforce Rule of Law and Constitutional and statutory obligation of the State to the citizens. The observations in the said order are:-

“26. The presentation filed by the Chief Secretary, **Tamil Nadu** during the hearing shows following data:

SUMMARY OF STATUS

A: <u>Solid Waste Management</u>					
<i>Quantity of waste generation in the State (in TPD)</i>	<i>Waste Processed (in TPD)</i>	<i>Gap in generation and Processing (in TPD)</i>	<i>Quantity of waste being disposed in landfills (in TPD)</i>	<i>No. of Legacy waste dump sites</i>	<i>Status of Bio-mining</i>
14,995	9310	5685	5685* <i>(Landfill: Unprocessed)</i>	271	<ul style="list-style-type: none"> • <i>Estimated legacy waste: 207 lakh cubic Meter</i> • <i>Bio-mining taken in: 279 locations</i> • <i>Bio-mining completed: 69, cleared 32 lakh cubic meter and 360 acres reclaimed</i>

B): Sewage Management					
Quantity of sewage generation in the State (in MLD)	Treatment capacity in MLD	Current Gap in treatment (MLD)	Utilization of treated sewage in		
			Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
4,001.02	2519.54	1,485	43.32	115	332.35

Our Observations about way forward

27. It is seen from the data presented by the Chief Secretary and the conclusion of the State level monitoring Committee that there are still huge gaps in management of solid as well as liquid waste.

28. In solid waste management, there is a gap of 5685 TPD. Waste processing facilities are inadequate. Compost produced at individual and community level and its usage and linkages of MCFs with end users/processors need to be monitored. Timelines for compliance beyond statutory outer limit need to be squeezed to respect the statutory mandate and directions of the Hon'ble Supreme Court, this Tribunal. With regard to liquid waste management, the gap in treatment is reported to be 1,485 MLD. Distinction between urban and rural waste and their treatment has to have definite execution plan. Septic tanks and Soak pits systems need to safeguard ground water safety, particularly in rural areas.

29. Till this gap is bridged, unprocessed solid waste and untreated liquid waste will continue to remain source of degradation of environment and damage to public health, including deaths and diseases which the society can ill afford. Hence the urgency of the situation for good governance ensuring emergent measures in public interest to protect the environment and public health and discharge of Constitutional obligation.

30. **It is a matter of concern that even after 48 years of enactment of Water (Prevention and Control of Pollution) Act, 1974 and expiry of timelines for taking necessary steps for solid waste management in terms of Solid Waste Management Rules, 2016 and binding direction in the judgment of the Hon'ble Supreme Court and this Tribunal in Almitra H. Patel vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India, supra, huge gaps still exist. Are there insurmountable difficulties for State authorities or lack of will and determination? We find it difficult to believe the first. In our view, it is lack of good governance and determination responsible for the situation which needs to be remedied soonest.**

31. **We have suggested change in approach in realizing that remedial action cannot wait for indefinite period as is being proposed by the Administration. Sources of funding are laid down in the orders of the Hon'ble Supreme Court. Responsibility of the State is to have comprehensive plan to control pollution which is its absolute liability, which is not**

being understood. If there is deficit in budgetary allocations, it is for the State and state alone to have suitable planning by reducing cost or augmenting resources. By way of suggestion, one may consider harnessing traditional knowledge and community involvement. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates which, breach of which is established from the track record of last several decades, is not convincing solution. There is no accountability for the past breaches. It is poor substitute for compliance. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps. Claimed success by some local bodies in setting up waste processing plants and harnessing benefits of bio-CNG/power energy² may need to be looked into and if found useful the same need to be followed with suitable modifications.

32. *It is the mindset and determination to act in a mission mode which can produce results.*

33. *Segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. In particular, adequate composting/vermicomposting/bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste, listing people's involvement. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers. This may perhaps reduce planned expenditure.*

34. **Similarly, sewage can be required to be processed by conventional cost-effective methods atleast at several identified locations with least expenses. Decentralized treatment plants can be explored, apart from imposing condition of ZLD on industries, group housing societies etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State's financial burden can be reduced. Such establishments include malls, industrial estates, automobile establishments, power plants etc. Treated water can also be used by playgrounds, railways, bus stands, local bodies, universities etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling. Several such models reportedly exist³.**

² Indore's Waste to Energy model leads the world, 72 countries set to follow! : <https://www.financialexpress.com/lifestyle/indores-waste-to-energy-model-leads-the-world-72-countries-set-to-follow/1695816/>

India's cleanest city Indore turns waste into bio-CNG, money : <https://energy.economictimes.indiatimes.com/amp/news/oil-and-gas/indias-cleanest-city-indore-turns-waste-into-bio-cng-money/87826232>

³ <https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>

35. Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration.

36. Compliance of environmental norms on the subject of waste management has to be on high on priority. Tribunal has come across cases of serious neglect and continuing damage to the environment in absence of inadequate steps for treatment of solid and liquid waste.⁴ We are of the view that issues have

<https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>

<https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>

<https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>

https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms

<https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>

https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html

https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf

<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>

http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

- ⁴ (i) OA No. 37 of 2012 (SZ), S.P. Surendranath Karthik vs. The Chairman, Pallavaram Municipality Ors. dated 07.12.2021 relating to solid waste management, Pallavaram Municipality.
- (ii) OA No. 61 of 2020 (SZ), S.P. Surendranath Karthik vs. The Secretary, Indian Railway Welfare Organisation and others. Order dated 26.05.2022 relating to pollution of Ambattur Lake.
- (iii) OA No. 107 of 2021 (SZ), S.M. Sivan, Silver Cloud Estates, Nilgiris vs. The Government of Tamil Nadu, Rep by its Secretary to Government, Department of Environment & Forest, Chennai and Others. Order dated 08.12.2021 relating to relocate and shift the dumping garbage yard.
- (iv) OA No. 134 of 2021 (SZ), Solomon Raja, Chrompet, Chennai vs. The District Collector, Chengalpet & ors. order dated 13.07.2022 relating to drainage system, Veeraraghavan Lake.
- (v) OA No. 11 of 2022 (SZ), C. Sengodan S/o. Chinnapan 4/5/5A Keel Chinnagoundampatti, New 26th Ward, Tharamangalam Municipality Salem District and Anr. vs. The Principal Secretary to Government of Tamil Nadu, Department of Environment & Forest and Climate Change, Secretariat, Chennai and Ors., order dated 22.03.2022 relating to use of burial ground for waste management facility.
- (vi) OA No. 25 of 2022 (SZ), M. Sundaramurthy, Chennai vs. The Principal Secretary, Department of Environment, Forest and Climate Change & Ors., order dated 15.03.2022 relating to discharge of untreated sewage from building complexes.
- (vii) OA No. 48 of 2022 (SZ), Meiyappan, Chengalpattu vs. The District Collector, Chengalpattu & ors., order dated 26.04.2022 relating to dumping of waste into the backwater and graveyard of Padur Panchayat in the Muttukadu backwater estuaries.
- (viii) OA No. 02 of 2020 (SZ), Tribunal on its own motion Suo Motu based on the News Item in Dinamalar Tamil Newspaper, "Velachery lake-full due to Monsoon" Plea for preventing

been identified and monitored by the Tribunal for a long time. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.

37. We hope in the light of interaction with the Chief Secretary, Tamil Nadu will take further measures in the matter by innovative approach, stringent monitoring at appropriate level, including at the level of the District Magistrates (who execute the District Environment Plans) and the Chief Secretary, ensuring that the gap in waste generation and treatment is bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable.

The Chief Secretary may consider designating a Senior Nodal Officer at the rank of ACS to regularly assess the progress in bridging the gaps in sewage and solid waste management and establishing stock taking at district level. Existing and upcoming STPs need to have linkages with industries and other bulk users including Agriculture/horticulture for using treated sewage. Legacy waste sites need to be remediated and reclaimed areas utilized for setting up of waste processing plants so to process day-to-day waste generation. More and more green belts/dense forests need to be set up to mitigate adverse impact of waste. Based on the gained experience, standardized processing and treatment methodologies be replicated for areas of other Corporations, Municipalities and Panchayats.

Laid down statutory norms need to be complied as per prescribed timelines and directions in the judgments of Hon'ble Supreme Court and this Tribunal, including directions in orders dated 25.4.2019, 28.2.2020 and 14.12.2020 and other orders in individual cases. In the light of observations in paras

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- sewage waste get mixed in the lake vs. The Government of Tamil Nadu and others, order dated 07.07.2022 relating to pollution of Velachery lake.
- (ix) OA No. 33 of 2020 (SZ), 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" vs. The District Collector, Chennai District, District Collectorate Office, No.62, Rajaji Salai, 4th Floor, Chennai and Ors., order dated 07.03.2022 relating to pollution of Veerangal Canal.
- (x) OA No. 40 of 2020 (SZ), Tribunal on its own motion Suo Motu initiated proceedings based on the News item published in The Time of India, Chennai edition dt. 17.02.2020 under the caption "Sewage flows into surplus channel in Kovilambakkam" vs. The District Collector, Chengalpattu District and Ors. order dated 08.07.2022 relating to pollution of Medavakkam, Keezhkattalai and Narayanapuram Lakes.
- (xi) OA No. 70 of 2021 (SZ), Tribunal on its own motion SUO MOTU based on the News item in Dinamalar Newspaper, Chennai Edition dated 05.02.2021, "Sewage water flows in Tirukazhukundram: Underground sewerage is needed" with The Principal Secretary to Government, Public Works Department, Chennai and others, order dated 31.01.2022 relating to lack of sewage system, Tirukazhukundram.
- (xii) OA No. 171 of 2021 (SZ), Tribunal on its own motion Suo motu based on the News item Published in the New Sunday Express News paper Edition dated 11.07.2021 Under the caption : Illegal diversion of sewage Into storm water drains continues." Vs. The Chief Secretary, Govt of Tamil Nadu and Ors., order dated 23.03.2022 relating to sewage into storm water drains.
- (xiii) OA No. 01 of 2017(SZ), R.L. Srinivasan, Chennai vs. Union of India and Ors. order dated 20.07.2022 relating to construction of roads in Buckingham Canal and Kosasthalaiyar river.

13,18 and 21 above, accountability be fixed for erring officers and compensation collected and utilised, as already directed.”

9. We also find it necessary to refer to the order of this Tribunal dealing with the issue of restoration of water bodies in the country dated 18.11.2020 in O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. Union of India & Ors. Some of the observations from the said order are reproduced below:-

“18. We also note that the Ministry of Urban Development, Government of India, Central Public Health and Environmental Engineering Organization (CPHEEO) has issued an advisory on **“Conservation and Restoration of Water Bodies in Urban Areas”**⁵ in August, 2013 which need to be followed. The matter was also considered by the Standing Committee on Water Resources (2015-16), Sixteenth Lok Sabha. Its Tenth Report has been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation under the heading **“Repair, Renovation and Restoration of Water Bodies-Encroachment on Water Bodies and Steps Required to Remove the Encroachment and Restore the Water Bodies”**⁶ in August, 2016. Further, the **“Guidelines for the Scheme on Repair, Renovation and Restoration (RRR) of Water Bodies under PMKSY (HKKP)”**⁷ have been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation, Govt. of India in June, 2017. The said report also provides useful material to be looked into by the enforcement agencies.

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21. As suggested by the CPCB, a single agency needs to be set up in every State/UTs within one month. This work may either be assigned to the Wetland Authority of the State or the River Rejuvenation Committee or to any other designated authority such as the Secretary, Irrigation and Public Health/Water Resources. It is made clear that if the State Wetland Authority is to be assigned the task of protection of all water bodies, this task will be in addition to the normal functioning of the State Wetland Authority under the Wetland (Conservation and Management) Rules, 2017. Such nodal agency must call a preliminary meeting on the subject with all the District Magistrates on or before 31.01.2021 to take stock of the situation and to plan further steps. Thereafter, a regular meeting may be held for periodic monitoring at the District level as well as the State level with the identified targets of proper and scientific identification and protection of all water bodies, assigning unique identification number, removing encroachments, preventing dumping of waste, maintaining water quality and restoration by taking other appropriate

⁵ <http://mohua.gov.in/upload/uploadfiles/files/Advisory%20on%20Urban%20Water%20Bodies.pdf>

⁶ http://164.100.47.193/lsscommittee/Water%20Resources/16_Water_Resources_10.pdf

⁷ http://pmksy-mowr.nic.in/documents/RRR_PMKSY_Guidelines_2017.pdf

steps, involving the Panchayats and the community, utilizing the financial resources available from different sources. Steps taken need to be documented and compiled and reported to a central authority, preferably the CPCB. This Tribunal has already constituted a CMC to be headed by the Secretary, MoJS with the assistance of CPCB and other authorities to monitor remedial action for 351 polluted river stretches. Restoration of water bodies is also a connected issue which can be monitored by the same Committee atleast thrice a year at the national level.

22. Accordingly, we dispose of this application with following directions:

- (i) *All States/UTs may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.*
- (ii) *Under oversight of the Chief Secretaries of the States/UTs, the designated nodal agency may*
 - a. *Hold its meeting not later than 31.1.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitoring mechanism as well as Grievance Redressal Mechanism (GRM).*
 - b. *Submit periodical reports to the CPCB/Secretary Jal Shakti, Government of India. First such report may be furnished by 28.02.2021.*
- (iii) *The CMC for monitoring remediation of 351 polluted river stretches, headed by the Secretary, MoJS may monitor the steps for restoration of water bodies by all the States periodically, atleast thrice in a year. First such monitoring may take place by 31.3.2021.*
- (iv) *The CMC may give its action reports to this Tribunal in OA 673/2018 and first such report may be furnished preferably by 30.4.2021 by e-mail.”*

10. It is seen from the above narrative that inspite of repeated orders of this Tribunal in the last ten years, the situation continues to be far from satisfactory. Disposal of solid waste in the catchment of the lake affects the natural character of the water body. The transportation from Ganapathipuram to Appur dumpsite is crucial in the management link. Disposal of waste at Appur dumpsite and its impact on the Pallavaram Periya Eri water body needs monitoring. It is to be ensured that no sewage

effluents are enter the water body. Remaining legacy waste has to be bio-mined and the recovered material properly utilized. Continued failure of the Municipal Corporation in performing its constitutional and statutory duties, to the detriment of rule of law and right of Citizens to clean environment is resulting in deterioration of health and safety of citizens which is expected to be a matter of concern of all the authorities. Protection of environment is inalienable duty of the State which does not appear to be realised. Thus, prompt and stringent action is necessary to remedy the situation in a time bound manner with the involvement of authorities at higher level.

11. Accordingly, we direct that a five-member joint Committee headed by Additional Chief Secretary, Municipal Administration and Water Supply Department with Additional Chief Secretary, Environment and Forest, State PCB, District Magistrate, Chengalpattu and Municipal Corporation, Tambaram as Members may meet within one month to take stock of the pending work and prepare an updated action plan to be executed in the outer limit of six months. The State PCB will be the nodal agency for coordination and compliance. The Committee may place its proceedings on the website of State PCB. The progress may be reviewed at least once in a month. The Committee may ensure availability of necessary funds, if necessary, by raising revenue from the local residents and augmenting the same from any other stakeholders, including the industries/institutions operating in the area. The Committee may also ensure restoration of the waterbodies, freeing them from any waste or encroachment and taking other measures, considering directions of this Tribunal.

The application is disposed of.

A copy of this order be forwarded to Additional Chief Secretary, Municipal Administration and Water Supply Department, Additional Chief Secretary, Environment and Forest, State PCB, District Magistrate, Chengalpattu and Municipal Corporation, Tambaram by e-mail for compliance.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Sudhir Agarwal, JM

Dr. Satyagopal Korlapati, EM

Prof. A. Senthil Vel, EM

July 27, 2022
Original Application No. 37/2012(SZ)
SN