

Item Nos. 04 -07

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 556/2018  
(Earlier O.A. No. 299/2013 (SZ)(SuoMotu)

And

Original Application No. 557/2018  
(Earlier O.A. No. 164/2014(SZ)

And

Original Application No. 558/2018  
(Earlier O.A. No. 164/2015(SZ)

And

Original Application No. 559/2018  
(Earlier O.A. No. 130/2016(SZ)

Tribunal on its own motion

Applicant(s)

Versus

The Principal Secretary, Environment & Forests, Govt. of Tamil Nadu  
&Ors. Respondent(s)

And

P. Edwin Wilson

Applicant(s)

Versus

The State of Tamil Nadu &Ors.

Respondent(s)

And

Jawaharlal Shanmugam

Applicant(s)

Versus

The State of Tamil Nadu &Ors.

Respondent(s)

And

S.Muthumeena

Applicant(s)

Versus

The Secretary to Govt., Govt. of  
Tamilnadu&Ors.

Respondent(s)

Date of hearing: 07.01.2019

**CORAM : HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Jawaharlal Shanmugam, applicant in person

For Respondent (s): Mr. Pinaki Mishra, Senior Advocate, Mr. R.Rakesh  
Sharma, Advocate, Mr. V. Mowli, Advocate for State  
of Tamil Nadu, PWD  
Mr. D.S. Ekamnah, Advocate for CPCB  
Ms. ME Saraswathy, Advocate for MoEF & CC  
Mr. S.V. Vijay Prashanth, Advocate for State of Tamil  
Nadu.

## ORDER

In compliance of the order dated 31st October, 2018 the second Respondent filed a status report dated 14th December, 2018 stating that Chennai Metropolitan Water Supply and Sewerage Board has to identify the connections illegally made with the Canal and take stringent action against the owner of the building who made such illegal sewage connection in accordance with law. They have also submitted that due to rapid urbanisation in Chennai metro, the waterways in Chennai have become a prime target for growth of encroachments along the water bodies and hence during flood, the encroached areas near the banks have become more vulnerable and susceptible for inundation. They have also submitted that the Chennai River Restoration Trust (CRRT) has taken strenuous efforts for revamping Cooum and Adayar rivers in Phase I & II respectively which involves eviction of encroachments within the right of way, plugging of sewer in-falls, construction of pumping stations, sewage treatment plants, widening and deepening of waterways etc. Restoration of the Cooum River in Phase-I under the Chennai Rivers Restoration Trust has already been started and is in full swing. An amount of Rs. 104.74 crores have been allotted for this purpose. It is also mentioned that so far 4161 Nos and 8100 Nos of encroachments in Adayar and Cooum rivers have been evicted and rehabilitated and further eviction drive is in progress even at present. They have further stated that steps are being taken to evict the encroachments in the waterways in terms of the Tamil Nadu Land Encroachment Act, 1905 and the repatriation of the encroachers to other locations and prescribing the norms and other eligible criteria for availing by the beneficiaries relates to the policy of the Government. After the Revenue Department take steps to evict the encroachers, then the Tamil Nadu Slum Clearance Board has to process the allocation of

tenements to those evicted persons. It is also mentioned in the report that 25892 Nos. encroachments in Buckingham canal have been identified and rehabilitation has to be made by Tamil Nadu Slums Clearance Board on the basis of their eligibility. Notices have been issued to those encroachers. It is also mentioned that the Chennai Rivers Restoration Trust has engaged NSS Associates, an Expert Consultant for Restoration of Buckingham Canal in Chennai Metropolitan Area from Ennore Creek to Muttukada Backwaters and all other major drains draining into Buckingham canal for a stretch of 48 kms. A detailed project report is under preparation and once that is prepared, necessary steps will be taken for implementing the same. They wanted four years' time for implementing the same.

We are not satisfied with the report submitted by the second respondent. It is also submitted by counsel for second respondent that the order dated 31st October, 2018 of this Tribunal imposing a penalty of Rs. 2 crores on the second respondent has been stayed by the Hon'ble High Court of Madras. Going through the report it is clear that the authorities are lethargic in taking steps and the plan of cleaning Cooum and Adayar rivers and Buckingham canal are pending since long time. Tamil Nadu Slums Clearance Board has been constituted long ago for the purpose of providing rehabilitation to those persons who encroached into the water bodies and constructed slums for their residence. Though it is mentioned in the report that steps have been taken, they have not mentioned as to the nature of steps taken to evict the encroachers and how much time they require for completing the proceedings. The present proceedings are pending since 2013 onwards. Unless the Government has the strong will to implement the beautification scheme as envisaged by them, it will be difficult to make the water bodies clean and prevent environmental damage being caused to those water bodies. The four

years' time mentioned in the report appeared to be unreasonable considering the fact that these problems are pending with the authorities for more than a decade. No specific action plan is forthcoming from the authorities and how they are going to implement the schemes in a time bound manner unless certain stringent actions and directions are given by the Tribunal, the same cannot be accelerated as well.

So considering the circumstances this Tribunal feels that the second respondent can be directed to submit a time bound action plan regarding the manner in which encroachment is going to be evicted, for taking necessary action against the polluter who are polluting the water bodies and time required for rehabilitating the encroachers as the part of the policy of the Government and time within which the beautification programme envisaged by the Government can be implemented without which the same can be done in an effective manner. So the second respondent is directed to submit an action plan regarding the above mentioned directions and time required for implementing the same and make the water bodies pollution free within a period of one month and also Show Cause why a performance guarantee of Rs. 10 crores be directed to be furnished by the second respondent for implementing the scheme in a time bound manner as directed, before the next date of hearing.

Put up on **13<sup>th</sup> February, 2019.**

K.Ramakrishnan, JM

Dr.Nagin Nanda, EM

January 07, 2019  
Original Application No. 556/2018  
(Earlier O.A. No. 299/2013 (SZ)(SuoMotu)  
And other connected matters.  
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