

**Through
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**Item Nos. 01
to 04**

**October 31,
2018
dv**

and future action to be taken. Report was specifically called for in respect of (i) discharge of untreated effluents; (ii) discharge of untreated sewage; (iii) removal of encroachments and (iv) de-silting on Adyar and Cooum Rivers and Buckingham Canal. We had directed that while submitting such report, action plan prescribed for the purpose with specific timeline be also specified.

3. Today, status reports filed by the Respondent No. 2, Principal Secretary, Public Works Department, Government of Tamil Nadu and the Respondent No. 3, Chennai Metropolitan Water Supply and Sewerage Board have been placed before us.

4. On a perusal of the reports of the Respondent No. 2, Principal Secretary, Public Works Department, Government of Tamil Nadu, we find that it is replete with vagueness and no instances of tangible action taken for mitigation of the problems having been stated. In so far as the work on the Buckingham Canal is concerned, it appears to have been taken under the JNNURM Scheme and only administrative sanction for estimated amount of Rs. 603.67 Crores appears to have been obtained.

5. That apart, we find action taken for pre-monsoon preparedness for the years 2017 and 2018 have been placed at an estimated at the cost of Rs. 70 Lakh and Rs. 80.50 Laksh respectively but the works undertaken appears only to be removal of floating materials.

6. The report on removal of the encroachments is equally disappointing. It is stated that out of total 26,300 encroachments taken together (i.e. 18,300 in the Chennai Municipal Authority Area, in Thiruvallur

	<p style="text-align: center;">Through Video Conferencing</p> <p style="text-align: center;">Item Nos. 01 to 04</p> <p style="text-align: center;">October 31, 2018 dv</p>	<p>District, 100 and Kancheepuram District, 7900) only 408 have been evicted leaving the balance of 25,892 encroachments still to be dealt with.</p> <p>7. Mr. Zakir Husain, learned Counsel appearing for the Respondent No. 2 submits that status report was prepared based on the information received from the Department and admits that it is inadequate and requires to be replenished with further information. It is stated that the delay in the removal of the encroachments is on account of pending litigations. The answer is absolutely vague as no particulars have been furnished as regards the number of the encroachers who have approached the Courts and its present status. The matter relating to de-silting on the other hand has not been addressed at all, although the JNNURM Scheme prepared by the Department does include the works of widening and deepening and other cognate steps.</p> <p>8. There can be no denial of the fact that the Department has been recalcitrant. The Records of the case would reveal that the Tribunal has been taken for granted and delay has been caused by the respondents based on extraneous grounds. We are only concerned with the mitigation of the serious environmental questions involved in the case for which sufficient time has been granted to the State to deal with the questions. We are now of the view that the matter needs to be dealt with at the highest level.</p> <p>9. Accordingly, we direct the Chief Secretary, Government of Tamil Nadu, to look into the matter directly and ensure that the steps are taken on an urgent basis in the interest of the environment and the</p>
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people.

10. Considering the inordinate delay on the part of the Public Works Department, Government of Tamil Nadu, we impose a penalty of Rs. 2 Crores to be deposited with the Central Pollution Control Board. The amount shall be deposited within 15 days from hence. If the Department again fails to comply with the directions contained in the order dated 24.09.2018, an additional penalty of Rs. 50,000/- per day shall be imposed until such report is filed.

11. In so far as the report filed by the Respondent No. 3, Chennai Metropolitan Water Supply and Sewerage Board is concerned, we find that substantial work has been undertaken and expect that the entire work will be completed within a specified time. The Respondent No. 3, Chennai Metropolitan Water Supply and Sewerage Board, therefore, shall file an action plan with specific timeline on the next date. Failure to do this shall entail penalty upon them also.

12. Mr. A. Kumar Prasad, learned Counsel for Respondent No. 4, Inland Waterways Authority of India submits that the State Respondents have also not responded to various letters issued to them. He states that unless the State Respondents hands over the concerned water bodies free of encroachments, it would not be possible for the authority to be of any assistance to the State. In view of this, we direct that the Chief Secretary, Government of Tamil Nadu, to also deal with the requisitions made by the Inland Waterways Authority of India made in their various correspondences.

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