

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.**

APPLICATION No. 115 of 2015 (SZ) (THC)

[W.P. No. 9926 of 2014, High Court of Judicature at Madras]

IN THE MATTER OF:

1) Mr. E.Mohan, S/o. Elumelai,
3/43, Kavibharathi Street,
Anaikattucherry, Soranjeri Post,
Pattapuram, Chennai- 600 072

.....

Applicant and Petitioner
in W.P. 9926/2014

Versus

1. The Secretary to Government,
Municipal Administration and Water Supply (TP.2) Department,
Secretariat, St.George Fort,
Chennai-600 009
2. The District Collector
Tiruvallur District, Thiruvallur
3. The Commissioner, Municipal Administration,
Chennai-600 005
4. The Chairman & Managing Director,
Tamil Nadu Urban Finance Infrastructure Development Corporation Ltd.
Chennai- 600 035
5. The Director of Town Panchayat,
Kuralagam, Chennai- 600 108
6. The Managing Director,
Tamil Nadu Water Supply and Drainage Board
Chennai- 600 005
7. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Chennai- 600 002
8. The Executive Officer,
Thirumazhisai Town Panchayat,
Thirumazhisai

.....

Respondents in both W.P
9926/2014 and Application

Counsel Appearing for the Applicant: M/s. Marudhachalamurthy and Mr. K. Mohan Nainar

Counsel Appearing for the Respondents: M/s. Abdul Saleem and Mrs. Vidhyalakshmi Vipin for Respondent Nos.1,3, 5; M/s. M.K. Subramanian and M.R.Gokul Krishnan for Respondent No.2; Mr. M.S. Ramesh for Respondent No.4; and Mr. M.Arokiyaraj for Respondent No.6; M/s. V.Perumal and A. Lakshmi for Respondent No.7, M/s. S.T.S Murthi, Naveen Kumar Murthi for Respondent No. 8

APPLICATION No. 116 of 2015 (SZ) (THC).

[W.P. No. 2554 of 2015, High Court of Judicature at Madras]

IN THE MATTER OF:

- 1) Mr. R.V. Baktavachalam, S/o. Venkatesan,
Panchayat President, Karunakarachery Panchayat,
Poonamallee Taluk, Tiruvallur District
 - 2) Mrs. Shanthi Sampath, W/o. G.Sampath,
Panchayat President, Soranjeri Panchayat,
Poonamallee Taluk, Tiruvallur District
 - 3) Mr.N.Jeyaraj, S/o. Natesan,
Panchayat President, Thirumanam Panchayat,
Poonamallee Taluk, Tiruvallur District
 - 4) Mr.A Ilangovan, S/o. R.Arunachalam,
Panchayat President, Kannapalayam Panchayat,
Kannapalayam, Poonamallee Taluk,
Tiruvallur District
 - 5) Mr. D. Anbazhagan, S/o. Doss,
Panchayat President, Annambedu Panchayat,
Poonamallee Taluk, Tiruvallur District
 - 6) Mrs. Anitha Anumanthan, W/o. Anumanthan
Panchayat President, Sithukadu Panchayat,
Poonamallee Taluk, Tiruvallur District
- ... Applicants and Petitioners
in W.P. 2554/2015

Versus

1. The Secretary to Government,
Municipal Administration and Water Supply (TP.2) Department,
Secretariat, St.George Fort,
Chennai-600 009
2. The District Collector
Tiruvallur District, Thiruvallur

3. The Commissioner, Municipal Administration,
Chennai-600 005
 4. The Chairman & Managing Director,
Tamil Nadu Urban Finance Infrastructure Development Corporation Ltd.,
Chennai- 600 035
 5. The Director of Town Panchayat,
Kuralagam, Chennai- 600 108
 6. The Managing Director,
Tamil Nadu Water Supply and Drainage Board
Chennai- 600 005
 7. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
Chennai- 600 002
 8. The Executive Officer,
Thirumazhisai Town Panchayat,
Thirumazhisai
 9. The Member Secretary
Tamil Nadu Pollution Control Board
76, Mount Salai, Guindy,
Chennai – 600 032
 10. The Commissioner,
Avadi Municipality, 215,
New Military Road, Avadi,
Chennai- 600 054
- ... Respondents in both
W.P 2554/2015 and Application

Counsel Appearing for the Applicant: M/s. Marudhachalamurthy and Mr. K. Mohan Nainar

Counsel Appearing for the Respondents: M/s. Abdul Saleem and Mrs. Vidhyalakshmi Vipin for Respondent Nos.1,3, 5 and 10; M/s. M.K. Subramanian and M.R.Gokul Krishnan for Respondent No.2; Mr. M.S. Ramesh for Respondent No.4; and Mr. M.Arokiyaraj for Respondent No.6; M/s. V.Perumal and A. Lakshmi for Respondent No.7, M/s. S.T.S Murthi, Naveen Kumar Murthi for Respondent No.8 and Mrs.H.Yasmeen Ali for Respondent No.9

ORDER

PRESENT:

1. **Hon'ble Justice Dr. P. Jyothimani**
Judicial Member

2. **Hon'ble Shri P.S.Rao**
Expert Member

Dated 29th March, 2016

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| 1. Whether the judgment is allowed to be published on the internet | Yes / No |
| 2. Whether the judgment is to be published in the All India NGT Reporter | Yes / No |

SHRI P. S. RAO, EXPERT MEMBER

Initially these Applications were filed before the Hon'ble High Court of Madras as W.P (C) Nos. 9926/2014 and 2554/2015 and on transfer to this Tribunal they were numbered as Application No. 115/2015 and Application No.116/2015, respectively. These Applications are filed to forbear the Respondents from letting out sewerage water into Karunakarachery Panchayat, Soranjeri Panchayat, Thirumanam Panchayat, Kannapalayam Panchayat, Annambedu Panchayat, Situkadu Panchayat and Anaikattucherry Panchayat's Cooum River as well as in the upstream portion of Cooum River from its origin in Cooum Village in Tiruvallur District.

2) It is stated by the Applicants that the Government of India had sanctioned Under Ground Sewerage Scheme (UGSS) under Jawaharlal Nehru National Urban Renewal Mission (JnNURM) - Urban Infrastructure Governance (UIG) Scheme to the Town Panchayats: (i) Perungudi (ii) Thirumazhisai (iii) Perungalathur (iv) Pallikarani (v) Peerkankaranai (vi) Chitalapakkam (vii) Sembakkam (viii) Madambakkam for implementation under Integrated Urban Development Mission (IUDM). The Government of Tamil Nadu has appointed Tamil Nadu Urban Finance and Infrastructure Development Cooperation Limited (TUFIDCO) as a nodal agency for JnNURM-UIG and IUDM programme. A State Level Steering Committee was formed for the implementation of the scheme and a Project Sanctioning and Monitoring Committee was constituted to implement the IUDM programme. The 1st Respondent is the Head of the Monitoring Committee, 4th

Respondent is its Convenor and 3rd, 5th and 6th Respondents are its members. It is stated that the UGSS is being implemented in the 8th Respondent Town Panchayat and in the 10th Respondent Municipality as per G.O (D) No.554 and G.O (D) No. 580 dated 24.12.2009 and 21.11.2013 respectively and accordingly, sewage collected and treated in the 8th Respondent Panchayat and 10th Respondent Municipality will be let out in to the Coom River passing through the Applicants' Villages through underground pipe line.

3) It is further stated by the Applicants that the stretch between Thiruverkadu to Napier Bridge is the most polluted part of Coom River and the Applicants' Villages are situated upstream to this stretch, which is not polluted. Discharging the sewerage water from the 8th Respondent Town Panchayat and 10th Respondent Municipality would pollute even this unpolluted stretch of the River. After knowing the same, the villagers objected to it for the reason that it will pollute the unpolluted river as well as the sub-terrain water, which is the main source of drinking water for the villagers. There are many bore-wells in the riverbed, which may get polluted in case of any leakage from the underground sewerage pipeline. Further, even when the treated chlorinated water is let out into this upstream stretch of unpolluted part of Coom, it will have an effect on the flora and fauna of the region as detergents and chemicals may be still present in the discharge and the same will definitely affect the quality of ground water also. If the treated water from STPs can be utilised at the source itself for agricultural purposes as claimed by the Respondents, the cost of laying underground pipeline can be avoided and the same can be provided to those villages located in and around the 8th Respondent Town Panchayat. For the treated sewage water to be accommodated, there are many parched lakes, abandoned quarry fields and branch river of Coom

river viz. Vellavedu-Sembarambakkam, Kunthambakkam which are situated within 1.5 km distance in and around 8th Respondent Town Panchayat.

4) It is further contended by the Applicants that a series of resolutions were passed on 27.09.2013, 04.03.2014, 15.08.2014, 17.10.2014, 08.11.2014 11.11.2014 and objection letters were sent by the Village Presidents not to allow the Respondents from letting the sewerage into the River. The Applicants state that they do not object the Project in its entirety but their objection is limited to letting of sewerage into the said River. Neither 7th nor 8th Respondents have fulfilled the special condition imposed in the consent given by the 9th Respondent Tamil Nadu Pollution Control Board (TNPCB) that they have to obtain necessary permission from the Public Works Department (PWD) for disposal of treated Sewerage into the River Cooum. Finally, the Applicants prayed for giving directions forbearing the Respondents from laying underground pipeline and letting sewerage water in the Cooum River in the Applicants' villages.

5) The 3rd Respondent Commissioner, Municipal Administration, Chennai in his reply has stated that 10th Respondent Municipality does not have an organised sewerage system and therefore a comprehensive UGSS was formulated by the 7th Respondent Chennai Metropolitan Water Supply & Sewage Board (CMWSSB) at an estimated cost of Rs. 158.05 Crores which will benefit a population of around 3, 45,996. Further, 92% of the UGSS work has been completed by spending an amount of Rs. 144.82 Crores. The proposed treated effluent to be discharged into the Cooum River is as per TNPCB standards, the TNPCB periodically monitors the quality of treated effluent let into the River, and the 10th Respondent has also concurred with these facts in their reply.

6) In its reply the 4th Respondent TUFIDCO has stated that the 8th Respondent Panchayat has so far spent Rs.26.63 crores and the said Project will improve the sanitary conditions of the Town Panchayat. The entire Project has been completed except laying of 350 mm diameter effluent pumping main at a length of 2.58 km and if the remaining work is not allowed to be carried out, the entire UGSS Project would become defunct. Further, the 4th Respondent has received an amount of Rs. 644.90 lakhs from the Government of India and Rs.307.08 lakhs from the Government of Tamil Nadu which was released to the 8th Respondent Panchayat for the implementation of the UGSS. Out of the upward revised cost of Rs. 1013.00 lakhs over the original estimate, the State Government sanctioned Rs. 964.00 lakhs under IUDM vide G.O. No. 580 Municipal Administration and Water Supply (MA-2) Department dated 21.11.2013 and the amount was released to 8th Respondent Panchayat for the said scheme.

7) The 6th Respondent has replied that the UGSS in Thirumazhisai Town Panchayat was designed and implemented by the 7th Respondent. By virtue of ex-officio position, the 6th Respondent has been nominated as Member in the Monitoring Committee but has no role to play in its implementation and are just formal party to the proceedings.

8) The 7th Respondent CMWSS Board stated in their reply that at present 8th Respondent Panchayat and the 10th Respondent Municipality have no sewerage collection and disposal system resulting in open discharge of sewage from overflowing drains and accumulation of sewage in potholes and near water sources causing stinking of village ponds etc. and thus posing serious environmental and health hazards. The sewage overflowing from the septic tanks and sullage water is directly let into open roadside drains, which then directly flow into the Cooum

River causing water pollution and serious health hazard to the public. Further, improper disposal of sewage contaminates ground water as well. In order to ameliorate these unsanitary conditions and after conducting necessary technical feasibility studies, the local bodies have decided to implement the UGSS that warrants provisions of sewerage facilities at an estimated cost of Rs.30.60 Crores and Rs.158.05 Crores in 8th Respondent Panchayat and 10th Respondent Municipality, respectively. The 8th Respondent Panchayat sewerage scheme includes:

- (i) Providing sewage collection system
- (ii) Construction of sewage pumping station
- (iii) Laying pumping main
- (iv) Construction of 3.0 Million Litres per Day (MLD) capacity STP
- (v) Laying of 8.5 km length of 350 mm diameter CI effluent pumping main from Thirumazhisai STP to the disposal point (Cooum River- Anaikattuchery)

The 10th Respondent Municipality sewerage scheme includes:

- (i) Providing sewage collection system
- (ii) Construction of sewage pumping station
- (iii) Laying pumping main
- (iv) Construction of 36 MLD capacity STP
- (v) Construction of 4 MLD capacity STP
- (v) Laying of effluent pumping main from 36 MLD STP to the disposal point (Cooum River- Paruthipattu)

9) In Common Sewerage Treatment Plant (CSTP), sewage from the households is collected by a collection system that eliminates the necessity of construction of

septic tanks, their cleaning and related hazards, it is then conveyed to STP for treatment and the treated water is disposed of after complete treatment and removing all pollutants as per TNPCB norms. It is further stated by the 7th Respondent that there are two phases in STP i.e., Primary and Secondary. In the primary treatment, the floating impurities, grit particles are removed by screening and settlement then the segregated water is sent to secondary treatment. In the secondary treatment, sewage is subjected to aeration, settlement and finally chlorination and colloidal and dissolved compounds are removed. The impurities settled as sludge in the secondary treatment are collected in sludge drying bed and then removed. The treated water received from secondary treatment would have no impurities and is harmless to health. Thus the treated water let out into Coom River neither causes any harm to flora and fauna nor pollutes the ground water. This water will confirm to standards prescribed by TNPCB for such discharge. Further, after 5 days of incubation, the secondary treated water as per TNPCB norms have Biological Oxygen Demand (BOD) up to 20 mg/l and on exposure to the atmosphere the BOD of treated water will further get reduced. Thus on being satisfied that the treated water from STP will not pollute the Coom River or cause any damage to the environment, TNPCB has accorded Consent To Establish (CTE) to the STP on 14.09.2010 with a validity of two years and subsequently it was renewed on 25.08.2014 for another one year up to 25.08.2015.

10) The 7th Respondent further averred that if the Project is stopped by objecting to the discharge of treated water into the Coom River at its origin point at Coom village, lakhs of residents in the villages on the upstream side of the Coom River will not get sewage facilities due to non availability of feasible disposal point. It would result in the most unhygienic conditions in the Respondent Panchayat and Municipality thus creating disreputableness to the Respondents, as

they would be prevented from discharging the statutory obligation of providing sanitary facilities to the residents of the Town Panchayats and Municipalities. It was further contended by the 7th respondent that if the pumping of the effluent is stopped at this juncture where 70% of pumping main work and 100% sewerage collection system and installation of STP has been completed, irreparable loss would be caused to the 8th Respondent Town Panchayat and 10th Respondent Municipality as about Rs.60 lakhs/annum to be spent only for repaying TUFIDCO loan availed for this sewerage scheme and an amount of Rs.26.63 Crores for 8th Respondent Panchayat and an amount of Rs.144.82 Crores has already been spent for the 10th Respondent Municipality.

11) The 8th Respondent Thirumazhisai Town Panchayat in its reply made the same averments as stated in the reply of the 7th Respondent that a comprehensive sewerage scheme has been formulated by the 7th Respondent with an estimated cost of 30.60 Crores and all the components of the scheme have been completed except laying a portion of the underground pipeline and the apprehension of the Applicants that the sewage generated in the 8th Respondent Panchayat if let out into the Cooum river, will affect the water body causing pollution, is unfounded.

12) The 9th Respondent TNPCB in their reply filed on 31-7-2015 had categorically stated that Thirumazhisai Town Panchayat, the 8th Respondent herein, had proposed a project for the construction of CSTP with a capacity of 3.0 MLD at SF. No 77, Madavilagam Village, for the treatment of sewage generated in Thirumazhisai Town Panchayat. The unit has obtained CTE from the TNPCB *vide* Proceedings No. T16/TNPCB/F-23978/TVLR/OM/A&W/2010 dated 14.09.2010 and extension for one year *vide* Proceedings No. F.TLR0671/RS/DEE/TNPCB/TLR/A&W/2014 dated 25.08.2014. During inspection on

05.06.2015 by the TNPCB officials, it was noticed that construction work of CSTP was completed and it was ready for commissioning but complaints were received from the residents of the villages located near the bank of Cooum River regarding the discharge of sewage from the CSTP into the River. A copy of the complaint was forwarded on 30.06.2014 to the 8th Respondent Executive Officer, with a request to take necessary action and the local bodies concerned have to initiate action to mitigate it and have reported that the CSTP was not commissioned yet and they have initially laid cast iron pipe line up to Soranjeri Panchayat for a distance of 4.3 kms for the disposal of treated sewage into the Cooum River from the CSTP. Due to objection raised by the nearby Village Panchayats such as Anaikattucherry, Karunakarachery, Soranjeri, Thirumanam, Kannapalyam, Annambedu and Sithukadu regarding the disposal of treated sewage near Anaikattucherry, they have proposed to change the treated disposal point of the river to Paruthipattu Anaikattucherry (which falls under a polluted stretch of the river as reported by PWD) by extending the pipe line to a length of 12.4 kms from the CSTP and the work is under progress.

13) The 9th Respondent TNPCB further stated in their reply that the 10th Respondent Municipality, has proposed a project for the construction of CSTP with a capacity of 36.0 MLD to be located at Ward No.1, Block 25, T.S. No.2, RF.No. 713/B1, Paruthipattu Village, for the treatment of sewage generated from the Avadi Municipality. The unit has obtained CTE from TNPCB vide Proceedings No. T16/TNPCB/F-20670/TVLR/OL/A&W/2010 dated 30.09.2010. During inspection on 05.06.2015 by the TNPCB officials, it was noticed that the construction was under progress and 75% of construction work was completed. The Avadi Municipality officials reported that they had laid cast iron pipes upto Paruthipattu Anaikattuchery which is about 3.5 kms from the CSTP for the

discharge of treated sewage into Cooum River. Regarding the disposal of untreated sewage into Cooum by the villages located on the banks and by the tanker lorries, the local body concerned has taken stringent action to curb the unauthorized disposal of untreated sewage.

14) The 10th Respondent Commissioner, Avadi Municipality in its reply concurred with the points that have been stated in the reply of 7th Respondent and assured that the effluent let into the Cooum River is only treated effluent as per TNPCB standards and there is no possibility of any pollution being caused to the Applicant Villages.

DISCUSSION AND CONCLUSIONS:

15) Having gone through the records placed before us and after hearing the parties at length, we feel that the issue to be settled here is whether the proposed sewerage treatment facility being provided to the Respondent No.8 Thirumazhisai Town Panchayat which is having a population of 16,291 and the Respondent No.10 Avadi Municipality with a population of 3,45,996, is going to result any damage to the environment in general and cause pollution of water sources in particular as contended by the Applicants belonging to 7 villages. It is the case of the Applicants that they are not against the establishment of sewerage disposal system for the benefit of residents of Respondent No.8 Town Panchayat and Respondent No.10 Municipality but their concern is discharging of the treated sewage which may still contain pollutants, into the Cooum river in the vicinity of their villages all the way bringing the sewerage through underground pipeline. Therefore their prayer is to direct the Respondents not to lay underground pipeline for discharging into the river in their villages but to discharge the treated sewage into the lakes and abandoned old quarry pits or into the already polluted stretch of

the Cooum river between Thiruverkadu to Napier Bridge located far away from their villages. They further contend that the Cooum river which originates and passes near their villages is still unpolluted and if this project comes through, this unpolluted stretch of the river will also face the same fate the river has met after it enters the Chennai city particularly from the Thiruverkadu where it has almost become a sewer, till it enters the Bay of Bengal. Their concern is also that the proposed STPs for the treatment of sewage generated by Respondents No.8 and 10 may not be able to treat the sewage without removing the pollutants completely and the treated sewage water may be a potential hazard for causing pollution. Therefore keeping the interest of these 7 villages, the Applicants have joined together to file the Writ Petitions/Applications in the public interest to restrain the authorities from going ahead with the UGSS.

16) The response of the Respondent authorities is that because of lack of sewage system in the Respondent No.8 Town Panchayat and Respondent No.10 Municipality it is leading to severe pollution and health hazard due to overflowing drains and open defecation and sullage and sewage overflowing all around is causing enormous pollution to the air, water and land as there is a rapid urbanisation and increase in the population in the area. The problem is increasing day by day and the old system of maintaining septic tanks is no longer able to cope up with the sanitation and therefore everywhere it is found that the sewage is overflowing and even directly entering into the Cooum river besides stagnation all around affecting the health of the public as the mosquito breeding and proliferation of flies are spreading the pathogens causing various kinds of diseases such as malaria, dengue, chicken guinea etc. It is also leading to the pollution of the ground water. Therefore, in these circumstances, the environment and the public health

cannot be permitted to be neglected and the need of the hour is to establish a foolproof and scientifically designed centralised sewage disposal system.

17) After conducting all the necessary technical feasibility studies, it was decided to take up the UGSS at Thirumazhisai Town Panchayat and Avadi Municipality as scientifically designed sewerage system enables collection of sewage from each house hold, commercial establishments, educational institutions etc which in turn is conveyed to centralised STP where it is scientifically treated and the treated sewage water is discharged as per the norms fixed by the Respondent No.9 TNPCB. Having provided with the supply of drinking water facility to the residents of Respondent Town Panchayat and Municipality, it is also the responsibility of the Respondent authorities to provide a comprehensive environment friendly and pollution free UGSS for which necessary funds have been provided and the works are almost at the completion stage. The scheme components are:

- I. Providing collecting system
- II. Construction of pumping system
- III. Laying pumping main
- IV. Construction of STPs and laying of underground pipeline for effluent pumping main from STP to the disposal point at the river.

18) As stated above, it is a fact that the Applicants are not opposing the proposed sewerage schemes *per se* but they apprehend that the treated sewage which is proposed to be transported through underground pipelines for letting into the Cooum river in the vicinity of their villages, may lead to pollution as treatment may not be properly done and even though the authorities claim that after treatment the sewage water is free from pollutants, it may not be correct as there is every

possibility of STPs not functioning properly leading to discharge of pollutants/untreated sewage into the river which may harm their water sources both for agricultural and drinking purposes. But the Respondent No.7 categorically states that there is no such possibility and these villages are not drawing drinking water from the river and in fact the Cooum river is primarily fed by discharge from upstream water bodies and has seen a steady drop in flow of fresh water over the years. Further, only after the treatment, the sewage water, which is pollutant free, is discharged into the river at Anaikattucherry in respect of Thirumazhisai village STP and at Paruthipattu in respect of Avadi Municipality. These discharge points have been chosen not in an arbitrary manner but after undertaking a study on technical feasibility and after the approval of the statutory authority i.e. TNPCB.

19) Therefore, we do not agree with the contention raised by the Applicants that the treated sewage instead of letting into the river may be utilised by filling in the lakes and open quarry pits in the locality of Respondent No.8 and 10, which is technically not feasible and environmentally not sustainable. It is a practice all over the world that fully treated sewage, which meets the standards, is discharged into the water bodies such as rivers, streams, rivulets etc. where it gets diluted and loses its potential of harming the environment. The total capacity of the proposed STPs is 44 MLD, such huge quantity of the treated sewage water can neither be stored nor utilised locally, and invariably it has to be safely discharged. However, it can be utilised to some extent for industrial use, for watering the plants, gardening etc. Once it conforms to the standards, the treated sewage will not be a source of pollution and the Applicants can always have access to the data on the prescribed standards and result of the analysis of the samples of the treated sewage.

20) Perusal of the CTE of the STPs by the TNPCB clearly sets out the conditions to be followed to ensure that the STPs function efficiently and only fully treated sewage meeting all the required standards, is discharged into the river. It is apt to reproduce the following relevant Special and General conditions prescribed in the consent order given by the TNPCB:

Special conditions:

- 4. The sewage treatment plant shall be operated and maintained efficiently and continuously so as to meet the discharge standards prescribed by the Board. The Town Panchayat shall obtain necessary permission from PWD for disposal treated sewage into river Cooum. It shall be ensured that the treated effluent conveying pipelines shall be maintained properly.*
- 5. The Town Panchayat shall install electro-magnetic flow meter at the inlet and outlet of STP to record actual flows on a daily basis.*
- 6. The screening waste collected from the fine screen and grit removal unit shall be properly collected and disposed.*
- 7. The STP sludge should be properly handled and disposed off after stabilisation. The STP sludge can be used for green belt development.*
- 8. The Town Panchayat shall explore the possibility of utilising the treated sewage by industries in the nearby surrounding area and for the green belt development.*
- 9. The quality of treated sewage shall be got analysed regularly once in a month and report shall be furnished to TNPCB.*
- 14. The town Panchayat shall provide uninterrupted power supply to the STP to operate continuously. The Town Panchayat shall have standby power supply for operation of STP.*
- 16. The Town Panchayat shall have baseline data on ground water quality at least in 4 locations around the STP site in consultation with DEE, TNPCB and periodically monitor the ground water quality in the same locations once in six months. The compiled data shall be furnished to the DEE once in a year.*

General Conditions:

- 4. Samples of water from the wells or any other nearby water sources have to be taken by the unit and get them analysed by*

the Board laboratory to develop base line data to assess the existing water quality.

- 5. The unit shall provide an alternative power source along with separate energy meter for the effluent treatment plant to ensure continuous operation of the effluent treatment plant.*
- 8. The unit has to comply with the provisions of the Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human being other living creature, plants and properties while handling and storage of hazardous substance (if applicable)"*

21) As reported in the reply filed by the TNPCB, construction of 3.0 MLD common STP for Respondent Thirumazhisai Town Panchayat was completed and is ready for commissioning and underground cast iron pipeline up to Sorenjeri Panchayat, was laid for disposal of the treated sewage into the Cooum river but objection is raised by the Applicant Karunakarachery, Soranjeri, Thirumanam, Kannapalayam, Annambedu, Situkadu and Anaikattucherry village Panchayats for the disposal of treated sewage into the Cooum river near Anaikattucherry. Hence the Respondent Thirumazhisai Town Panchayat has proposed to change the treated sewage disposal point to Paruthipattu, Anaikattucherry and therefore the length of the pipeline now goes up to 12.4 km. and the laying of the pipeline is under progress. This Paruthipattu, Anaikattucherry discharge point is located away from the Applicants' villages and falls under the polluted stretch of the river as reported by the PWD. Thus there is no possibility of pollution of the Cooum River in the vicinity of the Applicants' villages. In case of Respondent No.10 Avadi Municipality, also the discharge point is Paruthipattu, Anaikattucherry which is about 3.5 km from the CSTP of Avadi Municipality.

22) Therefore the statutory authority TNPCB having satisfied with the scheme and after prescribing detailed conditions, has granted CTE for the STPs and one cannot shelve the project simply because of the apprehension expressed by the

Applicants that pollution may be caused by the discharge of sewage into the Cooum river. There is no strength in the objection raised by the Applicants that the ongoing UGSS is going to cause pollution particularly to the water sources in and around the Applicants' villages, when such is the position of rampant overflowing sewage in the Respondent No.8 Town Panchayat and Respondent No. 10 Municipality due to lack of centralised sewerage disposal system and these local bodies by virtue of their proximity to the rapidly expanding Greater Chennai Metropolitan, require an effective sewage disposal system. Definitely, the densely populated cities, towns deserve priority for establishing sewerage system with a common STP. It is the duty of the State to maintain hygienic environment and providing a centralised sewerage system is a necessity. Therefore the balance of convenience always lies in permitting the Respondents from going ahead with the project of well developed centralised public sewerage system duly ensuring efficient collection and pumping of sewage and functioning of STPs by strictly following the standards prescribed by the Respondent TNPCB so that there is no possibility of letting untreated sewage into the river. No doubt, improper maintenance of STP may lead to pollution but that cannot deter in establishing the unit in interest of the public. Further, we feel that the following guidelines are just and proper to be prescribed to ensure that the apprehensions of the Applicants are dispelled and there is no possibility of damaging the environment particularly the water resources in the vicinity of their villages.

- i. The Respondent Town Panchayat and CMWSSB shall obtain necessary permission from the PWD for the disposal of treated effluent into the river Cooum and based on that only Respondent TNPCB shall grant Consent to Operate (CTO) to the STP.

ii. There should be a system of periodic collection and analysis of samples of both underground water as well as the adjacent surface water bodies by the TNPCB followed by ameliorative measures, wherever required.

iii. Testing of samples shall be done at periodic intervals to enable proper control of the STP's performance.

iv. The results of the analysis of the samples should be accessible to all the residents and shall be displayed on the notice board in the entire Applicants' village Panchayats.

v. The treated sewage water shall be utilised for industrial purpose, for watering the plants, for raising green belts, gardening etc. as much as possible.

23) However it is always open for the Applicants to approach the competent authority whenever there is any leakage or damage to the underground pipeline or standards are not followed while treating the sewage in the STPs.

24) With the above observations, both the Applications stand disposed. There is no order as to cost.

Justice Dr.P.Jyothimani
(Judicial Member)

P.S.Rao
(Expert Member)

Chennai
29th March, 2016