

FORM-I

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010)

Application No.....of 2014

Between:

P. Edwin Wilson
S/o Wilson
No. 28, Parthasarathy Street
Purasaiwalkam
Chennai

AND

1. The State of Tamil Nadu
Rep by its Chief Secretary
Fort St. George, Chennai
2. The State of Tamil Nadu,
Rep by its Principal Secretary,
Environment & Forests
Fort St.George
Chennai -09
3. The State of Tamil Nadu
Rep by its Secretary,
Public works Department
Fort St.George
Chennai -09
4. The State of Tamil Nadu
Rep by its Secretary,
Municipal Administration and Water Supply Department
Fort St.George
Chennai -09
5. The Corporation of Chennai
Rep by its Commissioner
Rippon Building, Chennai
6. The District Collector,
Collectoate, Chennai
7. Chennai Rivers Restoration Trust
6 / 103, Dr. D. G. S. DinakaranSalai,
Raja Annamalaipuram,
Chennai - 600 028.
8. The Union of India
Rep by its Secretary, Ministry of Environment and Forests,
Delhi
... Respondents

TO,

**THE HON'BLE CHAIRMAN AND HIS COMPANION MEMBER OF THE
NATIONAL GREEN TRIBUNAL.**

**HUMBLE APPLICATION SUBMITTED
BY THE APPLICANT ABOVE NAMED**

The Applicant is Mr.Edwin Wilson, residing at No. 28, Parthasarathy StreetPurasaiwalkam, Chennai. The applicant is interested in the protection of the environment and in protection of the right to a clean environment guaranteed to him by the Constitution of India under Article 21 and in performance of his duty under Article 51. It is submitted that the present application has been seeking appropriate directions to clean up the Coovum river, adyar river and the Buckingham canal running through the city of Chennai, which have become stinking cesspools. The inaction and incorrect action of the respondent authorities over the last several decades have resulted in these rivers being converted to mass sewage lines carrying toxic waste into the ocean without any treatment whatsoever.

The addresses for service on the appellant is that of his Counsel:

M/S. A. YOGESHWARAN
ADVOCATE FOR THE APPELLANTS
NO.368, NEW ADDITIONAL LAW CHAMBERS
HIGH COURT
CHENNAI - 600104
E-Mail: yogi.mayfly@gmail.com

The Respondents are

1. The State of Tamil Nadu
Rep by its Chief Secretary
Fort St. George, Chennai
2. The State of Tamil Nadu,
Rep by its Principal Secretary,
Environment & Forests
Fort St.George
Chennai -09

3. The State of Tamil Nadu
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8. The Union of India
Rep by its Secretary, Ministry of Environment and Forests,
Delhi

The address for service on the respondent is as stated above.

FACTS IN BRIEF

1. The Cooumriver originates from the surplus course of Cooum tank in Tiruvallur District. It runs east for a distance of about 65 KM and confluences with Bay of Bengal below Napier Bridge, traversing a distance of 16 KM within Chennai city limits.
2. The Cooum River Sub Basin is a narrow drainage basin of about 505.88 Sq.km situated between the Kosasthalaiyar sub basin in the north side and Palar basin and Adyar basin in the south side. The interlinking of Cooumriver with the adjoining river basins was made during 19th century itself. Cooumriver is fed by Kosasthalaiyar river surplus from KesavaramAnicut through old Bangaru channel and Palar river surplus from Palaranicut through Govindavadi Channel, Kambakkal Channel and the chain of surplus courses of groups of tanks. Cooum River also supplies water to Chembarambakkamlake in

the Adyar Sub basin from KoratturAnicut through New Bangaru Channel.

3. The Cooum was earlier known as the Triplicaneriver. The name of *Cooum* appears to be derived from Tamil literature. The name may have been derived from the Tamil term *coopam* meaning 'well' or 'deep pit'. The word *coovalan* denotes a person who is well versed in the science of ground water, well water and stagnant water.
4. Once this river was said to have its origin in Dharmapuri district, but now due to some earth table changes, it has shortened its course to Thiruvallurdistrict . Ancient documents from the nearby temples states about one 'reaching salvation' on having a dip in the Cooum. The Cooumriver was then clean and unpolluted. For centuries, Cooum has been an integral part of the socio-economic and cultural life of the city. Till the early twentieth century, it was a clean river, most suitable for navigation. In ancient times, it played a pivotal part in the far-flung maritime trade between the Roman empire, South India and Sri Lanka. Cooum's proximity to the ancient port of Manarpha or Mylapore added to the river's strategic importance. Manarpha was frequented by Roman merchants who came here to buy Indian textiles, gemstones and spices. In return, India procured gold, silver, copper and high-quality wine from the Romans. Archaeologists have discovered ancient wine jars, Roman and Chinese coins on the banks of the river. In the late eighteenth century, PachaiyappaMudaliar, the renowned philanthropist, bathed in this river before offering prayers at the Komaleeswaranpet Temple in Chintadripet.
5. Cooum is presently a river spoiled by filth and pollution, and the water quality is considered to be highly toxic and completely non-potable.

The 2004 tsunami cleaned the mouth of the river; however, the river returned to its usual polluted self within a short period.

6. Cooum is connected to its adjoining basins through the Buckingham Canal which was excavated for navigation purpose in 19th century traversing parallel and close to the sea coast. This canal acts as a fine water front along the coast for draining and cleaning the Chennai city through its various connections to the sea at river mouths and creeks.
7. Cooum River supports a substantial irrigation and additional rain fed agriculture in its upper part and also water supply to Chennai city and its adjoining areas. Cooumriver also acts as the major flood carrier for Chennai city with its arms viz., OtteriNallah in the north (10.8km) and Virugambakkam to Arumbakkam drain in the south (6.4 km).
8. Before 1960s Cooum River was clean and used for numerous activities like bathing, boating, fishing etc. however, today, the river is only a large gutter carrying domestic and toxic wastes.
9. It is submitted that the conduct of the respondent authorities is contrary to every environmental legislation and every principle of environmental protection. However, over the years several projects and plans to clean the coovum were launched by the state government with funding from various sources totaling several thousand crores with much fanfare. However, the maxim *res ipsaloquitur* has never been more aptly applicable and the state of the Coovum river and the other water bodies is a testament to the action taken by the government to restore the river.
10. It is submitted that the Due to rapid growth of Chennai city and its suburbs and also due to population growth the river is highly deteriorated in every aspect. The Cooum River in its upstream rural areas from Cooum tank to KoratturAnicut witnesses catchment degradation due to Loss of water conservation on account poor maintenance of irrigation tanks and their supply channels, Intensive and inefficient extraction of surface

water for agriculture, Excessive ground water abstraction for agriculture and rural water supply and Excessive use of chemical fertilizers and pesticides for agriculture.

11. The middle reaches of Cooum river from Korattur Anicut to Padikuppam causeway just upstream of Koyambedu degraded due to Untreated waste water and sewage inflow and Unauthorized and indiscriminate dumping of solid waste and the unauthorized industries and workshops being run along the river, dumping oil and other chemicals into the river.
12. The tail end reaches of Cooum River from Padikuppam cause way to river mouth and North arm within Chennai city limits degraded due to Unauthorized settlements/slum along the river banks and its flood plains, In flow of untreated waste water, sewage inflow, municipal and industrial sullage and Unauthorized and indiscriminate dumping of solid waste . The unabated encroachment into the river bed by real estate developers is another reasons and the slums are not the only cause of concern.
13. The mouth of the river is subject to blockage by sand bars resulting from littoral drift creating lack of tidal exchange in to the river.
14. It is submitted that the above information itself was largely accessed from the website of the 7th respondent, who it appears has been tasked with yet another restoration project with several crores being allocated for the process. However, no steps have been taken till date and it appears that the problem is getting worse with every passing day.
15. It is submitted that the respondents are oblivious to the fact that the polluted river is a grave health and hygiene concern. The Cooum river , the Adyar river and the canal are a thriving source for mosquito and other water borne pathogens to breed. The fact that several thousand

people live in slums on this cesspool has also not prompted the authorities to take any action.

16. It is submitted that the water in the coovum is toxic and can breed no life form. We are the only reason for a source of sweet water for irrigation turning into a toxic cesspool and the respondent authorities have only added to the problems by their short sighted and ill advised plans.
17. It is submitted that the respondents have turned a blind eye to the encroachments into the river bed and also the illegal dumping of industrial wastes into the river, especially in places like Otteri and Pudupet.
18. It is submitted that official apathy has greatly punished the river and the environment. It is submitted that before the talks of beautification of the coovum with cycle tracks is taken up, the river needs to be restored.
19. It is submitted that the upstream area of the coovum and the source area including Kosasthalaiyaru have been severely plundered by the sand mafia and continues to be plundered. This affects the flow of water in the coovum and as a result, the volume of fresh water inflow into the river has steadily been decreasing while the inflow of sewage and other waste has increased exponentially, thanks to the respondent authorities who have official inlet points numbering several hundred letting in untreated sewage into the coovum river and illegal tenements and industrial establishments.
20. It is submitted that despite several thousand crores being allegedly spent by various regimes in the state, the river remains the worst affected and we owe a duty to the environment and the respondent authorities have miserably failed in the performance of their duties.
21. It is submitted that the detrimental effects of letting in this toxic sludge into the sea is another problem which needs no elaboration.

The respondents are in violation of all environmental laws and norms in so far as the manner in which the Coovum, Adyar rivers and the canal are maintained.

GROUND

- A. The respondent authorities have a duty under law to restore the Coovum, Adyar rivers and the Buckingham Canal to its natural state and maintain the river free from contamination.
- B. The failure of the respondents to perform their duties has resulted in the present situation and in violation of all environmental laws.
- C. The respondents ought to have seen that dumping sewage into the Coovum, Adyar rivers and the Buckingham canal is against environmental laws.
- D. The respondents ought to have prevented the dumping of waste into the river.
- E. The respondents ought to have taken steps to prevent the Coovum, Adyar rivers and the Buckingham canal from becoming stinking cesspools.
- F. The respondents ought to have removed encroachments in the Coovum, Adyar rivers and the Buckingham canal.
- G. The respondents ought to have prevented industrial waste from being dumped into the river.
- H. The respondents ought to have maintained the upstream area of the Coovum river in a proper state to ensure flow of freshwater.
- I. The failure of the respondents is violative of Article 21, 51, 14 and all environmental laws and is a health issue for millions of people.

LIMITATION:

The Applicant declares that as per the National Green Tribunal Act 2010 this application is well within the prescribed time.

INTERIM RELIEF:

Pending disposal of the application, the applicants pray that this Hon'ble Tribunal be pleased to DIRECT THE RESPONDENTS TO FORTHWITH

- A. furnish details of all plans, proposals and projects launched to restore and clean up the Coovum, Adyar rivers and the Buckingham canal and the action taken under these plans.
- B. Refrain from dumping or permitting the dumping of untreated sewage into the Coovum, Adyar rivers and the Buckingham canal.
- C. Furnish a list of sewage inlets into the Coovum, Adyar rivers and the Buckingham canal maintained and used by the government departments and corporation.
- D. Conduct a survey of the entire length of the Coovum, Adyar rivers, the Buckingham canal and submit a report to this Hon'ble Tribunal on the encroachments into the river bed or river poromboke.
- E. Conduct a survey of the number of commercial establishments/ industrial establishments/ workshops etc along the Coovum, Adyar rivers and the Buckingham canal and submit a report to this Hon'ble Tribunal.
- F. Ensure and prevent the dumping of any waste by such establishments into the river coovum.
- G. Submit a detailed plan for the collection of sewage in areas along the Coovum, Adyar rivers and the Buckingham canal so as to prevent the illegal dumping of sewage and effluent to the water bodies.

- H. Remove all plastic and other solid waste in the Coovum, Adyar rivers and the Buckingham canal and prevent the dumping of the same.
- I. Maintain the sand bar at the mouth of the river free from obstruction.
- J. Take immediate action to strengthen the banks of the Coovum, Adyar rivers and the Buckingham canal.
- K. And such further order or orders as may be fit proper and necessary in the facts and circumstances of the case.

PRAYER

For the reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- A. Direct the respondent authorities to maintain the Coovum, Adyar rivers and the Buckingham canal free from any contamination or pollution.
- B. Direct the respondent authorities to maintain the Coovum, Adyar rivers and the Buckingham canal free from any encroachments.
- C. Direct the respondent authorities take all steps to ensure that the upstream course of the Coovum river is restored and the flow of freshwater is maintained.
- D. Direct the respondent authorities to stop sand mining in Kosasthalaiyaru, Coovum Tank in Thiruvallur district and along the Coovum river's course to protect the integrity of the river.
- E. issue an order in the nature of a continuing mandamus ,
Constitute a high level committee to monitor the Coovum, Adyar rivers and the Buckingham canal and submit periodical reports to this Hon'ble Tribunal.

F. And pass such further order or orders as may be fit proper and necessary in the facts and circumstances of the case and thus render justice.

X

Signature of Applicants

SIGNATURE OF THE APPLICANT'S COUNSEL

VERIFICATION

I, Edwin Wilson , the applicant herein, do hereby verify that the contents of the above paragraphs are true to the best of my Knowledge and grounds are based on legal advice and that I have not suppressed any material fact.

Date : 05/06/2014

Place : Chennai

APPLICANT

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

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Fort St.George
Chennai -09& Another

VAKALT

I, Edwin Wilson , applicant herein, do appoint and retain

M/s YOGESHWARAN

Advocates to appear me in the above Application and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or the receipt to any moneys that may be payable to me in the said Appeal/ Application and also in appeal under to the Supreme Court of India and in all applications for review Judgement.

I Certify that the contents of this vakalat at
were read out and explained
in my presence to the Executant who appeared
perfectly to understand the same and made his
/ her their signature in my presence

X

Executed before me this 05 day of June 2014

ACCEPTED:

Counsel for Applicant

The address for service of the said Counsel: No.368, New Addl. Law Chambers, High Court, Chennai - 104

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(Under Section 18(1) read with Sections 14, 15 of National Green Tribunal Act 2010)

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**YOGESHWARAN
COUNSEL FOR APPLCIANT
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