

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No.130 of 2022 (SZ)

Dr.Sajida Wahab

...Applicant

Vs

The Commissioner
Kundrathur Municipality and Ors.

...Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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**REPORT FILED ON BEHALF OF THE 3rd RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R. Rajamanickam, S/o. P.M.Ramasamy, Hindu, aged about 58 years, having my office at 76, Mount Salai, Guindy, Chennai-600032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Chennai -600 032, and filing this Report on behalf of the Respondent Tamil Nadu Pollution Control Board (TNPCB) and as such I am well acquainted with the facts of the case from the records.

2. It is respectfully submitted that the applicant has filed the present application for the following among other prayers:

“ 1. Direct the respondents 1 and 2 to restore the applicant's lands in S.No.5/6A, 5/6B, 5/6C and 5/6D in Manikandan Nagar, Kundrathur, Chennai – 69 to its original position by removing the accumulated sewage slush and filling up the lands with sand or in the alternative, direct the respondents to reimburse the amounts incurred by the applicant for filling up her lands with good quality sand and for removal of accumulated sewage in her lands.”

3. It is respectfully submitted that vide order dated 24.11.2022 this Hon'ble Tribunal impleaded the answering respondent and directed as under:

REVENUE JUDGE
TAMIL NADU POLLUTION CONTROL BOARD
NO.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.


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TAMIL NADU POLLUTION CONTROL BOARD
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“ Let the Tamil Nadu Pollution Control Board inspect the site in question and file a report before the next hearing date.”

4. It is respectfully submitted that, accordingly, the officers of the answering Respondent inspected the site on 06.02.2023. The status on ground is submitted hereunder.
5. It is respectfully submitted that site of the Applicant in which water is reported to be stagnated is located at SF.No.5/6A,6B,6C and 5/6D in Manikandan Nagar, Kundrathur Village & Taluk, Kancheepuram District. The total extent of the land is 1.20 Acres. The same is kept vacant. It was also found that water was stagnated in the said premises.
6. It is respectfully submitted that on the Northern side of the said land, a residential apartment has been established by the 2nd Respondent. There are residences on the Eastern side, vacant plots on the Western side and vacant land on the Southern side.
7. It is respectfully submitted that the 2nd Respondent has constructed 11 individual residential buildings at Manikandan Nagar , Kundrathur & Taluk, Kancheepuram District with varying number of dwelling units. The details are furnished below.

S. No	Name of the flat	Survey No	Plot Total Extent in Sq.ft	Built up Area in Sq.ft	No of dwelling Units
2	MP Villa	1378/3	2525	2817	3
3	MP Diva	1378/3	2179	2824	6
4	MP Cara	1378/3	2170	2804	6
5	MP Bleu	1378/3	1984	2522	6
6	MP Ruby	1378/3	2077	2756	6
7	MP Quartz	1378/3	2170	2987	6
8	MP Pearl	1378/3	2170	2987	6
9	MP Jia	1378/3	1860	2712	6
10	MP Isai	1378/3	1860	2712	6

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11 A	MP Hana A	1378/3	1304	1847	4
11 B	MP Hana B	1378/3	1292	1847	4

8. It is respectfully submitted that the 2nd Respondent has obtained Planning Permission from Member Secretary, CMDA vide CMDA No. PPP/LO. No.62/2018 dated 12.10.2018 for laying out house sites in the name of V.Vijayakumar & V.Panneerselvam for the said premises and also obtained approval from Executive officer, Kundrathur Town Panchayat vide Lr.Ne.Mu.No.1147/2018A1 dated 18.06.2019. The 2nd Respondent has also obtained building plan approvals from the Executive officer, Kundrathur Town Panchayat for the construction of each individual residential buildings having Ground floor with two floors on various dates during the year 2019. Approvals have been issued to the 2nd Respondent by the local body to discharge the sewage generated from each of the building in to septic tank arrangements only. No Sewage Treatment Plant has been envisaged by the 2nd Respondent while obtaining Planning Permission.
9. It is respectfully submitted that the said residential buildings were completed by the 2nd Respondent and handed over to the residents during the year 2020 & 2021. It was reported during inspection that, earlier the sullage (Kitchen & Bathroom) generated from all the above residences were let in to the Applicant's land by natural terrain and subsequently stopped the discharge. At present, there is no discharge by the said residences in to the Applicant's land and it is being discharged in to the storm water drain provided by the local body. However, still there is a stagnation of water of about two feet is noticed in the said petitioner land.
10. It is respectfully submitted that, on account of the above, the 2nd Respondent/local body may be directed to remove the said waste water stagnated in the Applicant's land.


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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstance of this case and thus render justice.

R. Rajamanickam 20/2/2023
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

BEFORE ME

VERIFICATION

I, R. Rajamanickam, S/o. P.M.Ramasamy, working as Additional Chief Environmental Engineer, having office at No. 76, Anna Salai, Guindy, Chennai – 32, do hereby submit that the above contents are true to the best of my knowledge and belief through records.

R. Rajamanickam 20/2/2023
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
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RESPONDENT-TAMIL NADU POLLUTION
CONTROL BOARD.**

**Advocate for Respondent:TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:20.02.2023.

Date of hearing on:21.02.2023