

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH AT CHENNAI**

Under section 18 (1) read with sections 15, 17 & 27 of National Green Tribunal Act, 2010
and Rule 8 of National Green Tribunal (Practices & Procedures) Rules 2011

APPLICATION No: 150 of 2021

IN THE MATTER OF:-

1. Mr. N.S. Srinivasan
S/o late Mr. P.N. Shammugham
G-61, 12th Block, Anna Nagar
Chennai 600 102
E-mail: accountspsc@yahoo.com
Ph No: 98407 63999

2. Mr. P. NA. Mami Sundhar,
S/o late Mr. P.N. Shammugham,
G-61, 12th Block, Anna Nagar
Chennai 600 102
E-mail: sundharglowin@gmail.com
Ph. No: 90941 24338

3. Mr. P.S. Mohan
S/o late Mr. P.N. Shammugham
G-61, 12th Block, Anna Nagar
Chennai 600 102
E-mail: perradumohan@yahoo.co.in
Ph No: 98400 56448

4. Mr. P.S. Saravanan
S/o late Mr. P.N. Shammugam
G-61, 12th Block, Anna Nagar
Chennai 600 102
E-mail: saravanaps2001@yahoo.com
Ph No: 87544 22750

Vs.

: Applicants

1. M/s Khivraj Tech Park Private Limited
No.1, SIDCO Industrial Estate
Guindy, Chennai 600 032,
Rep. by its Director Mr. Ajit Kumar Chordia
E-mail: infoadmin@olympiagroup.in
Ph No: 044 - 43563773

2. M/s. Olympia Tech Park (Chennai) Private Limited
No.1, SIDCO Industrial Estate
Guindy, Chennai 600 032,
Rep. by its Director Mr. Ajit Kumar Chordia
E-mail: infoadmin@olympiagroup.in
Ph No: 044 - 43563773



3. Chandrakant Kankaria
Whole Time Director
M/s. Khivraj Tech Park Private Limited &
M/s. Olympia Tech Park (Chennai) Private Limited
No.1, SIDCO Industrial Estate
Guindy, Chennai 600 032
E-mail: cs@olympiagroup.in
Ph No: 044 - 43563773
4. Mr. Ajit Kumar Chordia
Director in
M/s. Khivraj Tech Park Private Limited &
M/s. Olympia Tech Park (Chennai) Private Limited
No.1, SIDCO Industrial Estate
Guindy, Chennai 600 032
E-mail: cs@olympiagroup.in
Ph No: 044 - 43563773
5. Navaratnamull Chordia
Chairman M/s. Olympia Tech Park (Chennai) Private Limited
No.1, SIDCO Industrial Estate
Guindy, Chennai 600 032
E-mail: cs@olympiagroup.in
Ph No: 044 - 43563773
6. Government of Tamil Nadu
Rep by its Secretary, Revenue Department
Fort St. George, Chennai 600 009
E-mail: revsec@tn.gov.in
Ph No: 044 - 25671556
7. Government of Tamil Nadu
Department of Environment, Climate Change
and Forest Department,
Rep. by its Secretary, Department Secretariat
Fort St. George, Chennai 600 009
Phone Number: 044 - 25675099
E-mail: forsec@tn.gov.in
8. Special Commissioner & Commissioner
of Land Administration
Fort St. George, Chennai 600 009
E-mail: cla.tn@nic.in
Ph No: 044 - 28414550
9. The Collector
Chenglepet District
Office of the Collectorate, Chenglepet
E-mail: collr-cpt@nic.in
Ph No: 044 - 27427412



10. The Revenue Divisional Officer
Chenglepet District
Office of the Collector, Chenglepet
E-mail: rdocpt.tnkpm@nic.in
Ph No: 044 - 27426492
11. The Tahsildar
Thiruporur Taluk
Office of the Thasildhar
Thiruporur, Chenglepet District
E-mail: tahthiruporur.tnkpm@nic.in
Ph No: 044 - 27445072
12. Navalur Panchayat
Rep by its President
Rajiv Gandhi Road (Old Mahabalipuram Road)
Navalur 603 103, Thiruporur Taluk
Chenglepet District
Ph No: 93827 36909
13. Tamil Nadu Pollution Control Board
76, Mount Salai, Guindy,
Chennai - 600 032
E-mail: tncpb-chn@gov.in
Ph No: 044- 22353134
: Respondents

OBJECTIONS FILED BY THE APPLICANTS TO THE REPORT OF THE

TAHSILDAR, THIRUPORUR

The Applicant submits as follows:

1. This Applicant submits that this Applicant is the 4th Applicant herein and this Applicant is duly authorised to file this Objections behalf of the others Applicants also and he is such acquainted with the facts of the case.
2. This Applicant submits that the Applicants have gone through the Report dated 21.01.2023, filed by the Tahsildar, Thiruporur, pursuant to the direction of this Hon'ble Tribunal by its Order dated 14.12.2022, the 11th Respondent herein has filed his Report on 24.01.2023. The Applicants wish to file the following Objections.
3. This Applicant submits that this Hon'ble Tribunal had issued the following direction in paragraph No.8 of the Order dated 14.12.2022, reads as follows:

8 "...In such circumstances, our intention is only to protect Water Body.

Therefore, let the Revenue Authorities inspect the spot once again and find out whether there is any access from the OMR to the school gate and where is the school gate is located. Let them also give a Report on the encroachments referred to in the earlier



Report in Survey No. 45/2A, 2B. The sub-division of the Survey Numbers only indicates that the Revenue Authorities had allowed the pond to be encroached. Let the Report also speak about the Bund on the Northern Side of the Pond. While filing the Report. Let another enlarging sketch to be furnished in this regard... ”

4. This Applicant submits that the above direction of this Hon'ble Tribunal is three fold
 - a) Whether there is any access from the OMR to the School Gate and where the School Gate is located ?
 - b) To give a Report on the encroachments referred to the earlier Report in Survey No. 45/2A & 45/2B.
 - c) A Report about the Bund on the Northern Side of the Pond.

1. WHETHER THERE IS ANY ACCESS FROM THE OMR TO THE SCHOOL GATE AND WHERE THE SCHOOL GATE IS LOCATED ?

The Report given by the 11th Respondent is contrary to the facts. The 11th Respondent has approached the issue on a presumption that the area marked in Pink colour in Survey No. 46 part is the access from OMR to reach the “first School gate” which is incorrect.

On the contrary the first gate of the International School is situate on the Northern Side of the School as shown in the sketch filed by the Applicants (at page No. 232 of the Paper Book) which leads from the School to the OMR through Rajiv Gandhi Road (Mayanasalai)

It is pertinent to point out that on 26.03.2014, the 1st Respondent (M/s. Khivraj Tech Park Private Limited), with a view to establish a School purchased an Extent of 3.33 ½ Acres of land under three Sale Deeds, registered as Document Nos. 4648 of 2014; 4649 of 2014 & 4650 of 2014, in the office of the Sub-Registrar, Thiruporur.

Since there is no access road from Old Mahabalipuram Road to reach the School area, the 1st Respondent, on 08.06.2015, purchased an additional extent of 0.28 Acres in Survey No. 42/3B, Navalur Village, under two Sale Deeds both dated 08.06.2015, registered as Document No. 7479 & 7480 of 2015, in the office of the Sub-Registrar, Thiruporur, “for the purpose for giving access to the School Kids Central”. This fact is found admitted by the 2nd Respondent in the Memorandum of Understanding dated 10.07.2020 reached between the Applicants and the 2nd Respondent (Ref: paragraph No. 28 of the MOU dated 10.07.2020 filed as Annexure 17 at page No. 155 of the Paper Book). The 2nd Respondent is the owner of the buildings of the school.



The Respondents 1 & 2, had no access from the "Gated Community PANACHE" and there is no land link/connectivity from the Gated Community Project Area to the School Area, as could be seen by the sketch, filed by the Applicants.

Without forming a Road over the Kuttai (Water Body) no access could be created as Second Access. The Respondents 1 & 2, by creating a fraudulent Sale Deed dated 27.08.2020 (Doc. No. 7643 of 2020) by misusing the Power of Attorney given to them by the owners of the Project Lands "conveying unto themselves undivided share of land 3731 Sq.ft.," in favour of the Respondents 1 & 2 (Annexure -19 at page No. 196) and on the basis of the fraudulent Sale Deed the Respondents 1 & 2 formed a concrete road over the Water Body to the Southern Corner of the School Property.

It is pertinent to point out that the Applicants as Vendors has given only a Power of Attorney in favour of Respondent-1 dated 10.07.2020 (Doc No. 6533 of 2020) ref: page No.166 of the Paper Book-Annexure-18, only to convey undivided share of land in the Project Area in favour of 23 unsold Villas of the Developer (Respondent-2 herein).

By mis-using the Power of Attorney, the Respondents 1 & 2, have falsely made declaration, as if, "on behalf the Applicants" had declared in paragraph E (kindly refer Annexure No.19 at page No. 197 and para E at page No. 204 of the Paper Book), in the said fraudulent Sale Deed dated 27.08.2020 (Doc. No. 7643 of 2020), which reads as follows:

"E. The purchaser has constructed and housed an International School Building by name "Kids Central" at the instance of the Vendors herein and other well wishers of the Project for the convenience/use of the owners, tenants and other residents of the Villas Project "Olympia Panache" in the Schedule -A Property and other general public and which has added great value to the project "Olympia Panache". Therefore, the purchaser approached the Vendors with a request to sell and convey 3731 Sq.ft., undivided share of interest more fully described in the Schedule "C" hereunder in and out of Schedule B property to the purchaser for having access from Old Mahabalipuram Road to the "Kids Central" School of the purchaser and to have ingress and egress, to the said School from the Old Mahabalipuram Road for use of Students, Teachers, Staff and the Visitors of the said School. The Vendors accepted the same and have agreed and decided to sell and convey 3731 Sq.ft., undivided share of interest in the B Schedule Property which is more fully described in the Schedule C hereunder to the PURCHASER, herein after referred to and called as the Schedule C Property on the terms and conditions set forth hereunder".



It is pertinent to state that the Applicants herein did not give Power of Attorney in favour of the Respondent-1 herein for the purpose of forming a Road to the International School, for which there is no access from the Project Area, since there is no land link at all. If at all road has to be laid it has to formed over the Kuttai, that to over the Water spread area to create an second access to the school for which the Developer (the Respondent -2 herein) of the Gated Community "Olympia PANACHE" has to violate the conditions of the Sanctioned Plan.

The Respondent-1, as Power Agent of the Vendors (Applicants herein), has not been conferred with such powers to transfer undivided share of land for the School, that too, to create a Second Access. This is purely a malicious and fraudulent act of Respondent-1 & 2 herein for their selfish ends and with a intent to destroy the southern part of the Kuttai Area in order to form a Concrete Road as second access from Old Mahabalipuram Road.

It is pertinent to point out that the Applicants have already filed a Civil Suit before the Mahila Court, Chenglepet in O.S. No. 266 of 2021, for a Declaration that the Sale Deed dated 27.08.2020 (Doc No. 7643 of 2020, SRO Thiruporur) is a sham document and the same is null and void and not enforceable and the same does not on the Plaintiffs (Applicants herein) and the same is pending.

This is the second access created in a fraudulent manner as aforesaid and also in violation of the Sanctioned Plan of the "Gated Community Olympia PANACHE".

The Report submitted by the 11th Respondent mischievously reported that the Road shown in Pink Colour, is the access exclusively provided to the Villa Owners from ingress and egress/ through OMR.

It is seen very clear that the International School already has the first access, on its Northern Side, through Rajiv Gandhi Salai to reach Old Mahabalipuram Road, which has been used from the date of commencement of the School.

The disputed road laid on the Water Body was created with fraudulent intention by fabricating a Sale Deed (Doc No. 7643 of 2020) and the concrete road was laid in the Water Body. Without encroaching the water spread area no road could be formed to reach the school area through the Gated Community, since there is no land link between Project area of "Olympia PANACHE" and "International School".

The Road shown coloured in Pink is not a thoroughfare, but entry/exist are restricted only to the Villa Owners of "Olympia PANACHE". The Gated Community Olympia PANACHE" has only one point of entry from/to THE Old Mahabalipuram Road, which is situate on the Old Mahabalipuram Road. AS per Sanctioned Plan of Olympia PANACHE" there is no other point of entry or exit for the "Gated Community Olympia



PANACHE". Thus creating a concrete road that too breaching the conditions of Sanctioned Plan and forming the road over the Water spread area and creation of Second access is illegal in all aspects.

Therefore the Report on the first point is completely mis-conceived without verification of the records and proper information.

Even according to the Sketch provided by the 11th Respondent, it clearly shown in Black is the concrete road laid on the Water Body. The area shown in Blue was the Bund falls under Survey No. 45/1, Navalur Village. The land of the School and the Project area of the PANACHE are totally different Properties and there is no land link between the Properties.

As per the building Sanction Plan of PANACHE, the Respondents 1 & 2 knew there was no access shown on the Eastern Part of the Project to reach beyond that area.

Therefore the Respondents 1 & 2 cannot create new second access over the Water Body on the Southern Side.

Therefore the Report submitted by the 11th Respondent is totally wrong and cannot be relied.

The Southern End of the School Area falls at Survey No. 48/2A (0.27 Acres) from that point there is no land link to the project area of Gated Community PANACHE and in between there is no road link at all. It can be seen very clear that the road was formed by the Respondent- 1 & 2, only on the water spread area of Kuttai with malicious intention causing damage to the substantial part of the Water Body.

2. TO GIVE A REPORT ON THE ENCROACHMENTS REFERRED TO THE EARLIER REPORT IN SURVEY NO. 45/2A & 45/2B.

From the Records it is found in the year 1962 the Patta No. 42 was granted to Murrugesha Gramani, in respect of the 0.12 Acres of land in Survey No. 45/2. These Patta Lands were purchased in the names of the Applicants 1 & 2 by their father in the year 1983 itself, under a (Sale Deed dated 23.06.1983 (Doc No. 2191 of 1883), District Registrar, Madras – North).

It is obviously not an encroachment by the Applicants 1 & 2. Even the village Revenue Records the ".Kuttai" has been shown as coming under Survey No. 45/1.



3. A REPORT ABOUT THE BUND ON THE NORTHERN SIDE OF THE POND.

The Northern tip was completely encroached by constructing houses and road was formed in between the encroached area of the Pond.

For the reasons stated above it is therefore prayed that this Hon'ble Tribunal may be pleased to take on record this Objections filed by the Applicants to the Report of the Tahsildar, Thirupporur dated 24.01.2023 and pass such further or other orders as this Hon'ble Tribunal deems fit and proper and thus render justice.

Dated at Chennai on this 06th day of February, 2023.



COUNSEL FOR APPLICANTS



4th APPLICANT

**BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
SOUTHERN BENCH AT CHENNAI**

APPLICATION No: 150 of 2021

**Mr. N.S. Srinivasan
S/o late Mr. P.N. Shammugham
& 3 others**

.....Applicants

Vs

**M/s. Khivraj Tech Park Private Limited
& 12 others**

.....Respondents

**OBJECTION TO THE REPORT
FILED BY THE TAHSIILDAR**

**M/s. B. DHANARAJ
DEEPA MARIAPPAN
UMAR BHUKARI
SANGAMITRA LOGANATHAN
COUNSEL FOR APPLICANTS**