

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 150 of 2021 (SZ)

In the matter of:

Mr. N. S. Srinivasan

S/o, Late Mr. P.N. Shanmugam,

Chennai and Others

...Applicant(s)

Versus

M/s. Khivraj Tech Park Pvt. Ltd., and Others

...Respondent(s)

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Through

Dr. D. Shanmuganathan

Standing Counsel for Tamil Nadu,

National Green Tribunal, Southern Zone, Chennai

Date: 15.02.2024

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI
Original Application No 150 of 2021 (SZ)

Mr. N.S. Srinivasan

S/o. late Mr. P.N. Shanmugam

G-61, 12th Block, Anna Nagar,

Chennai-600102 and others.

...Applicants

Verses

M/s. Khivraj Tech Park Pvt., Ltd., & others

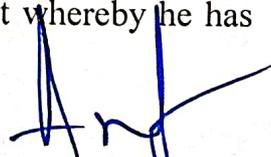
...Respondents

INDEPENDENT REPORT FILED BY
DISTRICT COLLECTOR, CHENGALPATTU

I, S.Arunraj S/o R. Samuthra Pandian, male aged about 31 years residing at the Collector's Bungalow, Chengalpattu, discharging duties as District Collector, Chengalpattu, do hereby solemnly affirm and sincerely state as follows:-

I submit that in the I.A.No.98 & 99 of 2021 in the O.A.No.150/2021 filed before the Hon'ble National Green Tribunal by one Thiru. N.S. Srinivasan & others, with the prayer to restrain the respondents 1 to 5, their agents from using the illegally formed road on the southern side of the kuttai (kuttai poramboke in S.No.45/1 in Navalur village), to reach the International School through the project area of "Olympia Panache", the Hon'ble National Green Tribunal has passed the following order on 18th October 2023.

2. It is submitted that, pursuant to the above direction of the Hon'ble National Green Tribunal, the site concerned was caused to be inspected by Revenue authorities. In this connection, the Sub Collector, Chengalpattu, has filed an inspection report whereby he has


District Collector
Chengalpattu

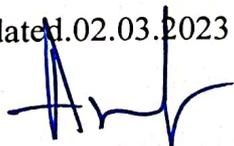
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stated that, the 1st respondent in the original application M/s. Khivraj Tech Park Pvt., Ltd., has encroached upon part of the kuttai poramboke land in S.No.45/1 in Navalur village of Chengalpattu district, by way of laying a concrete road and a compound wall along the southern boundary of the said water body. The District Administration has taken up the matter for consideration on the basis of the above report filed by the Sub Collector, Chengalpattu, and the related file is still being processed at the district collectorate, Chengalpattu.

3. It is submitted that it may be pertinent to mention here the fact that even before the afore-mentioned order was passed by Hon'ble National Green Tribunal, the Revenue Department, had furnished the Form 1 & 2 under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules 2007, to the Block Development Officer, Thiruporur, for enabling the Rural Development Department to evict the afore-said encroachment made in the water body as the said water body is vested with the local body concerned.

4. It is submitted that, as per the order issued by the Government of Tamil Nadu in G.O.Ms.No.64, Revenue and Disaster Management Department, Land Disposal Wing, LD.6(2), Section, Dated:08.02.2022, no encroachment in the water bodies are to be permitted by the administration. In that respect, as the 1st respondent has committed the illegality of encroaching upon a live water body, the maintainability of the claim made by him about the right to use the above encroached strip of land as road is yet to be decided by the administration.

5. It is submitted that in the meantime the applicant has filed a writ petition in W.P.No.33433 of 2023, before the Hon'ble High Court of Madras with the prayer to quash the above - mentioned order of the Hon'ble National Green Tribunal, dated 1.02.03.2023 in so


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far as it directs the 1st respondent to seek permission for the legalization of the concrete road constructed by him over the water body 'Kuttai' (Pond) in S.No.45/1 in Navalur village. While, on the one hand due to the existence of the prohibitory orders of the Government forbidding encroachments in water bodies, the district administration is restrained from sending any proposal to the Government recommending legalization of the above encroachment made by the 1st respondent, on the other hand the pendency of the afore-said writ petition before the Hon'ble High Court does not permit the district administration to process the file any further, until some conclusive directions in this regard from the Hon'ble Court is received.

It is therefore prayed that this Hon'ble Tribunal may kindly be pleased to accept this report and close the Application No.150 of 2021 as devoid of any merit and thus render justice.


District Collector,
District Collector
Chengalpattu

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VERIFICATION

I, S.Arunraj S/o R. Samuthra Pandian, male aged about 31 years, the District Collector, Chengalpattu do hereby verify that the contents of above paragraphs are true to the best of my knowledge and that I have not suppressed and material fact.

Verified at Chennai on this the 07th day of February, 2024.


District Collector
District Collector
Chengalpattu
Chengalpattu

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