

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL
(SOUTH ZONE BENCH)
AT CHENNAI
ORIGINAL APPLICATION NO.183 OF 2021

IN THE MATTER OF:
MEENAVA THANTHAI K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM

...APPLICANT

Versus

1. STATE OF TAMIL NADU

Through the Chief Secretary,
Government of Tamil Nadu, Secretariat
Chennai 600 009 Ph.2495997 and others

RESPONDENTS

ACTION TAKEN REPORT FILED BY THE 5TH RESPONDENT

I, Dr.Alby John Varghese, S/o. John Varhese, aged about 33 years, working as District Collector, Thiruvallur do hereby solemnly affirm and sincerely state as follows:

1. I am the 5th Respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with this office. I am filing this status report pursuant to this Hon'ble Tribunal direction dated 20.12.2021.
2. The Hon'ble National Green Tribunal in its orders dated 20.12.2021 has directed that,

"In order to ascertain as to whether encroachment has been properly identified and whether the encroachments were removed, as submitted by the learned counsel appearing for the 6th Respondent in their earlier counter affidavit, we directed the District Collector to submit an independent report, but no such report has been filed. Further, we

have also directed the Department of Water Resources to ascertain as to whether any permission has been obtained from them for construction and the buffer zone required has been left out or not, as those aspects were not considered by the Joint Committee when the report was filed.”

The Water Resources Department is directed to submit the report to this Tribunal in this regard through the District Collector. The District Collector is directed to contact the concerned officials of the Water Resources Department on this aspect and collect the report and submit the same along with the report sought for from them regarding the nature of encroachment and steps taken for removal of the same and further directed that, the Department of Water Resources to ascertain as to whether encroachment has been properly identified and whether the encroachments were removed, as submitted by the learned counsel appearing for the 6th Respondent in their earlier counter affidavit and further directed the Department of Water Resources to ascertain as to whether any permission has been obtained from them for construction and the buffer zone required has been left out or not.”

3. It is submitted that, in order to comply an interim order of Hon'ble High Court of Madras dated: 20.12.2021 made in O.A.No.183/2021, the necessary direction has been given to the authorities of PWD and Revenue. Accordingly, the Superintending Engineer, WRD., Palar Basin Circle, Chennai-5 has submitted his report vide letter No.A1/183/ NGT / 2021. Dated : 05.01.2022 as follows:

The Water Resources department has issued NOC to the CMDA on 23.04.2019 subject to certain terms and conditions as prescribed in NOC on inundation point of view vide Lr.No.DB/T5(3)/F – Noombal –

Inundation/2019/ dated: 23.04.2019 for the publication of variation of land use S.F.No.98/4A1A1A, 98/5A1 of Noombal village, Poonamallee Taluk, Tiruvallur district, from open space and recreational use zone to commercial use zone to construct a fish & vegetable market.

Part VI, Rule 27 of the Tamil Nadu combined development and building rules 2019, clearly states that,

“27.Requirement for site approval:

(1) Location of Building -Every person , who construct, reconstruct, or alters or add a building shall whenever the site is within 15 meters of any tank, reservoir, water-course, river or fresh water channel carryout such measure as may be necessary or as the competent authority subject to such guidelines issued by Government from time to time may direct, for the purpose of preventing any contamination of any risk of the drainage of building passing into, such tank, reservoir, water-course, river or fresh water channel or such other rules in force.”

The Superintending Engineer, WRD has further reported that the 6th respondent has obtained the approval from the CMDA with the clear demarcation of 15 meters set back distance from the Cooum river. During the inspection it is confirmed that the set back distance has been given by the 6th respondent.

4. The joint committee constituted by the Hon'ble Tribunal has inspected the subject land and found that the unit has encroached an area of 30 square feet on the southern side of Cooumriver and 88 square feet on the south eastern side of the Cooum river of Noombal village. The Joint Committee has confirmed that the unit has encroached totally an extent of 118 square feet in the Cooum river.

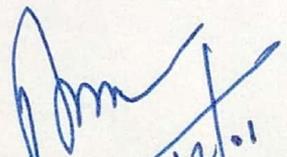
5. In this regard, in the result of encroachments identified in the Cooum River, the 6th Respondent himself removed the encroachment and constructed the new boundary wall in their patta land premises. In order to ascertain the eviction of Encroachment in Cooum River, the Water Resources Department confirmed the removal of encroachment along with the revenue officials by measuring the boundary of Cooum River once again. The Revenue Divisional Officer, Tiruvallur, has confirmed that there is no encroachments in the Cooum River and all the 118 Sq. feet encroachment made by the Fish Market Unit was already evicted.
6. It is submitted that it is revealed from the report filed by the Water Resources Department and the Revenue Department, the nature of encroachment was only the alignment of compound wall inside the Cooum River boundary with an extent of 118 sq.ft. The 6th Respondent constructed the compound wall in a straight line by encroaching the river poramboke land for nearly 20m length. Now, the 6th Respondent himself removed the encroachment and constructed the new compound wall within their patta land boundary.

Therefore, I pray that the Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept my action taken report and thus render justice.

Solemnly affirmed at Chennai
this the Twelfth day of January, 2022
and signed his name in my presence

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John
12/1/2022


BEFORE ME
DISTRICT COLLECTOR
TIRUVALLUR.