

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL**

**(SOUTH ZONE ZONE)**

**AT CHENNAI**

**Original Application No.183 of 2021**

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

.... Applicant

Vs

STATE OF TAMIL NADU  
Through the Chief Secretary, Government of Tamil Nadu Secretary  
Chennai- 6 and others

..... Respondents

**ACTION TAKEN REPORT FILED BY THE 5<sup>TH</sup> RESPONDENT**

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

1. I am the 5<sup>th</sup> 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 action taken report pursuant to this Hon'ble Tribunal direction dated.22.02.2022 in OA No.183 of 2021 (SZ)

2. The Hon'ble National Green Tribunal in its orders dated.22.02.2022 directed that

(a) "The District Collector has not undertaken any inspection either by himself or by a DRO level officer instead he had only called for the latest report from Tahsildar and verified the same and then endorsed the report and filed in the form of an independent report before this Tribunal When we wanted the report to be filed regarding the encroachment the buffer zone on the basis of the original revenue records, the report of the District Collector is silent about it. That also shows that the District Collector

has not properly understood the purport of the order passed by this Tribunal and the nature of report to be filed. The District Collector was also not expected to depute any person other than the officer specified in the order i.e., in the rank of District Revenue Officer.

(b) It is observed from the report submitted by the State Pollution Control Board that subsequent inspection was conducted on 12.01.2022 by the joint committee and one of the member is Tahsildar, Poonamallee and the Joint Committee itself has not filed the report as directed. Even in the report submitted by the State Pollution control Board, it is not clear as to whether the buffer zone was fixed to ascertain whether there was any encroachment into the buffer zone on the basis of the original revenue records.

(c) The District Collector himself or the District Revenue Officer is expected to inspect the area and verify the river boundary and the buffer zone on the basis of the original revenue records and then file a further report as directed by the Tribunal, so as to enable this Tribunal to come to a correct conclusion as to whether there was any encroachment into water body / buffer zone or not".

3. It is submitted that in order to comply with order of Hon'ble Tribunal Court dated 22.02.2022 made in OA 183 of 2021 (SZ). I have directed the District Revenue Officer Tiruvallur to inspect the relevant area and verify the river boundary and buffer zone on the basis of original revenue records and then file a further report as directed by the tribunal and submit inspection report.

4. Accordingly the District Revenue Officer has made inspection of the areas and submitted inspection report dated. 21.03.2022. The DRO stated in her inspection report as under:-

"In Tiruvallur District, Poonamallee Taluk, No.92, Noombal Village was an Inam Village in erstwhile Saidapet Taluk in Chengalpattu District. This Village was taken

over by the Government under Tamilnadu Estate (Abolition and conversion into Ryotwari) Act 1948 on 01.05.1963. This village was un-surveyed upto the year 1973 due to some litigations. Subsequently this village was surveyed under the provisions of Tamilnadu Levy of Ryotwari Assessment of Free hold lands Act 1972 (Act 31 of 1973). Prior to resurvey the accounts maintained by the Zamindars were continued to be maintained. In the Act itself it was incorporated that this village was un-surveyed and no survey numbers have been allotted. The settlement work was completed during the year 1981 and settlement accounts supplied to Revenue Department for maintenance. According to the settlement accounts survey number 1(one) was allotted to Coovam River. The Total extent of River is 27.23.50 Hectares. Since the survey was completed only during the year 1981 the accounts prepared during settlement as per the provisions of Act 31 of 1973 were adopted and no separate Survey was done during U.D.R. Scheme. The same extent of 27.23.50 Hectares was maintained with the same survey boundaries. No alteration in the River boundaries was made in the UDR scheme. This can be seen from the Village Map maintained for the Village. The Date of Notification u/s 13 of the Tamilnadu Survey and Boundaries Act was published on 10.03.1988 (UDR Survey). Therefore there is no change in the boundaries of River in UDR Survey and same boundaries and extent is maintained as per the original Revenue Records. But during the year 2010 an extent of 0.10.0 Acres (0.25 cents) has been added to patta land in Survey No.71/4A as per the Hon'ble High court orders in WP No.5751/2010 dated.17.08.2010 and the river extent is reduced to 27.13.50 Hectares instead of 27.23.50 Hectares. However there is no change in the boundaries in respect of the disputed land in Survey No.98. The same boundaries as per old Revenue Accounts are maintained even now.

The encroached area of 118 sq.ft has been removed by the owners of the patta lands in S.No.98/12, 98/14 and S.No.98/5A1B themselves and the unit has realigned its compound wall within their patta lands boundary and presently there is no encroachment. The Public Works Department has also constructed a wall along with river boundary.

Further joint committee appointed has observed that 15mts Buffer Zone as demarcated in the CMDA approved plan has been provided to the main building of the fish market. The District Revenue Officer, Tiruvallur had also verified and surveyed with the Taluk Deputy Inspector of Surveyor.

The Joint Committee has also observed that additional land of 0.50 cents is subsequently added to the approved land extent on the north eastern side and being used for parking of vehicles coming into the fish market. In the additional land a small shed and small temple exists. The CMDA is taking action and a show cause notice has been issued by CMDA in letter No.EC/C-1/583-2022 dated 13.01.2022 to the owner of the building and reported that further enforcement action will be taken in due course as per the provisions of Tamilnadu Town and Country Planning Act 1971. However the said temple and small shed is falls within the Buffer Zone”

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.

Verification

  
DISTRICT COLLECTOR  
TIRUVALLUR

Dr. Alby John Varghese, S/o John Varghese District Collector, Tiruvallur District, the fifth respondent herein declare that what was stated in the above paragraph are true and correct to the best of my knowledge and belief.

Verified at Tiruvallur on the 20<sup>th</sup> day of April 2022.

  
DISTRICT COLLECTOR  
TIRUVALLUR

