

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

O.A. No. 183 of 2021

IN THE MATTER OF:

Meenava Thanthai
K.R.Selvaraj Kumar
Meenavar Nala Sangam,
Chennai.

...Applicant

-Vs-

State of Tamil Nadu,
Rep. by its Chief Secretary,
Chennai and Ors.

...Respondents

**STATUS REPORT FILED BY CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
(CMDA)**

I, Anshul Mishra, I.A.S. son of Thiru. Harishchandra, Hindu, aged about 44 years, having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly and sincerely affirm as follows:

1. I am the Member Secretary of Chennai Metropolitan Development Authority (CMDA). As such, I know the facts of the case as borne out from records.

2. I submit that this case is about the Original Application filed vide O.S. No. 183/2021 by Meenava Thanthai, K R Selvaraj Kumar before the National Green Tribunal (Southern Zone) against the construction of Fish Market at Poonamallee High Road, Vanagaram Village, Chennai within Thiruverkadu Municipality limits.

3. I submit that earlier, CMDA had issued Planning Permission for the construction of GF (part) + Stilt floor (part) + 1st Floor Commercial building (Fish Market) at Poonamallee High Road, Vanagaram, Chennai – 600 095 comprised in Old S.No.68, New S.No.98/4A1A1 & 98/5A1 (as per document), S.No.98/5A1B & 98/2 (as per patta) of Noombal Village in planning permission No. B/NHRB/127 A -C/2020 dated 21.05.2020 vide Letter No. PP/NHRB /C/1131/2019 dated 21.10.2020. I further submit that the Planning Permission Application was

 1 5/8
**Member-Secretary
Chennai Metro Politan
Development Authority
Chennai-600008.**

examined along with No Objection Certificates (NOC) issued by WRO, PWD on inundation point of view, TNPCB and National Highways Authority of India. Also, a 15m buffer zone from the building has been reserved on the Coovam River Side, as the river is passing on the Northern side of the property.

4. While so, I submit that on completion of the construction, the Completion Certificate Application submitted by the owner had been examined and found to satisfy the Completion Certificate Norms. Hence, the Completion Certificate was issued by CMDA in letter No. CMDA/CC/NHRB /C/229/2021 dated 20.10.2021. It is pertinent to mention here that the buffer zone of 15m is provided as per the approved plan during the inspection for Completion Certificate.

5. I submit that I.A. No. 8 of 2022 has been filed by Applicant against the State of Tamil Nadu and 5 others with a prayer to demolish the construction erected by the owner on the buffer zone laid down by CMDA in Planning Permission and to demolish the construction erected on flood plain of Coovam River.

6. In this regard, I submit that the Hon'ble National Green Tribunal in I.A. No.07/21 (SZ) & I. A. No. 8/22 (SZ) vide order dated 05.01.2022, has directed the joint committee appointed by the Tribunal to go in to the question as to whether there is any violation of the permission granted by CMDA and any encroachment of the Buffer Zone and the status of the action taken if such violation has been committed and submit a report to the tribunal thereof. The Hon'ble Tribunal had further directed CMDA to file an independent report regarding this aspect after making proper inspection as it relates to violation of the building rules and the planning permission granted.

7. I submit that the Executive Engineer, Water Resources Department, Kosasthalaiyar Basin Division, Thiruvallur in his letter dated 11.01.2022 had requested CMDA to come over for the proposed joint field inspection on 12.01.2022 in compliance with the orders of Hon'ble National Green (Southern Bench) dated 05.01.2022.

8. I submit that accordingly, the CMDA officials had conducted the inspection along with the Joint Committee comprising DEE, TNPCB, Executive Engineer PWD (WRO) and Tahsildar Poonamallee Taluk.

2 b/s
**Member-Secretary
Chennai Metro Politan
Development Authority
Chennai-600008.**

9. I submit that the approved plan has been exhibited to the joint Committee and field measurements have been taken and found that 15m buffer zone shown in the approved plan has been provided on field and no structure found to exist in the said buffer zone.

10. I submit that there is no change in the building with respect to the Approved Plan & Completion Certificate issued by CMDA. However, it is found that additional land of about 50 cents is subsequently added to the approved land extent on the northeastern side and being used for parking of vehicles coming into the fish market. In the additional land, a small shed and a small Temple exists.

11. I submit that since unauthorized additional land has been added to the approved site, a Show Cause Notice has been issued by CMDA in letter No. EC/C-II/583.2022 dated 13-01-2022 to the owner of the building either to restore the land in conformity with the approved plan or submit a revised plan seeking revised approval of the present construction by giving 15 days' time, failing which necessary enforcement action will be taken.

12. Subsequently, I submit that the owner, Thiru. A. Durai and Madhavi Ladha vide letter dated 28.01.2022 represented that they have purchased the additional land after approval and decided to put the compound wall at Eastern side only for the approval extent area and requested 3 months' time to construct the new compound wall on eastern side as per approved plan. I submit that the applicant/6th Respondent request was considered and the applicant was requested in letter No. EC/C-II/583/2022 dated 21.02.2022 to construct the compound wall as per approved plan within 30 days from the date of receipt of the letter, failing which further enforcement action will be taken and also the applicant was requested either obtain planning permission for the additional land on the northern side of the boundary or to retain the land to its original condition.

13. I submit that the owner of the land/6th Respondent, Thiru. A. Durai & Madhavi Ladha applied for planning permission to CMDA for the existing Ground Floor Part/ Stilt Floor part + 1st floor commercial building (Fish Market) at Poonamalle High Road, Vanagaram, Chennai comprised in Old S.No.68, New S.No.98/4A1A1, 98/4A1A1A & 98/5A1 (as per document), S.No.98/5A1B & 98/12 & 98/14 (as per patta) of Noombal Village in SBC No. PP/NHRB/C/0183/2022 dated 21.03.2022. The Planning Permission application was examined

3

**Member-Secretary
Chennai Metro Politan
Development Authority
Chennai-600008.**

and returned due to some defects in the plan on 02.06.2022 also NGT case is still pending and final orders not yet passed. **A copy of the same is enclosed.**

14. It is therefore prayed that this Hon'ble High Court may be pleased to consider the submissions of this Respondent and pass suitable orders in the interest of justice and thus, render justice.



8/8

**Member-Secretary
Chennai Metro Politan
Development Authority
Chennai-600008.**

Solemnly affirmed at Chennai on

this the 02th day of November, 2022

and signed in my presence.

BEFORE ME



ADVOCATE: CHENNAI

K. KRISHNAN LL.M.,
Advocate ENRL.No. MS.1145/17
No.5, Law Chamber,
High Court Building,
Chennai - 600 107.
Mobile : 96000 09500

**In the High Court of Judicature at Madras
(Special Original Jurisdiction)
O.A. No. 183 of 2021**

Meenava Thanthai
K.R. Selvaraj Kumar
Meenavar Nala Sangam
Chennai

...Petitioners

-Vs.-

State of Tamil Nadu
Rep. by its Chief Secretary,
Chennai and Ors.

...Respondents

STATUS REPORT FILED BY CMDA

Tmt. P. Veena Suresh

Counsel for CMDA