

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

O.A. No. 183 of 2021

IN THE MATTER OF:

MeenavaThanthai
K.R.Selvaraj Kumar
MeenavarNalaSangam,
Chennai.

...Applicant

-Vs-

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

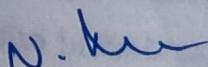
...Respondents

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

I, N. Ravi Kumar, son of Late N. Krishniah, Hindu, aged about 54 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 Senior Planner, Chennai Metropolitan Development Authority (CMDA) and as such I am well acquainted with the facts of the case from the available records and I am filing this Status Report on behalf of the Member Secretary, CMDA.

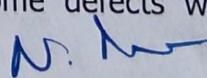
2. I submit that this case is about the Original Application filed in OA. No. 183/2021 by MeenavaThanthai, K R Selvaraj Kumar before the National Green Tribunal (Southern Zone) against the construction of Fish Market at Poonamallee High Road, Noombal Village, Chennai within Thiruverkadu Municipality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


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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, in Letter No. PP/NHRB /C/1131/2019 dated 21.10.2020. I further submit that the Planning Permission Application was examined along with No Objection Certificates (NOC) issued by Water Resources department , Tamilnadu Public Works Department(TNPWD) on inundation point of view, Tamilnadu Pollution control Board (TNPCB) and National Highways Authority of India(NHAI). 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 during inspection for Completion Certificate, the buffer zone of 15m was verified at site as per the approved plan

5. I submit that the I.A. No. 8 of 2022 has been filed by the 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. During inspection, it was found that the said construction was not in the buffer zone of the original subject land but on the additional lands which is situated on the north eastern side of the original site. However, a show cause notice dated 13.01.2022, was issued to restore the land in conformity with the approved plan by putting up an eastern compound wall ; or apply for a revised plan for the present construction. Following the same, the revised plan was submitted on 21.03.2022 including the additional land, and the same was returned for some defects which included


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directions including to remove the temple and the shed in the buffer area and the pendency of the above case vide letter dated 02.06.2022.

6. I submit that the Hon'ble National Green Tribunal vide order dated 04.11.2022, had directed as below:

"2. However, certain photographs have been produced by the applicant alleged to have been taken a week before, from which he points out that the realignment of the compound wall has been mentioned by the project proponent is not correct and the buffer zone of 15 meter is measured from the start of the building to the compound wall and it is now being used as a car park, whereas the actual buffer zone should be from the river boundary and there should be a buffer zone of 15 meter which is a no construction area.

3. In this regard, the Chennai Metropolitan Development Authority (CMDA) and the Water Resources Department (WRD) have to clarify and file a detailed report.

4. Post the matter on 25.11.2022."

7. I submit that in pursuance to the same, CMDA furnishes the following to place on record before the Hon'ble Tribunal that:

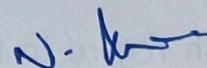
- i. With regard to the 15m Buffer Zone, there is no provision in the Tamil Nadu Combined Development and Building Regulations, 2019. However, as a safety measure at the time of approval, a buffer zone in between the proposed construction and the river was insisted. Since the buffer zone is only a safety measure from the inundation point of view for the owner, there are no statutory provisions or specific guidelines for the buffer maintenance and its usage to be monitored by CMDA.
- ii. I submit that regarding the structure in the setbacks during inspection, it was observed that the empty sheds are partly removed. (Photographs attached) It is further clarified that the 15m buffer zone shown in the

approved plan has been provided in the subject field and no structure exists in the said buffer zone. I further submit that a copy of an Extract of Google imagery showing the above said site under reference is enclosed for perusal of the Hon'ble Tribunal.

- iii. I submit that CMDA is not the concerned authority to establish and manage the buffer zones.
- iv. I submit that the 6th Respondent has to remove the partly demolished temple and the shed completely in the additional land, rectify all violations/ defects as enumerated in the unapproved returned Planning Permission Application dated 02.06.2022 and comply the orders of the Hon'ble Tribunal shall represent the revised planning permission for consideration of CMDA.

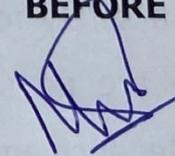
8. It is therefore prayed that this Hon'ble High Court may be pleased to consider the submissions of this Respondent and pass suitable orders in the interest of justice and thus, render justice.

Solemnly affirmed at Chennai on
this the 24th day of November, 2022
and signed in my presence.



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BEFORE ME



ADVOCATE: CHENNAI

A.S. Maniha
MS/2415/17
No. 5. Law Chambers
High Court
Chennai - 1

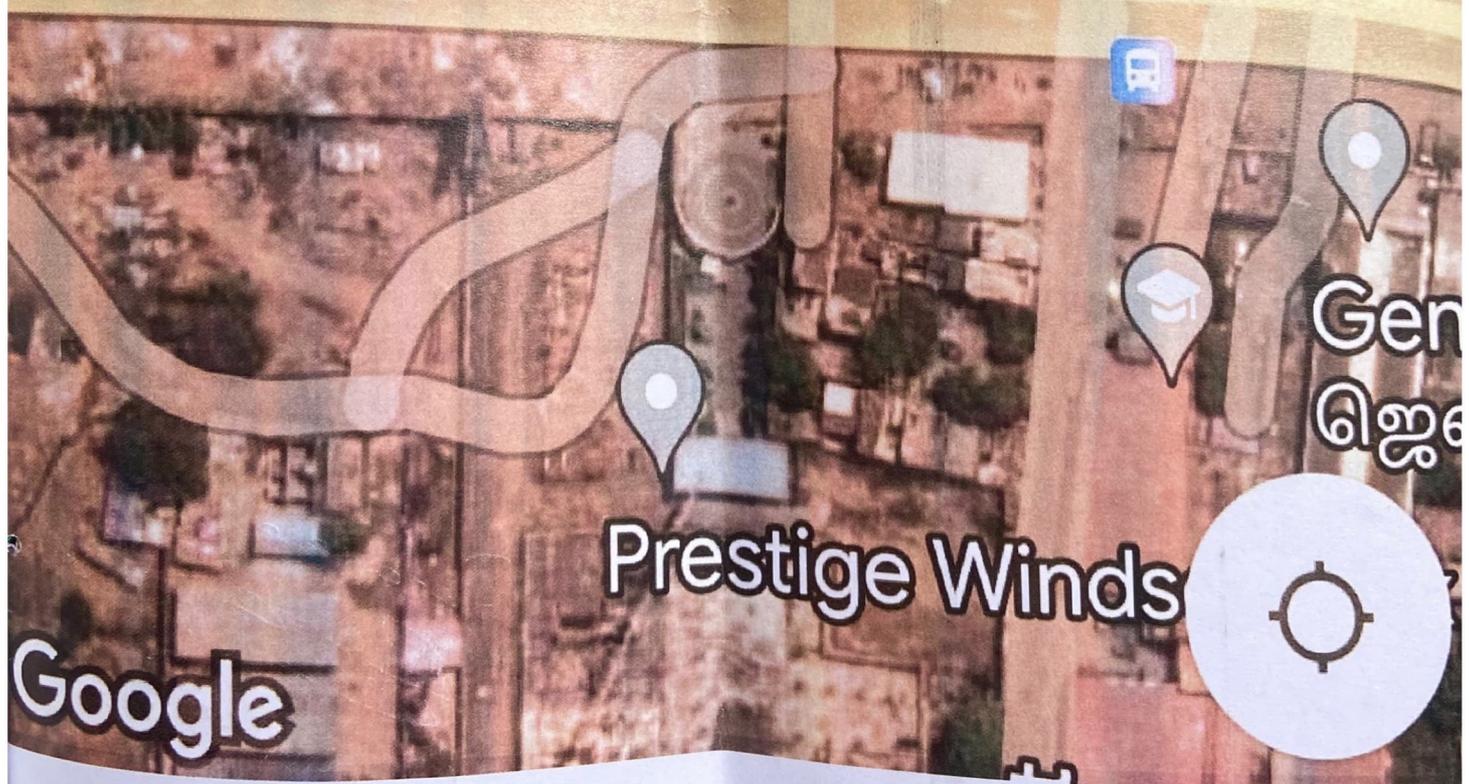


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COUNSEL FOR CMDA

P.VEENA SURESH