

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
AT CHENNAI
ORIGINAL APPLICATION NO. 191 / 2021

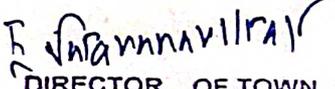
S.Sekar,
S/o Mr.P.Suyambu Nadar,
No.3, Venkateswara Nadar,
Kishkinta Main Road, Tambaram (West),
Chennai

... Applicant

-Vs-

1. The Secretary,
Ministry of Agriculture & Farmers,
Welfare, Govt. of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi – 110 001.
Email id – secy-agri@nic.in
Phone Number – 011-23382651
2. The Chief Secretary/ Chairperson,
Tamil Nadu Wetland Authority and Chief Wildlife Warden,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600 009, Tamil Nadu.
Email id – cwiw-wildlife3@yahoo.in
Phone Number – 044-25671556
3. The Revenue Secretary,
Tamil Nadu Revenue Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600 009, Tamil Nadu.
Email id – mawssec@tn.gov.in
Phone Number – 044-25671556
4. The Secretary,
Tamil Nadu Agricultural Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600 009, Tamil Nadu.
Email id – agrisec@tn.gov.in
Phone Number – 044-25674482
5. The Secretary,
Tamil Nadu Public Works Department,
Govt. of Tamil Nadu, Fort St. George,
Fort, Chennai – 600 009, Tamil Nadu.
Email id – pwdsec@tn.gov.in
Phone Number – 044-28410402
6. The Director,
Directorate of Town and Country Planning
807, Anna Salai, Chennai – 600 002
Email id – tcp@ap.gov.in
Phone Number – 044-28521115


Assistant Director
Directorate of Town and Country Planning
Government of Tamil Nadu


DIRECTOR OF TOWN
AND COUNTRY PLANNING

7. R.P.Dharmalingam
S/o (late) Ramakrishnan
Plot No.1379C, 6-th street,
18-th Mail Road, I Block,
Anna Nagar, (West), Chennai – 600 040.
Phone No. 9841036779.
8. The District Collector
Kancheepuram District,
Kancheepuram, Tamil Nadu,
Email id – collrkpm[at]nic[dot]in
Phone : 044-27238433
9. The Chairman
Tamil Nadu Pollution Control Board,
76, Mount Salai
Guindy, Chennai – 600 032
Ph. No. 044 – 22353134
Email-ID: tnpcb-chn@gov.in
10. The District Forest Officer,
Kancheepuram District,
Chengalpattu Division,
No. 5/9, Varadharaja Frams,
Vandavasi Road,
Kancheepuram, Tamil Nadu,
Email id.dfokpm@gmail.com
Ph.No. 0444-27236500

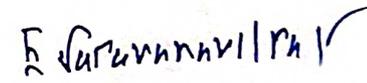
... Respondents

COUNTER AFFIDAVIT FILED BY THE 6TH RESPONDENT

I, E.Saravanelraj, S/o Ethirajulu, Hindu, aged about 53-years, now serving as Director of Town and Country Planning, having office at CMDA Office Complex (2nd, 3rd & 4th Floor), E & C Market Road, Koyambedu, Chennai – 600 107, do hereby solemnly affirm and sincerely state as follows:

1. With regards to grounds raised in Para 2, of the affidavit, it is submitted that the concerned Tahsildar has issued No objection certificates for the proposed layout sites vide letters No.3210/2012/A1 dated 24.05.2012, 4343/2012/A1 dated 13.06.2011, 1321/2012 dated 01.03.2012, 4342//2011/A1 dated 10.06.2011. In one such letter dated 01.03.2012, the Tahsildar has put a condition that Kulam Puramboku in S.No.440 and 444 should be maintained in its original form without making any alterations in them.


Assistant Director
Directorate of Town and Country Planning
Government of Tamil Nadu


DIRECTOR OF TOWN
AND COUNTRY PLANNING

2. It is submitted that the District Forest Officer Kanchipuram had issued a No Objection certificate with reference to the proposed sites subject to conditions as detailed hereunder;

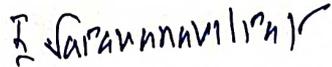
- (i) A compound wall over a height of 7 ft from ground level should be constructed all along the boundary of Reserved Forest in their patta land.
- (ii) No house plots should be laid in the layout over a distance of 20 meters from the forest boundary.
- (iii) No amount of water should either be drawn from Forest area or be discharged in to Forest area.
- (iv) No effluent / sewage water to be let inside the forest.
- (v) No disturbance including throwing debris, digging channels etc., should be carried out in the forest area or its buffer zone.

3. It is submitted that the Special officer/Block Development Officer in his letter in ROC No. 4305/2019/B1 dated 10.06.2019 had mentioned that, in the layout all proposed roads were formed as tar road, provisions made for drainage, street light and culverts were constructed in the site to avoid stagnation of rain water. The concerned applicant for grant of layout approval had also submitted the gift deed documents for having gifted the roads and public places in favour of the local panchayats together with Encumbrance Certificate and local body resolution in this regard.

4. It is submitted that the FMB and 'A' Register furnished for S.Nos. 445, 443 and 460, there is no existence of any channel as claimed by the petitioner. On the basis of the above revenue records and No Objection Certificate issued by the District Forest Officer Kanchipuram, technical clearance had been issued by this respondent vide ROC No. 10982/2019/TCP5 dated 10.09.2019.

5. It is submitted that on perusing all the documents submitted by the layout applicant after proper scrutiny and the No Objection Certificates issued by the above said authorities this respondent had issued layout approval in accordance with provisions laid down for Tamil Nadu Combined Development and Building Rules, 2019 and Tamil Nadu Town and Country planning Act, 1971.

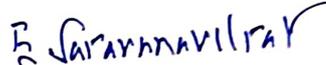

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6. It is submitted that in the light of the above facts and provisions of law governing the grant of layout approval, there is absolutely no merits in the original application made by the petitioner in the above matter. There is absolutely no violation of any of the provisions of existing law with regard to approval of layout for house sites. The allegations made by the petitioner are unsustainable in law or on facts.

For the reasons stated above, it is humbly prayed that this Hon'ble Court may be pleased to dismiss the above Application as devoid of merits and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai :
on this the 18 day of December, 2021 :
and signed his name in my presence :


DIRECTOR OF TOWN
AND COUNTRY PLANNING
BEFORE ME


Assistant Director
Directorate of Town and Country Planning
Government of Tamil Nadu

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

O.A. No. 191 / 2021

Between
S.Sekar, (Male/age 48 years) ...Applicant
and

The Secretary,
Ministry of Agriculture & Farmers,
Welfare, Govt. of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi - 110 001 and others.
...Respondents

**Counter Affidavit filed by
6th Respondent**

STATE GOVERNMENT PLEADER