

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

Original Application No. 191 of 2021 (SZ)

S. Sekar,
Chennai.

...Applicant

-Vs-

The Secretary,
Ministry of Agriculture & Farmers Welfare,
Government of India, New Delhi and Ors..

...Respondent(s)

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Advocate for the Respondent: TNPCB

Tr. S. Sai Sathya Jith,
Advocate, Chennai

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REPORT FILED ON BEHALF OF THE RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, Son of P.M. Ramasamy, Hindu, aged about 57 years, having my office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, and I am filing this Report on behalf of the Respondent, Tamil Nadu Pollution Control Board and as such I am well acquainted with the facts of the case as per the records.

2. It is respectfully submitted that Thiru S.Sekar., Chennai has filled an Original Application in O.A.No. 191 of 2021 (SZ) before the Hon'ble National Green Tribunal, Southern Zone, Chennai regarding the layout by Thiru R.P Dharmalingam [7th respondent] proposed to make in Survey No. 441, 442, 443, 445, 446, 448, 460, 469 of Elizhchur Village, Sriperumbudur


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TAMIL NADU POLLUTION CONTROL BOARD
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Taluk, Kancheepuram District, Tamil Nadu State and alleged in the application that the 7th respondent produced documents in Binami names and trying to convert large scale agricultural land for the non-agricultural purposes for building complexes. There are water tanks and reserved forests in that area. Necessary permissions have not been obtained from the authorities in this regard. The proposed layout and conversion of agricultural land for non-agricultural purpose is against the guidelines given by the Hon'ble Supreme Court. In the guise of the preparation of the layout, the 7th respondent is blocking the water channels and also encroaching into the water bodies.

3. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ) in its order dated 20-09-2021 has stated inter alia as follows:

"In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i) the District Collector, Kancheepuram District or his/her nominee not below the rank of Assistant Collector or Sub Divisional Magistrate, (ii) the District Forest Officer, Kancheepuram or his/her nominee not below the rank of Range Officer and (iii) a Senior Officer from the Tamil Nadu Pollution Control Board of the respective area to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

The committee is also directed to ascertain as to (i) Whether any work is being done by the party respondent without obtaining necessary permission from the authorities for this purpose, (ii) Whether any diversion or filling up of water channel flowing through the property leading to the forest has been blocked, (iii) Is there any damage caused to the environment on account of the same and if so, what is the nature

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of remedial measures to be taken to restore the same, apart from assessing environmental compensation payable.

The District Forest Officer will be the nodal officer for co-ordination and also for providing necessary logistics for this purpose."

4. It is respectfully submitted that the layout approval status of the said area in question is as follows:

- a. The Village Administrative Officer has informed that there is no Burial ground, Crematorium, quarry was found within 500 feet surrounding the proposed lay of 60.03 acre and having small pond which is not affecting the proposed layout and recommended for residential purpose vide his certificate dated 27-02-2012.
- b. The Tazhildar, Sriperumbudur has issued NOC for residential purpose and construction of Residential Apartments and also commercial complex to the said proposed layouts vide Lr. 3210/2012/A1 dated 24/05/2012 and Lr. A1/1321/2012 dated 01/03/2012.
- c. The District Forest Officer, Kancheepuram has issued NOC vide Proc. No. 3592/12D subject to the following conditions.
 - 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.

R. Jayaram 28/10/2024
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- iii. No amount of water should either be drawn from forest area or be discharged into 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.

d. The Deputy Director, DTCP, Chengalpattu has approved the residential layout vide Lr. No. 3401/19 CZ3 dated. 03-10-2019 subject to certain conditions.

e. The BDO/Special Officer of Ezhichoor Village panchayat has also approved the residential layout vide Lr. No. 7298/2019/A1 dated 17/10/2019 subject to certain conditions.

5. It is respectfully submitted that in order to comply the orders of the Hon'ble NGT (SZ), the said area in question was inspected by the DEE, TNPCB, Sriperumpudhur along with the officials of the Joint Committee on 18.10.2021 and the following observations were made:

- a. The said layout formed by providing black top road, laying of stones surrounding with fencings.
- b. The layout is surrounded by Vadakkupattu Reserve forest on eastern and Northern side, agriculture land was found on Western and Southern side. (Photographs enclosed as Annexure – I)
- c. During inspection, it was noticed that in the village panchayat map shown by the VAO, Ezhchoor and also Forest map


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shown by the Forest Ranger, there is a water flow channel from Vadakkupattu Reserve Forest [RF Stone No. 38] passing through the proposed layout in SF.No. 445 & 442 and cross SF.No. 441, 438 & 437 outside the proposed layout and again enters proposed layout in SF. No. 460 and finally leads to Ezhichur Periya Eri was found. (Photographs enclosed as Annexure – II)

- d. In the layout, the said area has not earmarked and entire area was noticed that same level.
- e. There is no industrial activity was found all around layout. Further there was cultivation activity is carried out on northern and western side of layout.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) at Chennai may be pleased to take this Report on Record and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

R. Jayaram 28/10/24
JOINT CHIEF ENVIRONMENTAL ENGINEER
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No.76, MOUNT SALAI, GUINDY,
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BEFORE ME

VERIFICATION

I, R. Rajamanickam, Son of P.M. Ramasamy, Working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.

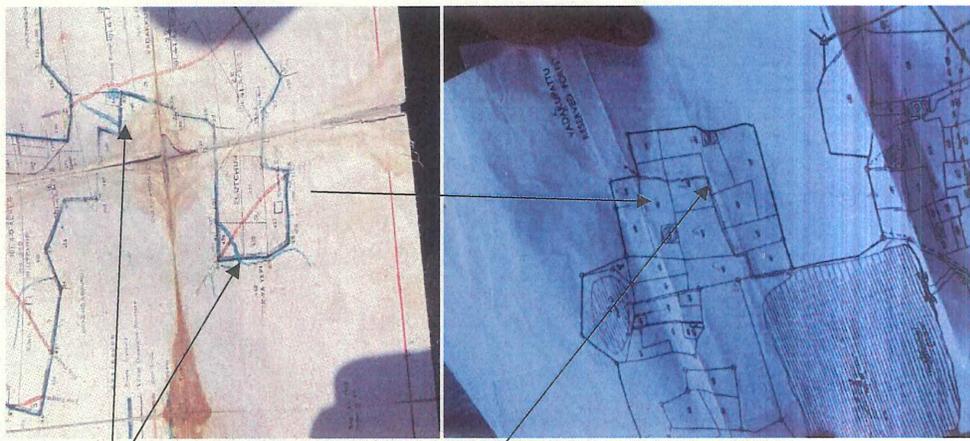

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Photograph showing the layout surrounded by Vadakkupattu Reserve forest on eastern and Northern side, agriculture land was found on Western and Southern side.



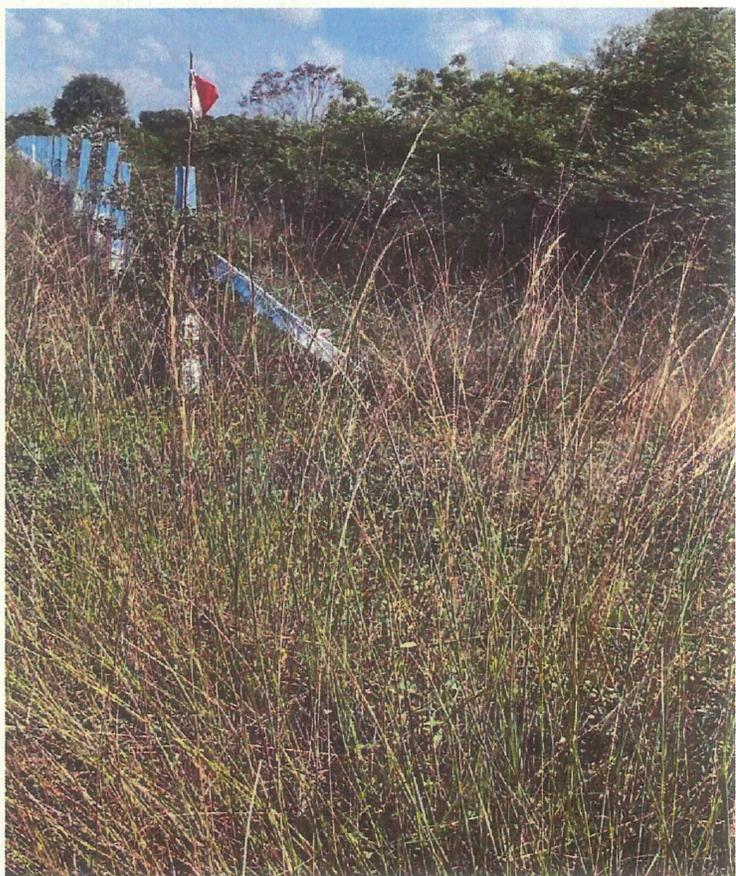
Map with DFO

Map with VAO



water flow channel passing through layout

FS 38-[u/s] Rain water flow from Vadakkupattu Reserve forest to Peria eri through proposed layout



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RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

Advocate for Respondent: TNPCB
Thiru. Sai Sathyjith
Advocate, Chennai.

Date: 28.10.2021

Date of Hearing: 29.10.2021

