

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI.  
Original Application No. 191 of 2021**

S. Sekar, S/o. (late) Mr. P. Suyambu Nadar,  
No-3, Venkateswara Nagar,  
Kishkintha Main Road, Tambaram (West),  
Chennai – 600 045.

... Applicant

-Vs-

1. The Secretary,  
Ministry of Agriculture & Farmers Welfare,  
Govt. of India, Krishi Bhawan,  
Rajendra Prasad Road, New Delhi – 110001.
2. The Chief Secretary / Chairperson,  
Tamil Nadu Wetland Authority and  
Chief Wildlife Warden,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600 009.
3. The Revenue Secretary,  
Tamil Nadu Revenue Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600 009.
4. The Secretary,  
Tamil Nadu Agriculture Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600 009
5. The Secretary,  
Tamil Nadu Public Works Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600 009.

  
Under Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.

  
Deputy Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.

6. The Director,  
Directorate of Town & Country Planning,  
No. 807, Anna Salai, Chennai – 600 002.
7. R.P. Dharmalingam,  
S/o. (late) Ramakrishnan,  
Plot No. 1379C, 6<sup>th</sup> Street,  
18<sup>th</sup> Main Road, I Block,  
Anna Nagar (West), Chennai – 600 040.
8. The District Collector,  
Kancheepuram,  
Kancheepuram District.
9. The Chairman,  
Tamil Nadu Pollution Control Board,  
76, Mount Salai,  
Guindy, Chennai 600 032.
10. The District Forest Officer,  
Kancheepuram District,  
Chengalpattu Division,  
No. 5/9, Varadharaja Farms,  
Vandavasi Road,  
Kancheepuram District. ....Respondents.

**RESPONSE AFFIDAVIT FILED ON BEHALF OF  
THE FOURTH RESPONDENT**

I, R. Palanivelu, S/o. S.Ramasamy, Hindu, aged 58 years residing at No.145, 7<sup>th</sup> Cross Street, Mahalakshmi Nagar, Nandhivaram, Guduvancheri, Chengalpattu District and do hereby solemnly affirm and sincerely state as follows:

  
Under Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.

  
Deputy Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.

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No.of Correction. Nil

I am the Deputy Secretary to Government, Agriculture and Farmers Welfare Department, Secretariat, Chennai – 9 and as such I am well acquainted with the facts and circumstances of this case from the available records. I have been authorized to file this affidavit on behalf of the Secretary to Government, Agriculture and Farmers Welfare Department and Fourth respondent herein, Secretariat, Chennai-600 009. I have read the affidavit filed by the petitioner in support of the above Original Application and I deny all the averments made herein except those that are specifically admitted herein.

2. It is submitted that the applicant has filed the above Original Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai in pursuant to the house site layout approval obtained by the Seventh respondent in the Agricultural lands that to adjacent of Vadakupattu reserve forest comprising Survey Nos. 441, 442, 443, 445, 446, 448, 460 and 469 of Elizhchur Village, Sriperumbudur Taluk, Kancheepuram District and Tamil Nadu State and among others he has requested to direct the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Respondents to maintain the water body lands, irrigation channels to fix its boundaries by the competent surveyors and maintain wet lands in Tamil Nadu, conversion

  
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No.of Correction. Nil

including all the approved layouts given to Seventh respondent in Tamil Nadu and other layouts in Tamil Nadu by other realtors and this Hon'ble Tribunal has directed to submit a report after due inspection of the lands comprised in the Survey Nos. 441, 442, 443, 445, 446, 448, 460 and 469 of Elizhichur Village, Sriperumbudur Taluk, Kancheepuram District by appointing a Joint Committee consisting of other than Agricultural Officials. In this regard, a report was called for from the Director of Agriculture, the Director of Agriculture in his report has reported that the lands comprising the Survey Nos. 441, 442, 443, 445, 446, 448, 460 and 469 of Elizhichur Village, Sriperumbudur Taluk, Kancheepuram District and Tamil Nadu State, are not wet land and classified in the Revenue Records as Punjai (Dry land).

3. It is humbly further submitted that as per the Tamil Nadu Change of Land Use (From Agriculture to Non-agriculture purposes in Non-Planning Areas) Rules, 2017, 'Dry land' means the land registered in the revenue records of the Government as 'dry'; and the Agriculture Department which is the competent authority to deal with the conversion of dry lands. As per rule 4 and 5 of the said rules, any person intending to carry out any development in the non-planning area shall apply to the local authority. The local authority before according permissions, shall obtain the prior concurrence of the Director.

  
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**Deputy Secretary to Government,  
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The Director of Town and Country Planning, after receipt of the application, from the local authority, shall obtain a report from the Joint Director of Agriculture in case of dry lands. Rule 7 of the said rules, provides the Guidelines to be followed by the Director of Town and Country Planning for giving his prior concurrence. In case of "dry lands", the following instructions were issued by the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai - 9 to the District Joint Director of Agriculture in regard to the conversion of Agricultural Dry Land in non-planning areas. To send a Report for the Conversion of Agricultural land in non-planning areas, the following steps have to be followed by the Joint Director of Agriculture:

- (a) The land should not have been put up to cultivation in the current Fasli year and should also not have been cultivated in at least previous two Faslies.
- (b) The land should not have any source of irrigation such as bore well / open well which is used for irrigation to the applied for land and / or neighbouring fields and the obstruction of which will hamper the irrigation to the neighbouring fields.

4. It is submitted that the Director of Agriculture in his report has further stated that as per field verification done by the Joint Director of

  
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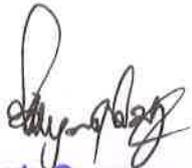
  
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Agriculture, the area specified by the petitioner i.e. Land survey Nos. 441, 442, 443, 445, 446, 448, 460 and 469 are uncultivable for the past 30 years and it is barren now. Before that there was rainfed paddy cultivation for only one season for one year.

**Location of the Land:** A reserve forest is located in East and North East sides of the land. Patta lands are available in the North West and South sides. Pockets of grazing Purambokku lands are available in the south west directions. Only Northern side, there is some crop cultivation. All other lands are kept uncultivable for the past 30 years. 10 years ago, in the concerned survey number a layout was formed. This layout is situated at Mathuvanthagal area of Ezhichur Revenue village and a channel is passing through the survey numbers of 448, 445, 442, 443 and 460. A pond is situated in survey number 447 encircling the three sides of the present layout. Villagers are accessing their patta lands adjacent to the layout either through this layout or through a common path along the Ezhichur tank side.

5. It is humbly submitted that as per rule 5 of the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture purposes in

  
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Non-Planning Areas) Rules, 2017 and the guidelines were issued in D.O. letter No.5145/AP2/2018-5, dated 06.09.2019 by the Agricultural Production Commissioner and Principal Secretary to Government that the Joint Director of Agriculture has to visit the field after receipt of the application from Director of Town and Country Planning and furnish a Report to Director of Town and Country Planning. The duty of issuing inspection report to Director of Town and Country Planning is vested with Joint Director of Agriculture of the concerned district. The Department of Agriculture is not competent to issue any approval or concurrence for conversion of Agricultural land to non Agricultural purpose.

6. It is submitted that the instant case based on the report of the Director of Agriculture, it has also been pointed out that as per the letter of **the Joint Director of Agriculture, Kancheepuram district it is clearly known as the Director of Town and Country Planning has not sent any application to Joint Director of Agriculture for the conversion of the lands in question till date hence any report has not been furnished by the Joint Director of Agriculture to the Director of Town and Country Planning.** However, after receipt

  
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of the orders of this Hon'ble Green Tribunal and as directed by the Government, the Joint Director of Agriculture has inspected the lands in question in person and sent the above said report.

In view of the above reasons, it is therefore, humbly prayed that this Hon'ble National Green Tribunal may be pleased to consider the above submissions of the Fourth Respondent herein in this application and pass such further or other orders as this Hon'ble National Green Tribunal, Southern Zone, Chennai may deem fit and proper in the circumstances of the case in the honest of justice.

### VERIFICATION

I, R. Palanivelu, S/o. S.Ramasamy, Hindu, aged about 58 years, residing at No.145, 7<sup>th</sup> Cross Street, Mahalakshmi Nagar, Nandhivaram, Guduvancheri, Chengalpattu District and do hereby declare that the aforesaid facts are true and correct to the best of my knowledge and information.

Solemnly affirmed at Chennai on this the 17<sup>th</sup> day of December, 2021 and signed his name in my presence

  
Deputy Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.

BEFORE ME

  
Under Secretary to Government,  
Agriculture and Farmer's Welfare Dept.,  
Secretariat, Chennai-600 009.