

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

ORIGINAL APPLICATION No. 191 OF 2021 (SZ)

S.Sekar, (Male / Age 48 years)
S/o.(late) Mr.P.Suyambu Nadar,
No.3, Venkateswara Nagar,
Kishkintha Main Road, Tambaram (West),
Chennai -600045
Email id – gokulkrish.law@gmail.com
Phone Number – 96771 80414

..... Applicant

-Vs-

- 1) The Secretary,
Ministry of Agriculture & Farmers Welfare,
Government of India,
Krishi Bhawan,
Rajendra Prasad Road,
New Delhi -110001.
- 2) The Chief Secretary / Chairperson,
Tamil Nadu Wetland Authority and Chief Wildlife Warden,
Government of Tamil Nadu, Fort St., George,
Chennai - 600009.
- 3) The Revenue Secretary,
Tamil Nadu Revenue Department,
Government of Tamil Nadu, Fort St., George,
Chennai - 600009.
- 4) The Secretary,
Tamil Nadu Agriculture Department,
Government of Tamil Nadu, Fort St., George,
Chennai - 600009.


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Revenue and Disaster Management Department
Secretariat, Chennai-600 009.


Joint Secretary to Government
Revenue and Disaster Management Department
Secretariat, Chennai-600 009.

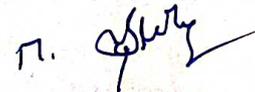
- 5) The Secretary,
Tamil Nadu Public Works Department,
Government of Tamil Nadu, Fort St., George,
Chennai - 600009.
 - 6) The Director,
Directorate of Town & Country Planning,
No.807, Annasalai,
Chennai 600 002.
 - 7) R. P.Dharmalingam,
S/o. (Late) Ramakrishnan,
Plot No. 1379C, 6th Street,
18th Main Road,
Anna Nagar,(West) Chennai 600 040
 - 8) The District Collector,
Kancheepuram District,
Kancheepuram.
 - 9) The Chairman,
Tamil Nadu Pollution Control Board,
Chennai 600 032.
 - 10) The District Forest Officer,
Chengalpattu Division,
5/9, Varadharajan Farms,
Vandavasi Road,
Kancheepuram - 603 501.
- Respondents

Counter Affidavit filed by the Third Respondent

I, T.SELVARAJ, S/o.M.Thangavel, Hindu aged about 57 years, residing at No.106, Kothanda Raman Street, NGGO Colony, Chengalpattu holding office as Joint Secretary to Government, Revenue and Disaster Management Department,



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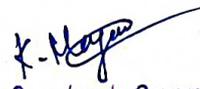
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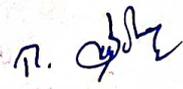
Secretariat, Chennai-9 do hereby solemnly affirm and sincerely state as follows:

2) I am the Joint Secretary to Government, Revenue and Disaster Management Department, Secretariat, Chennai - 9 and as such I am well acquainted with the facts of the case from the records available. On behalf of the Secretary to Government, Revenue and Disaster Management Department, Secretariat, Chennai - 9, third Respondent herein, I have been authorized to file this Counter Affidavit and I am filing this Counter Affidavit on behalf of the third respondent. I read the Memorandum of Application filed in O.A. No.191 of 2021 (SZ) and I deny all the averments made therein.

3) It is respectfully submitted that Thiru. S. Sekar, Chennai has filed an Original Application as O.A. No.191 of 2021 (SZ) before Hon'ble National Green Tribunal, Southern Zone, Chennai, praying that

- (i) To direct the 2nd & 3rd Respondents to find whether the 7th Respondent has kept any surplus lands, as barren


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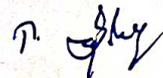
lands, as per the act in disposal of surplus lands to safeguard the agricultural activities in Tamil Nadu.

- (ii) To direct the 2nd, 3rd, 4th, 5th Respondent to maintain the water body lands, irrigation channels fix its boundaries by the competent surveyors and maintain wet lands in Tamil Nadu, conversion including all the approved layouts given to 7th Respondents in Tamil Nadu and other layouts in Tamil Nadu by other realtors.
- (iii) To direct the 7th Respondent to follow the guide lines of the Hon'ble Supreme Court, New Delhi (with respect to water and Air pollution act), before conversion and approval of the agricultural lands whether the said R.P.Dharmalingam, the 7th Respondent or his benami companies / societies, and to direct to clear the water channels blocked by the 7th Respondent for the cultivation of adjacent agriculturalist for their agricultural activities in the above said land.

4) It is respectfully submitted that the lands in S.No.441, 442, 443, 445, 446, 448, 460 and 469 in Ezhichur



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Village, Kundrathur Taluk, Kancheepuram District, measuring about 24.30.00 hectares are classified as Dry lands and standing in the names of Thiru.M. Sivaprakasam S/o Murgaiya Thevar and Anuradha Madhavan W/o N. Madhavan under patta No.689, Thiru. M. Sivaprakasam S/o Murugaiya Thevar under Patta Nos.700, Thiru.M. Sivaprakasam S/o Murgaiya Thevar, Thiru.Sheik Davood S/o Mohammed Abdullah and N.Jayakumar S/o P. Natarajan under Patta No. 693, Thiru.Sheik Davood S/o Mohammed Abdullah under Patta No.1063, and Thiru. Narayanasamy S/o A. Krishnan under Patta No.690 in the above village. Part of the above lands measuring about 60.03 acres have been given under Power of Attorney vide Doc. No.4170/2018 Dated 12.10.2018 to Thiru. Dharmalingam S/o Ramakrishnan, the 7th Respondent in the capacity of Managing Director, M/s. Jubilee Plot and Housing Pvt Ltd, Chennai by the above various Pattadars for forming layout in the above lands also for execution of sale deeds etc.,

5) Hence, It is respectfully submitted that the above lands are owned by various persons other than the 7th


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Respondent and that the 7th Respondent is only holder of Power of Attorney for forming the layout and for execution of sales of the plots in the above lands. It is respectfully submitted that, the above lands do not come under the purview of Land Reforms Act, 1961 regarding the above layout as alleged by the applicant in the O.A No.191/2021 (SZ), in respect of Kancheepuram District.

6) It is respectfully submitted that the reports from Revenue Divisional Officers, Kancheepuram and Sriperumbudur were called for with reference to the allegation of any surplus lands owned by him in this District and that their reports have since been received. As per the report of the Revenue Divisional Officer, Kancheepuram following lands are owned and got leased by Thiru. R.P. Dharmalingam and his wife Tmt. Sangupathi as follows.

Annexure - 1

S.No	S.No.	Classification	Extent (in Hecs)	Patta No. & Name of the Pattadars	Remarks
1.	6/2	Dry	0.64.64	779, Sangupathy W/O Dharmalingam	Doc. No.3360/2011
2.	125/3	Dry	0.23.5	778, Sangupathy W/O Dharmalingam	Doc. No.3359/2011


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Annexure -2 -

S.No.	S.No.	Extent in Hecs	Seller	Purchaser	Sale Doc. No.	Register Office
1	124/1A	0.46.0	Tmt. Sangupathi W/o Dharmalingam	Tmt. Azhagu W/o Kuppu	3361/2011 Dated 14.07.2011	Sub Register Officer, Uthiramerur
2	124/1B	0.16.0				
3	124/2	0.51.5				
4	124/3	0.39.5				
5	127B	0.39.5				
6	288/2D1	0.40.5				
7	288/2D2	0.71.0				
8	288/3A	0.41.5				
9	288/3B	0.45.5				
	Total	3.91.0 (9.67 Acre)				

Annexure -3

S. No.	S.No.	Extent (in Acres)	Lessor	Lessee	Lease Doc. No.	Register Office
1	122	1.00	Tmt. Sasikala W/o Karunanithi (1), Tmt. Azhagu W/o Kuppu (2)	Tmt. Sangaupathi W/o Dharmalingam	4798/2015 Dated 30.09.2015	Sub Register Officer, Uthiramerur
2	123/1	0.18				
3	123/2A	1.21				
4	123/2D	0.55				
5	123/2E	0.55				
6	123/2F	0.54				
7	123/2B	1.13				
8	123/2C	1.15				
9	123/3	0.54				
10	123/4	1.41				
11.	123/5	0.94				
12.	124/1	1.14				
13.	124/2	1.27				
14.	124/3	0.98				
15.	127B	0.98				
16.	288/2D1	1.00				
17.	288/2D2	1.76				
18.	288/3A	1.03				
19.	288/3B	1.11				
20.	288/2C1	8.19				
		26.66				

K. Meegan
 Under Secretary to Government
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P. G. G. G.
 Joint Secretary to Government
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Annexure -4

S. No.	S.No.	Extent in Acres	Lessor	Lessee	Lease Doc. No.	Register Office
1	125/13	0.58	Tmt. Sangaupathi W/o Dharmalingam (1), Tmt. Azhagu W/o Kuppu (2)	Thiru.Dharma lingam	4799/2015 Dated 30.09.2015	Sub Register Officer, Uthiramerur
2	6 Part	1.60				
3	124/1B	0.40				
		2.58				

7) It is respectfully submitted that the Revenue Divisional Officer, Kancheepuram has reported that though the wife of Thiru R.P.Dharmalingam, Tmt. Sangupathy has purchased 2.58 acres of Dry lands through Document No. 3359/2011 registered under patta No.778, She has also got lease of about 26.66 acres of lands from Tmt.Sasikala W/o Karunanithi and Tmt. Azhagu W/o Kuppu under Document No.4798/2015 Dated 30.09.2015 in Kattiyampanthal Village, Uthiramerur Taluk in Kancheepuram District.

8) It is respectfully submitted that the Revenue Divisional Officer, Sriperumbudur has reported the 7th Respondent Thiru. R.P. Dharmalingam S/o Ramakrishnan

K. Nagaraj

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P. G. S. S. S.

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and his wife Tmt. Sangupathy are holding following lands in Kundrathur A and B Villages, Kundrathur Taluk, Kacheepuram District as follows.

Annexure - 1

Village Name	S.No.	Classification	Total Ext. (in Hectares)	Patta No & Pattadar Name
Kundrathur A	755/2	Wet	0.35.50	214, R.P Dharmalingam S/o Ramakrishnan
	755/1B	Wet	0.02.20	1585, R.P Dharmalingam S/o Ramakrishnan
Total			0.37.70	
Kundrathur B	686/2	Wet	0.35.50	3035, R.P Dharmalingam S/o Ramakrishnan
	601/2	Wet	0.41.00	8999, Sangupathy W/o R.P. Dharmalingam
Total			0.73.50	

Annexure - 2

Schedule A			Schedule B		
S.No.	S.No.	Extent in Acres	S.No.	S.No.	Extent in Acres
1	441/1	0.72	1.	469A/3B1, 4B1	0.37
2	442/3A	0.25	2.	469A/3B1,4B1,4B2	0.54
3	442/3B	3.00	3.	460/2A2C1, 2B, 469A/3B1,3B2, 4B2	0.54
4	442/4B	1.61	4.	460/2A2D3	0.28
5	442/4C	2.53	5.	460/2A2D1, 2A2D2,2A2D3	0.26
6	443/3A	2.85	6.	460/2A2D1, 2A2D2,2A2D3, 2B	0.73
7	443/3B1	0.95	7.	460/2A2C2, 2A2D1,2A2D2	0.45
8	443/3B2	2.51	8.	443/3A, 460/2A2C2, 2A2D1	0.51
9	460/2A2C1	1.34	9.	443/3A	0.51
10	460/2A2C2	1.14	10.	443/3A,3B1	0.43
11.	460/2A2D1	0.81	11.	443/3A,3B1,460/2A2C1, 2A2C2	1.64
12.	460/2A2D2	0.94	12.	442/3A,3B,443/3B1, 3B2	1.62
13.	460/2A2D3	0.75	13.	442/3A, 3B,443/3B1, 3B2	1.47
14.	460/2B	0.78	14.	442/3A, 3B, 443/3B1	0.12
15.	469A/3B1	2.00	15.	442/3B, 4C	0.80
16.	469A/2B2	0.38	16.	442/4C	1.69
17.	469A/4B1	1.00	17.	441/1	0.15
18.	469A/4B2	0.58	18.	441/1, 442/4B	0.81
		24.14			12.92

K. Manoj
Under Secretary to Government

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T. Vijayaraj
Joint Secretary to Government

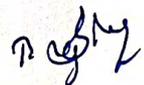
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The above scheduled lands have been given by power of Attorney vide Doc.No.4170/2018 dated 12.10.2018 to Thiru R.P. Dharmalingam S/o Ramakrishnan (one of the Respondent) by Sivaprakasam (1), Sheik Dawood (2), Anuradha Madhavan (3), Jayakumar (4), Narayanasami (5), and a lay out formed by M/s. Jubilee Plot and Housing Pvt Ltd in Ezhichur Village, erstwhile Sriperumbudur Taluk presently Kundrathur Taluk, Kancheepuram District.

9) It is respectfully submitted that under the above circumstances and on perusal of the Details of the lands, the 7th Respondent, Thiru. R.P. Dharmalingam, his wife and his company society are partly holding the lands of about 60.03 acres of Dry Lands in Ezhichur Village, Kundrathur Taluk, Kanchipuram District under Power of Attorney and 26.66 acres of lands under lease in Kattiyambadhal Village, Uthiramerur Taluk, Kancheepuram District and 2.69 acres of Wetlands under Patta Nos. 214, 1585, 3035, 8999, Kundrathur A & B Villages, Kundrathur Taluk, Kancheepuram District. It is also submitted that the 7th Respondent and his wife, company / society are holding the above lands in



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different kinds of transactions such as Power of Attorney, Lease and Sale deeds. In view of this, it is submitted that the above lands in Kancheepuram District do not cover under the ambit of provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.

10) It is respectfully submitted that the details of other surplus lands if any in other District owned by the 7th Respondent as alleged by the applicant in his O.A are being gathered from other District Collectors and necessary action will be initiated against the 7th Respondent if necessary under the provisions of the Tamil Nadu Reforms (Fixation of Ceiling on Land), Act 1961.

11) With reference to the other averments of the applicant made in the O.A No. 191/2021 (SZ) and to the other orders of the Hon'ble National Green Tribunal (SZ), Chennai dated 20.09.2021, relating to the alleged permissions to the layout, blockage of water channels and water bodies and damage to the environment system, a Joint Committee was constituted by the District Collector, Kancheepuram with the members of District Forest Officer Kancheepuram, Revenue


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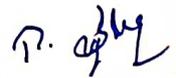
Divisional Officer Sriperumbudur, District Environmental Officer, Sriperumbudur, Assistant Director of Survey and Settlement of Kancheepuram and Tahsildar Kundrathur. The report of Joint committee has been submitted to the National Green Tribunal, Chennai on 22.10.2021. I respectfully submit that the above report of the Joint Committee may be read as part and parcel of the replies to the other averments of the applicant relating to the Tamilnadu Revenue Department in respect of the O.A. No.191/2021 (SZ) pending before the National Green Tribunal, Chennai.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (SZ) at Chennai may be pleased to dismiss the above O.A in respect of third respondent 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.

Solemnly affirmed at Chennai

On this 20th day of ~~December~~..... 2021

and signed his name in my presence


Joint Secretary to Government
Revenue and Disaster Management Department
Secretariat, Chennai-600 009.

Before me


Under Secretary to Government
Revenue and Disaster Management Department
Secretariat, Chennai-600 009.