

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

**Original Application No. 191 of 2021**

In the matter of

S. Sekar,  
S/o. (Late) Mr. P. SuyambuNadar,  
No- 3, Venkateswara Nagar,  
Kishkintha Main Road, Tambaram (West),  
Chennai – 600045.  
Email id – [gokulkrish.law@gmail.com](mailto:gokulkrish.law@gmail.com)  
Phone Number – 9677180414

...Applicant

And

1. The Secretary,  
Ministry of Agriculture & Farmers,  
Welfare, Govt. of India,  
KrishiBhawan,  
Rajendra Prasad Road,  
New Delhi – 110001.  
Email ID : [secy-agri@nic.in](mailto:secy-agri@nic.in)  
Phone No. 011- 23382651

2. The Chief Secretary / Chairperson,  
Tamil Nadu Wetland Authority and Chief Wildlife Warden,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600009, Tamil Nadu,  
Email ID : [cwiw-wildlife3@yahoo.in](mailto:cwiw-wildlife3@yahoo.in)  
Phone No. 044-25671556

3. The Revenue Secretary,  
Tamil Nadu Revenue Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai- 600009, Tamil Nadu.  
Email ID : [mawssec@tn.gov.in](mailto:mawssec@tn.gov.in)  
Phone No. 044-25671556

4. The Secretary,  
Tamil Nadu Agricultural Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600009, Tamil Nadu.  
Email ID : [agrisec@tn.gov.in](mailto:agrisec@tn.gov.in)  
Phone No. 044-25674482

*Asharundhan*

5. The Secretary,  
Tamil Nadu Public Works Department,  
Govt. of Tamil Nadu, Fort St. George,  
Fort, Chennai – 600009, Tamil Nadu.  
Email ID :[pwdsec@tn.gov.in](mailto:pwdsec@tn.gov.in)  
Phone No. 044-28410402

6. The Director,  
Director of Town & Country Planning,  
No. 807, Anna Salai, Chennai – 600002.  
Email ID :[tcp@ap.gov.in](mailto:tcp@ap.gov.in)  
Phone No. 044-2852115

7. R.P. Dharmalingam,  
S/o. (late) Ramakrishnan,  
Plot No. 1379C, 6-th Street,  
18-th Main Road, I Block,  
Anna Nagar, (West), Chennai – 600040.  
Phone No. 9841036779.

8. The District Collector,  
Kancheepuram District.

9. Tamil Nadu Pollution Control Board,

10. The District Forest Officer,  
Chengalpattu Division

... Respondents

COUNTER AFFIDAVIT FILED BY 7<sup>th</sup> RESPONDENT

I, R.P.Dharmalingam @ A.R. Dharmalingam, S/o. Late Ramakrishnan, residing at Plot No.1379C, Door No.15C, Golden Villa, 6th Street, I Block, Vallalarkudiyirupu, 18th Main Road, Anna Nagar West, Chennai-600 040, do hereby solemnly affirm and sincerely state as follows :

1. I humbly submit that, at the outset I deny all the allegations and averments made by the applicant in his application as false and vexatious. The applicant is my business rival and has been in the incessant habit of causing damage to my reputation and loss in business ventures. The life

*Arachandran*

goal of the applicant is to file vexatious case against prominent people in the society and extort money from them. The present application before this tribunal is also filed with the intention to cause me mental agony, business loss without any iota of apparent wrong on my part.

2. I humbly submit that, I am a promoter in the name and style of M/s.Jubilee Plot and Housing Pvt. Ltd.. In fact, the lands situated at Ezhichur Village, erstwhile Sriperumbudur Taluk, presently Kundrathur Taluk, Kancheepuram District comprised in Survey Nos. 441,442,443,445,446,448,460,469 admeasuring an extent of 60.03 Acres is co-owned by 1. Sivaprakasam S/o. Murugaiya Thevar, 2.M.M.SheikDawood S/o. Mohammed Abdullah, 3.N.Jayakumar S/o. V.Natarajan, 4.AnuradhaMadhavan W/o. N.Madhavan and 5.K.NarayanasamyS/o. A.Krishnan. M/s.Jubilee Plot and Housing Pvt. Ltd. is the General Power of Attorney Agent for part of the land by virtue of General Power of Attorney dated 12.10.2018 registered as Doc. No. 4170/2018 in the office of the Sub-Registrar of Walajabad. As such, I am vested with the duty to develop and promote the land, so as to facilitate the prospective purchasers in buying the lands for construction of house.

3. I humbly submit that, as a prudent developer and promoter of the lands, I have approached the concerned statutory authorities and obtained all necessary approval and permissions as required under the law of the land. I have obtained certificate from Village Administrative Officer,

*Arshamundheram*

Ezhichur on 27.02.2012 by which the officer has recommended for layout approval, only after him being satisfied of the location of the land and its surroundings being fit for forming layout. Thereupon, I obtained No Objection Certificate from the Tahsildar, Sriperumbudur dated 01.03.2012 vide its proceedings in Muu.Mu.A1/1321/2012 and 24.05.2012 in Muu.Mu.3210/2012/A1, to use the said land for forming house site plot, for construction of building and shopping complex. I have even obtained No Objection Certificate from The District Forest Officer, Chengalpattu Division, Kancheepuram vide its proceedings in Proc. No. 3592/12D dated 15.06.2012, for the purpose of forming layout. There were certain conditions that were stipulated by the Directorate of Town and Country Planning in its Letter dated 10.09.2019 in Na.Ka. No. 10982/2019/TCP-5, the same was also complied and upon compliance, the Special Officer Ezhichur by its proceedings in Na.Ka.No. 7298/2019/A1 dated 17.10.2019, granted approval for forming 975 housing plot in the layout. Now, I have the obligation to construct compound wall along the boundary of the Reserve Forest and obtain RERA approval as a condition precedent to sell the lands to the prospective purchasers. At such circumstances, the applicant has filed this application before this tribunal stating that there is a water course which runs in the layout from the forest lands that has been obliterated.

4. I humbly submit that, as prudent purchasers the owners of the land had verified all the revenue records that are available with the authorities and all the records were clean and therefore such vast lands were purchased

*Arachamahanand*

with business intention. Neither the water course is earmarked in the FMB nor in "A" Register extract in the survey lands formed as layout. From the date of purchase till day there is no water course that runs in the survey lands formed as layout. Considering all the revenue records the authorities have also granted approval and permission one after the other. The applicant knowing well that now, only the construction of compound wall along the boundary of the Reserve Forest and RERA approval needs to be obtained for 975 housing plots before the commencement of sale of the plots, in order to delay and cause monetary business loss to me, the applicant has filed the application on vexatious and false grounds.

5. I humbly submit that, during the pendency of the application this tribunal has on 20.09.2021 passed an order, appointing a joint committee consisting of District Collector, District Forest Officer, and Senior officer of Tamil Nadu Pollution Control Board to inspect the area and submit factual as well as action taken report, if there is any violation, and further directions have also been issued. As per this tribunal, the issue that is to be decided is, has any diversion or filling up of water channel flowing through the property leading to the forest has been blocked.

6. I humbly submit that, I was put to notice of the application and the order dated 20.09.2021 after notice was ordered by the tribunal and the date of hearing was notified as 29.10.2021. I made representation dated 07.10.2021 to the authorities of the joint committee along with all the relevant documents for facilitating them in inspecting the lands. I even

*Arshamulham*

co-operated with the authorities during the inspection and assisted them in discharging their duty. The lands have been developed and promoted as it is and there is no water course. The same has also been intimated to the authorities.

7. I humbly submit that for the first time I entered appearance through advocate on 29.10.2021. A report has been filed by Joint Chief Environmental Engineer dated 28.10.2021, stating that in the village panchayat map shown by the VAO, Ezhichur and Forest map 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.Nos. 445 & 442 and cross SF.Nos. 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 and that said area has not earmarked and entire area was noticed at the same level.

8. I humbly submit that, the Village Topo sketch Map and the Forest Map which has been relied are prior to change by UDR scheme. All the records which have been made after UDR scheme are with the authorities which have been obtained by the purchasers and myself and having verified the same and satisfied regarding the suitability of the formation of layout and also after satisfaction of the authorities from perusing records obtained approval and permission. All the records perused by the prudent purchasers, myself as the promoter and the authorities all the while does not show the existence of any water course. The existence of

*A. S. S. S. S. S.*

the water course if any would definitely reflect in the A-Register, FMB sketch, Patta etc. which are usually the records perused by the purchasers.

9. I humbly submit that, I reserve my right to make objections by way of additional counter to the report that is to be filed by the members of the joint committee, when they are filed before this tribunal.

10. I submit that, only after having obtained necessary permission from the concerned statutory authorities and complying with the conditions imposed, M/s.Jubilee Plot and Housing Pvt. Ltd. is now in the phase of selling the lands to the prospective purchasers. It is under these circumstances, the applicant has taken out a false application with an ulterior motive to stall the sale of the lands. There is no violation of any laws of the land, there is no water channel inside the layout, there is nothing going on to cause harm to any of the environment surrounding the layout. I have not violated any of the statutory rules, required for formation of layout.

It is therefore prayed that this tribunal may be pleased to dismiss the application with costs and thus render justice.

*Aradhana Mahalingam*

Solemnly affirmed at Chennai on this  
the 25<sup>th</sup> day of November 2021  
and signed his name in my presence

Before me

*M. Mohan Prasad*  
MS/1663/21

Advocate, Chennai

M. Mohan Prasad, Advocate,  
No. 48/18, Nagaji Rao St.  
Triplicane, Chennai - 600 051.



BEFORE THE  
NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI

Original Application No. 191 of 2011

In the matter of

S. Sekar

Applicant

And

The Secretary,  
Ministry of Agriculture & Farmers  
Welfare, Govt. of India,  
and others

COUNTER AFFIDAVIT  
FILED BY THE 7<sup>th</sup> RESPONDENT

MR.

S.SENTHIL - 102098

R.ANBUKARASU - 102598

J.KARTHIK - 102000

D.VAIRAMORTHY - 40201

M.PREM KUMAR - 10211

R.VIVEK - 20208

K.GOKUL - 10221

Counsel for 7<sup>th</sup> Respondent

Mob : 978757555

Mail id : rishirishan@gmail.com

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

**Original Application No. 191 of 2021**

In the matter of

S. Sekar,  
...Applicant

And

The Secretary,  
Ministry of Agriculture & Farmers,  
Welfare, Govt. of India,  
and others

**COUNTER AFFIDAVIT  
FILED BY THE 7<sup>th</sup> RESPONDENT**

M/S.

**S.SENTHIL – 1050/98  
R.ANBUKARASU – 1025/98  
J.KARUPPIAH – 733/2000  
D.VAIRAMOORTHY – 463/01  
M.PREM KUMAR – 332/17  
R.VIVEK – 2365/18  
K.GOKUL – 1462/21**

**Counsel for 7<sup>th</sup> Respondent**

**Mob : 9787575555**

**mail id : [rithikpandian@gmail.com](mailto:rithikpandian@gmail.com)**