

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
APPLICATION NO. 91 OF 2021 (SZ)

G.Devarajan,  
S/o Govindappa Naidu,  
15, Gandhi Nagar, 2<sup>nd</sup> Street,  
Reliance Backside,  
Arumbakkam  
Chennai- 600 106  
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Contact-No: 99621 98210

... Applicant

VERSUS

1. The State of Tamil Nadu,  
Rep. by the Chief Secretary to Government,  
Secretariat, Fort St. George,  
Chennai – 600 009.
2. State of Tamil Nadu,  
Rep. by the Principal Secretary to Government,  
Public Works Department,  
Secretariat, Fort St.George,  
Chennai – 600 009.
3. Tamil Nadu Housing Board  
Rep. by the Principal Secretary to Government,  
Housing and Urban Development Department,  
493, Anna Salai, Nandanam,  
Chennai – 600 035
4. State Level Environment Impact Assessment Authority  
Rep. by the Member Secretary,  
SEIAA, 3<sup>rd</sup> Floor, Panagal Maaligai,  
No.1 Jessy Road, Saidapet, Chennai – 600 015

... Respondents

**Statement of Objection filed by the 3<sup>rd</sup> respondent to the  
Inspection report dated: 16.08.21.**

I, Shunchonngam Jatak Chiru, Son of Mr.R.Daneiwan aged 48 years having address at A-6/3, TAISHA, Nerkundram, Chennai do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Managing Director, Tamil Nadu Housing Board, representing the 3<sup>rd</sup> Respondent herein and as such I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply Statement raising objection to inspection report of the joint committee as per Hon'ble National Green Tribunal, Southern Zone, Chennai dated: 20.07.21 in O.A.No.91 of 2021 on behalf of the third Respondent.

2. I submit that Tamil Nadu Housing Board is a Statutory Board set up under the Tamil Nadu Housing Board Act, 1961 for the purpose of execution of housing and improvement schemes and is controlled by Board of Directors consisting of Senior Government officers. All its projects are for public purpose and are implemented following rules and procedure laid down. It is committed to taking up environmentally sustainable projects not only in adherence to environmental laws but also in proactively promoting eco-friendly technology in its projects.

3. I humbly submit that Tamil Nadu Housing Board provides affordable housing to various sections of the society in Tamil Nadu, particularly the Economically Weaker Sections which accounts for more than 50% of the dwelling units constructed by TNHB. Since its inception, Tamil Nadu Housing Board has developed 4,35,065 housing units (plots, flats and individual houses) including 1,31,557 units for Economically Weaker Sections (EWS) and 1,03,226 units for Low Income Group (LIG), 82,801 units for Middle Income Group (MIG) and 58,367 units for Higher Income Group (HIG) categories, and thereby making lakhs of people realized their dream of becoming house owners. Besides, TNHB has also constructed 20,060 dwelling units for slum rehabilitation. It also provides housing to Government employees, having constructed 32,044 rental quarters. On account of its various schemes, TNHB has played a major role in ushering an orderly growth of urban centers by creating satellite townships across the State. Many of the prominent localities of Chennai such as Anna

Nagar, Besant Nagar, K.K.Nagar, etc., were developed by TNHB through its neighbourhood schemes. Likewise, in cities such as Madurai, Trichy, Coimbatore and Hosur, TNHB has been responsible for developing the planned localities in these cities. Tamil Nadu Housing Board continues to evolve as a premier institution in providing environment friendly and sustainable housing solutions in the State. TNHB is currently implementing various projects which include residential, commercial and office spaces, community amenities, etc.

4. I humbly submit that Tamil Nadu Housing Board has been executing the schemes by acquiring huge extent of lands over 16500 acres following the procedures as laid down under The Land Acquisition Act, 1894. The subject land in TS No. 2 was originally comprised in Survey Nos. 249/1, 249/2, 249/3, 249/5, 250/1-8, 251 and 252/2A to an extent of 8.49 acres.

5. I humbly submit that in G.O.Ms. No. 728 (Housing) Industries, Labour and Cooperation Department dated 13-2-60 orders were issued for the formation of West Madras Neighborhood Schemes. The lands bearing S.Nos. 249/1,3,4,5, 250/1,2,3,4,5,6,7,8, 251 and 252/2A measuring Acre 7.29 Cents were acquired in Award No: 14/1966 dated:28-03-1966 and the lands bearing S.Nos. 249/2 and 249/6 measuring Acre 2.12 Cents of Arumbakkam village, Madras central Taluk, Madras District were acquired in Award No.15/1966 dated 28/03/1966 under ordinary provision of the Land Acquisition Act. The Notification under Section 4(1) of the Land Acquisition Act was published at pages 179 and 180 of part II Section I of the Fort St. George Gazette, dated 10.08.60 as Notification II-I No. 538 of 1960. In that Notification, the Special Deputy Collector for Land Acquisition, West Madras Neighborhood, was appointed to perform the functions of a Collector under Section 5-A of the Act.



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The enquiry under the Section 5-A of the Act was held on 4-10-60. The Draft Declaration under Section 6 of the Act was published at page 1658 of Part II Section I of the Fort St. George Gazette, dated 1-11-1961. Award enquiry was conducted on 26-9-1962 by the Special Deputy Collector for Land Acquisition, West Madras Neighborhood Schemes. Further, proceedings could not be taken in view of the general stay granted by the High Court, Madras while admitting Writ Petition filed by some of the land owners. On the judgment of the High Court, the Government ordered that in cases where there are Residential buildings, fresh 5-A enquiry should be conducted. At this stage, this scheme was transferred to the Special Deputy Collector for Land Acquisition, State Housing Board Schemes, Madras. The Notification under section 3(o) of the Act appointing the Special Deputy Collector for Land Acquisition, State Housing Board Schemes, Madras, to perform the functions of Collector was published at pages 363 - 364 of Part II Section I of the Fort St. George Gazette, dated 4-3-64 and the 5-A enquiry was held on 16-4-64. The Draft Declaration under section 6 of The Land Acquisition Act was published at page 409 of part II section I as Notification II-I No.988 of 1965 dated 10-3-65. The Award enquiry was held on 8-4-65.

6. I humbly submit that at the time of enquiry during 16/04/1964 to 8/04/1965, the PWD did not raised any objection for the acquisition proceedings carried out by the Land Acquisition Officer.

7. I humbly submit that the survey No.249/4 for an extent of 0.20 Acres and survey No.249/6 for and extent of 0.72 Acres, totally 0.92 acres of land was excluded and the possession of 8.49 Acres is vested with Tamil Nadu Housing Board from the year 1966.

8. I humbly submit that Rs.26048.09 has been paid as compensation to the land owners of the S. Nos. 249/1,2,3,5, 250/1,2,



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3,4,5,6,7,8, 251 and 252/2A as per Award No. 14/1966 and Award No. 15/1966.

9. I humbly submit that the S. Nos. 249/1,2,3,5, 250/1,2,3,4,5,6,7,8, 251 and 252/2A, the lands under acquisition have been classified as dry lands in the Revenue Accounts indicating that there was no water source in the above said lands.

10. I humbly submit that the survey No. 250/6 was acquired from one Sri. Purushotham Dass Goooola Dass, son of Goooola Dass who had purchased the land in 1919 vide document. No 3886/19 dated 1/11/1919 along with some other properties. Similarly, TNHB acquired the land in survey No. 249/1 from one Sri K.M. Govinda Naidu, who had purchased from one Sri A. Muthuswamy Iyer in 1932 vide Document No. 334/1932, indicating thereby that the said acquired lands were in the custody of private individuals prior to Independence.

11. I humbly submit that from 1966 to till date, the above said lands have been in the custody of TNHB. And TNHB is the ultimate owner of the 8.49 acres extent of the land.

12. I humbly submit that the encroachments made by the anti-social elements to an extent of 7.14 acres were removed during the year 2010. Subsequently the encroachments made in an extent of 1.23 Acres by the anti-social elements were removed during December 2020 by making alternate arrangements by paying rehabilitation charges of Rs.45,90,000 to Tamil Nadu Slum Clearance Board and resettlement of the slum people at Athipattu Tamil Nadu Slum Clearance Board tenements.



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13. I humbly submit that at the time of eviction also, the PWD did not claim / raise any objection to the TNHB for the above said lands.

14. I humbly submit that as per the Town and Country planning Rules, there is no statutory requirement for NOC from PWD. TNHB has proposed the project and applied for the NOC only from the inundation point of view for obtaining planning permission.

15. I humbly submit that the issue is related to the ownership of the land. PWD is not the authority to determine the ownership of the land; Revenue Department is the only authority to determine the ownership of the land based on the relevant records available.

16. I humbly submit that the TNHB has been implementing the project for the Construction of 304 HIG Multistoried Residential flats (2B+G+19 Floors) and Proposed construction of multistoried commercial cum office complex (2B+G+19 Floors) at survey No 2, Block No 4 of Arumbakkam village, Egmore, Nungambakkam Taluk, Chennai District based on the guidelines and norms issued by the Government from the enactment of TNHB Act 1961 and latest Government orders issued then and there.

17. I humbly submit that the land in T.S. No. 2, Block No. 4, Arumbakkam Village belongs to TNHB and PWD has no locus standi to dispute the ownership of the land. The Original Application and Appeal arises out of the NOC issued by the PWD-WRO vide Letter No. DB/T5 (3)/F-NOC-Arumbakkam/2020 dated: 3.10.2020. It is humbly stated that the PWD NOC was issued only from inundation point of view for obtaining planning permission and any observation in the NOC with a bearing on the boundary is irrelevant to the purpose for which the NOC was sought for.



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18. I humbly submit that the 4th respondent has granted Environmental Clearance only after the thorough scrutiny of all the records pertaining to the subject matter project and it is noted in the Environmental Clearance that NOC on inundation point of view was issued by PWD.

19. I humbly submit that the Tribunal passed an order forming a joint committee comprising of (1) The District Collector, Chennai District or a Senior Officer not below the rank of Sub Divisional Magistrate or Assistant Collector as deputed by the District Collector (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, Chennai (3) a Senior Officer from State Level Environment Impact Assessment Authority (SEIAA), (4) a Senior Officer from Chennai Rivers Restoration Trust (CRRT) and (5) The Superintending Engineer from Public Works Department (PWD) and Water Resources Organization (WRO) who is in charge of Cooum River. This issue being primarily a boundary dispute between Tamil Nadu Housing Board and PWD-WRO, the conduct of inspection in the absence of Revenue Department, which is the first member in the committee and which is the authority in respect to the demarcation of boundary, vitiates the report. In fact, construction of the project proceeded taking into account the demarcation carried out by Revenue Department in the presence of PWD.

20. I humbly submit that as far as para 4 is concerned, I specifically deny all the averments as false. The report projects as though the TNHB has dumped the debris permanently and due to construction activities, the top soil is getting spilled into the Cooum River. This is factually incorrect. I submit that the debris are being removed then and there by the TNHB and that apart, the question of spilling of the top soil into the Cooum river does not arise as admittedly there is a clear distance between 15m to 28m from the construction work and the existing Cooum river. It is pertinent to state that the top soil is also transported out of the construction site on daily

basis. I submit that alternative arrangement is being made for the parking of vehicles to avoid haphazard parking. I further submit that the front view is cordoned-off with steel sheets as standard safety measure and as an anti-pollution measure and the sign board depicting the construction activity had already been erected since the commencement of the project.

21. I humbly submit that as far as paras 5, 6 and 8 are concerned, I stoutly deny the assertion that the predominant condition of the 2nd respondent's NOC to demarcate Cooum river boundary as per the FMB sketch abutting the TNHB site boundary on the south was not complied with. I submit that the said boundary has been demarcated with aid of the Assistant Director of Survey in the field only in the presence of the officials of the 2nd respondent and after survey, Assistant Director provided the demarcated FMB sketch dated. 10.09.2020 along with his letter No.Na.KA.E.1/2333/2020 dated: 11.09.2020. The same was communicated to the Public Works Department as well. Only after fixing the site boundary, the PWD has accorded the NOC for the above project.

22. I submit that the above said sketch would clearly establish the fact that the on-going project is being constructed well within the lands of the TNHB and it is only the 2nd respondent who had encroached and deviated the natural course of the flow of river into the land of TNHB. Now the 2nd respondent is raising an objection against the present project by calculating the distances of the construction within 15 meters from the existing deviated flow of the river.

23. I humbly submit that the river regime width has not been reduced by the TNHB as alleged in the para 7 of the report as the inspection report itself indicates that the committee took only a walk-through survey. On actual measurement conducted by Tamil Nadu

Housing Board on 29/09/21, the present river regime width is as intact as it was before the execution of construction work, which is 78m, the width indicated in the revenue record.

24. I submit that as far as the averment made in Para 9 of the report, I deny the same as false and the factual aspects has already been stated in para 20 of this reply statement. I humbly submit that the construction of the stilt floor level is fixed as 13.800m which is well above the PWD norms of 13.475 m. Apart from that, the TNHB is constructing RCC Retaining wall to a height of +14.475m with the pile foundation with reference to the PWD levels, along the river side boundary up to the TNHB land extent that provides sufficient buffer zone in the northern side which ensures strong protection of the ongoing project during floods in future.

25. I submit that as far as para 10 is concerned, the Entry and exit ramp at Arumbakkam and Koyambedu was dropped as per the decision taken in the meeting held in November 2019, vide letter No.1726/HW1/2012 dated 14.09.2020. Even though the ramp proposal has been dropped by the NHAI, the land to an extent of 6008Sq.m has been kept reserved for elevated corridor and also an extent of 2242 Sq. m was left as a water way for the Cooum riverine.

26. I submit that I deny the averments made in para 11 of the report as untrue. TNHB has not violated any of the orders passed by this Honorable Tribunal as construction activities carried out in the alleged flood plains and buffer zone of Cooum River was stopped immediately after the receipt of the interim order on 20th September 2021.

27. I submit that I deny the averments made in para 12 of the report as false, since TNHB does not act against the NOC granted by the PWD and also the TNHB has not made any encroachment in the

Cooum river including the baby canal. Further, the river regime width has not been reduced by the TNHB as stated above. It is to submit that the NOC issued by PWD has commented not only on the inundation aspect, for which the NOC was primarily sought for, but also posited the one-sided position of PWD-WRO on the boundary of the Cooum river which is a matter of dispute with TNHB. It is to further submit that the TNHB has got the site boundary demarcated by the Revenue Department officials in the presence of PWD officials and after conveying the same to PWD officials, the construction work was started by the TNHB with minimum offset of 15m away from the river side boundary. Hence there will be no damage to environment or the ecology as alleged in the report. It is to further submit that TNHB acquired the land in 1966 and the possession of 8.49 Acres in T.S. No. 2 is vested with Tamil Nadu Housing Board from the year 1966. I also humbly state that has already been stated in para 10 of this reply statement, the said acquired lands were in the custody of private individuals even prior to Independence.

For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 4<sup>th</sup> day of October, 2021.

  
3<sup>rd</sup> RESPONDENT  
MANAGING DIRECTOR  
TAMIL NADU HOUSING BOARD  
KOYAMBEDU, CHENNAI-600 107.

VERIFICATION

I, Shunchonngam Jatak Chiru, Son of Mr.R.Daneiwan, aged 48 years, having address at A-6/3, TAISHA, Nerkundram, Chennai, working as Managing Director, Tamil Nadu Housing Board do hereby verify that the contents of Paragraph Nos 1 to 27 are true to the best of my knowledge and Paragraph Nos. 1 to 27 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 4<sup>th</sup> day of October, 2021



3<sup>rd</sup> RESPONDENT

MANAGING DIRECTOR  
TAMIL NADU HOUSING BOARD  
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