

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI
(Under Sec.18(1) read with Sec.14 & 15) of National Green Tribunal Act, 2010)

O.A.No. 194 of 2021 (SZ)

Between

M.Damotharan,
S/o Marappan,
3/38, Gate Thottam,
Mannarai (Post),
Tirupur - 641 607.

... Applicant

AND

1. The District Collector,
District Collectorate,
Tirupur District,
Tirupur.
2. The Tahsildar,
Tirupur North,
157, Kumaran Rd., Kannapiran Colony,
Vllpalayam, Tirupur, Tamil Nadu - 641 601.
3. The Executive Engineer,
Public Works Department,
Avinashi Road, Tirupu HO.,
Tirupur - 641 601.
4. The Commissioner,
Tiuppur City Municipal Corporation,
Mangalam Road, Tiruppur - 641604.
5. Vikas Vidyalaya Matriculation
Higher Secondary School,
Rep. by its Chairman,
Vavipalayam - Uthukuli Road, Post,
Uthukuli Rd., Tiruppur,
Tamil Nadu - 641 666.

... Respondents

REPORT FILED BY THE FIRST RESPONDENT

I, Dr.S.VINEETH, I.A.S., Son of Mr.K.Sukumara Pillai, Hindu,
aged about 38 years, now working as District Collector, Tirupur
District, Tirupur, do hereby solemnly affirm and sincerely state as
follows : -

1. I submit that I am the present Collector, Tiruppur District, the
First Respondent herein and as such I am well acquainted with
the facts and circumstances of the case, from the documents
and records available at our office

2. I submit that I have read the affidavit filed in support of the above Original Application and deny all the allegations contained therein except those that are specifically admitted herein. The Applicant is put to strict proof of various allegations made therein.
3. I submit that the Applicant has filed the above Original Application seeking the following reliefs : - (a) directing the respondent authorities 1 to 4 to take necessary actions to restore the Survey Nos.432/A, 432/B of Nerupperchal Village, Palladam Taluk, Coimbatore District, as water channels & (b) awarding cost to the respondent No.5 for misusing the water body in Survey Nos.432/A, 432/B of Nerupperchal Village, Palladam Taluk, Coimbatore District, by raising construction in the same.
4. It is submitted that this Hon'ble Tribunal on 02.09.2021 passed an Order in the above Original Application thereby directing to appoint a Joint Committee comprising of (i) the District Collector, Tirupur District and (ii) the Executive Engineer, Public Works Department (PWD) 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 submit the report to this Tribunal on or before 08.10.2021 by e.filing. In the meantime, the respondents are also directed to file their independent response regarding the allegations made in the application before the next hearing date.

5. It is submitted that as directed by this Hon'ble Tribunal, under my instruction, the Tahsildar, Tirupur North Taluk, the 2nd Respondent herein, directed the officials working under him and the area in question was inspected by the Revenue Inspector, Tirupur North Taluk on 25.09.2021 and submitted his report to the 2nd Respondent. The content of the Report is extracted hereunder : -

"As per the directions made in O.A.No.194/2021 by the Hon'ble National Green Tribunal, I have made enquiry and also surveyed the lands in question comprised in Survey Nos.432/A, 432/B of Nerupperchal Village, Palladam Taluk, Coimbatore District which is water canal in which constructions were made and I am submitting the Report.

On 22.09.2021 the lands in Survey Nos.432/A, 432/B of Nerupperchal Village, now Tirupur North Taluk, (Palladam Taluk), Tirupur District were inspected along with the Assistant Executive Engineer, Public Works Department. Thereafter, on 24.09.2021 the lands were surveyed. The above said Survey Numbers mentioned as Government Poromboke Nallar river in Nerupperchal Village Re-Survey Re-Settlement Register in the year 1912 and its extent is 8.97 Acres in Survey No.432/A and as Government Poromboke Nallar river in Survey No.432/B and its extent is 1.91 Acres. Whereas in the Land Development A-Register in the year 1985, it is mentioned as Government Poromboke Nallar river in Survey No.432/A and its extent is 3.63.0 Hectares (8.97 Acres) and the Survey No.432/B

has been sub divided as 432/B1, 432/B2 in two entities. In this, Survey No.432/B1 is an extent of 0.33.0 Hectares (Punja Acre 0.81 Cents) and mentioned as Canal and the Survey No.432/B2 an extent measuring 0.44.50 Hectares (Punja Acre 1.10 Cents) is mentioned as Punja Patta lands in Patta No.1120 in the names of R.Viswanathan -1, Paramasivam -2.

The above said lands has been surveyed by the Deputy Inspector of Surveyor, Tirupur North Taluk, Sub Inspector of Surveyor, Tirupur North Taluk, Sub Inspector of Surveyor, Uthukuli Taluk, Village Administrative Officer, Nerupperchal Village and they have submitted a Plan jointly in respect of the encroachment. Upon inspection along with the above said Plan, it came to know that the Pattadar made temporary encroachment by fencing on the southern side of the Government Poromboke Nallar river in Survey No.432/A out of an extent of 3.63.0 Hectares (8.97 Acres) and made provisions in their land for planting trees. There is no encroachment in other places.

Further, in Survey No.432/B1 an extent measuring 0.31.0 Hectares (Punja Acre 0.81 Cents) a canal is running. The said Vikas Matriculation School Management has encroached an extent measuring 178 Sq. Metres on the western side of this canal by putting compound wall and Cement Sheet roof house. Further, the area in Survey No.432/B2 an extent measuring 0.44.50 Hectares (Punja Acre 1.10 Cents) is Ryot Punja classification and as a

playground. Now the land in Survey No.432/B2 is registered in the Online Chitta and stands in the name of Vikas Seva Trust in Patta No.1120."

6. It is submitted that, upon the receipt of the Report of the Deputy Inspector of Surveyor, Tirupur North Taluk, the 2nd Respondent submitted a Report dated 27.09.2021 to the First Respondent by putting the contents of the report of the Deputy Inspector of Surveyor, Tirupur North Taluk.
7. It is submitted that thereafter, the Revenue Inspector, Tirupur North Taluk has issued show cause notices dated 28.09.2021, under Sec.7 of III Chennai Land Encroachment Act, 2005 to the School Administration why action could be taken against them in respect of the encroachments made by them and to give explanation in written or in person before the Tahsildar, Tirupur North Taluk.
8. It is submitted that, thereafter, on 01.10.2021 as per the directions of this Hon'ble Tribunal dated 02.09.2021, the encroachments made in an extent of 178 Sq. Metre (4 Cents 16 Sq. Metres) in the form of Compound Wall and Cement Sheet Roof House in the Poromboke Canal in Survey No.432/B1 of Nerupperchal Village has been removed by the above said School Management in the presence of the Applicant in Original Application Mr.Damotharan, the Assistant Executive Engineer, Public Works Department and the Revenue Officials including the Tahsildar. Further, in respect of the temporary fencing made in Survey No.432/A is concerned, since the land is under the control of Uthukuli

Taluk jurisdiction, upon the survey jointly conducted by the Sub Inspector of Surveyor of Tirupur North Taluk and the Sub Inspector of Surveyor of Uthukuli Taluk, the same has been removed in an extent of 64 Sq. Metre by the Management of Vikas Vidyalaya Educational Trust. To that effect, the Tahsildar, Tirupur North Taluk, the 2nd Respondent herein submitted his report on 01.10.2021 stating the above said contents and also stated that as per the directions of this Hon'ble Tribunal, the encroachments in the Government Poromboke water ways have been removed and at that time, no law and order problem arose during such exercise taken by the Authorities.

9. It is submitted that, as per the directions of this Hon'ble Tribunal dated 02.09.2021 made in O.A.No.194 of 2021, we have taken appropriate and proper action in accordance with law and the encroachments were removed and to that effect, this report along with supporting documents and the photographs being filed for the kind perusal and consideration of this Hon'ble Tribunal.

It is, therefore, prayed that this Hon'ble Court may be pleased to consider the above facts and pass suitable orders and thus render justice.

Solemnly affirmed at Tiruppur on this the 07 day of October, 2021 and signed his name in my presence.


DISTRICT COLLECTOR
TIRUPPUR
Before me

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TRIBUNAL (SZ), CHENNAI
(Under Sec.18(1) read with Sec.14 & 15) of
National Green Tribunal Act, 2010)

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M.Damotharan

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