

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
APPEAL NO.10 OF 2021 (SZ)

G.Devarajan,
S/o Govindappa Naidu,
15, Gandhi Nagar, 2nd Street,
Reliance Backside,
Arumbakkam.
Chennai- 600 106
E-mail: manuraj.office@gmail.com
Contact-No: 99621 98210

... Applicant

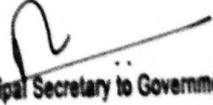
VERSUS

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 its Chairman,
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, 3rd Floor, PanagalMaaligai
No.1 Jessy Road, Saidapet, Chennai-600 015

... Respondents

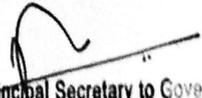
STATUS REPORT FILE ON BEHALF OF THE FIRST RESPONDENT

I, M.A.Siddique, S/o. M.S.Sulaiman aged 50 years residing at
A.I.S.housing Complex (TAISHA), Nerkundram, Virugambakkam,
Chennai-600092 do hereby solemnly affirm and sincerely state as
follows:


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

I am the Principal Secretary (FAC), Revenue and Disaster Management Department, Secretariat, Chennai-600009 representing the First Respondent herein and as such I am well acquainted with the facts of the case from the available records on behalf of the Chief Secretary to Government, Secretariat, Chennai-60009. I have been authorized to file this Status Report on behalf of the First Respondent. I have read the affidavit of the Applicant and the supportive documents filed by him and I deny all that averments made therein except those that are specifically admitted hereunder.

1. I humbly submit that the Tamil Nadu Housing Board 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 Tamil Nadu Housing Board Act, 1961 (TN Act 17 of 1961) and latest Government orders issued then and there.
2. I humbly submit that the subject land in Town Suvery No. 2 was originally comprised in Survey Nos. 249/1, 249/3, 249/3, 249/5, 250/1-8, 251 and 252/2A to an extent of 8.49 acres.
3. I humbly submit that on verification of records, in G.O.Ms. No. 728 (Housing) Industries, Labour and Co-operation

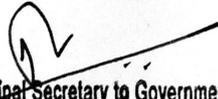

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Revenue and Disaster Management Department
Secretariat, Chennai-600 009.

Department dated 13-02-1960 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 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 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 1894 (Central Act 1 of 1894). The Notification under Sub-Section (1) of section 4 of the Land Acquisition Act 1894 was published at pages 179 and 180 of Part II-Section 1 of the Fort St. George Gazette, dated 10.08.1960 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 said Central Act 1 of 1894. The enquiry under the section 5-A of the said Act was held on 04-10-1960. The Draft Declaration under section 6 of the said Act was published at page 1658 of Part II-section 1 of the Fort St. George Gazette, dated 01-11-1961. Award enquiry was conducted on 26-09-1962 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,


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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 section 5-A enquiry under the said Act 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 said 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 1 of the Fort St.George Gazette, dated 04-03-1964 and section 5-A of the said Act enquiry was held on 16-04-1964. The Draft Declaration under section 6 of the said Act was published at page 409 of Part II-Section 1 as Notification II-I No.988 of 1965 dated 10-03-1965. The Award enquiry was held on 08-04-1965.

4. I humbly submit that on verification of records, the survey No.249/4 for an extent of 0.20 Acres and survey No.249/6 for an extent of 0.72 Acres, totally 0.92 acres of land was excluded and the possession of 8.49 Acres is vested with the Tamil Nadu Housing Board from the year 1966.
5. I humbly submit that from 1966 to till date, the above said 8.49 Acres of lands are under the ownership of Tamil Nadu Housing Board only.


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6. I humbly submit that the land in Town Suvery No. 2, Block No. 4, Arumbakkam Village belongs to Tamil Nadu Housing Board. 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: 03.10.2020 and it is stated that the Public Works Department issued NOC is required only from inundation point of view for obtaining planning permission from Chennai Metropolitan Development Authority.
7. I humbly submit that by the order dated 09.12.2021, vide paragraph 10, the Joint Committee, Public Works Department (now WRD) and District Collector were directed to file their respective reports to the Tribunal in this matter.
8. I humbly submit that an Inter Departmental Co-ordination meeting under the Chairmanship of Chief Secretary to Government was held on 30.10.2021 to sort out the boundary issue and it was decided that the Revenue Department may sort out this issue by conducting a joint inspection with officials of Commissioner of Land Administration, Water Resource Department/Public works Department, Tamil Nadu Housing Board, file a joint report to the Government.
9. I humbly submit that the revenue authorities surveyed the impugned site on 16.11.2021 and demarcation of the limits of the Public Works Department and Tamil Nadu Housing


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Board site has been completed in the stretch. The plan prepared after measuring the area by the revenue authorities are enclosed. It is ensured from the plan that the Tamil Nadu Housing Board has not encroached any part or piece of land of the River and all constructions of the Tamil Nadu Housing Board were confined to the Tamil Nadu Housing Board limits and none of the building sites are forming part of the river, as alleged.

10. I humbly submit that the maximum flood level was approximately 8 m above Mean Sea Level (depth of flow-3.5 m) and 0.9 m below the Tamil Nadu Housing Board scheme bund top on 29.11.2021, which shows the project site is above the flood plain even during heavy rainfall period from 07.11.2021 to 04.12.2021. I submit that on the other side of the Coovum river (at Naduvankarai side), the maximum flood level was approximately 9.6 m above Mean Sea Level which is 1.9 m below the bund top level on 29.11.2021.

11. I humbly submit that an Inter Departmental Co-ordination meeting under the Chairmanship of Chief Secretary to Government was again held on 03.12.2021 to discuss the inspection report and it was decided that the team should again inspect the site on 04.12.2021 to fix stones on the boundary and document it, visually and thereafter, a


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common counter affidavit may be filed immediately incorporating all the facts.

12. I humbly submit that the team again inspected the site on 04.12.2021 and 05.12.2021 and fixed poles on the boundary points in the part of Tamil Nadu Housing Board land, where Coovum river is flowing and stones in other points on the Tamil Nadu Housing Board land boundary. As such, Tamil Nadu Housing Board has set apart 4150 sq m as waterway where the portion of Coovum river flows in the total extent of 33,000 sq mts. I submit that Tamil Nadu Housing Board has agreed for revised boundary fixed by the team leaving the portion of the Coovum river flowing in the Tamil Nadu Housing Board's own land.
13. I humbly submit that there is a clear distance between 21.2 m to 36 m from the construction work and the revised boundary of Coovum river fixed on 04.12.2021.
14. I humbly submit that, Coovum river in Aminjikai taluk, starting at West Koyambedu, passes through Naduvankarai, Arumbakkam, Chinnakudal, Aminjikai and Vadaagaram villages and Survey work has been completed during joint inspection and the boundaries have been fixed and stones have been placed and based on the survey, the combined sketch has been enclosed showing Block-6 of Naduvankarai town and Block-4 of Arumbakkam town.

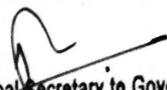

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For the reasons stated above, it is therefore humbly prayed that this Hon'ble Tribunal may pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

Verification

I M.A.Siddique, S/o. M.S.Sulaiman above named, do hereby declared that the aforesaid facts are true and correct to the best of my knowledge and information

Solemnly affirmed at Chennai
on this ___ day of January 2022
and the deponent put his signature
in my presence.


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

BEFORE ME