

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 194 of 2021 (SZ)

Between

M.Damotharan,
S/o.Marappan,
3/38, gate Thottam,
Mannarai (P.O),
Tirupur – 641 607.

....Applicant

AND

1. The District Collector,
District Collectorate,
Tirupur District,
Tirupur.
2. The Thasildar,
Tirupur North,
157, Kumaran Rd., Kannapiran Colony,
Vllapalayam, Tirupur , Tamil Nadu – 641 601.
Erode - 11.
3. The Executive Engineer,
Water Resources Department,
Lower Bhavani Basin Division,
Erode-2.
4. The Commissioner,
Tirupur City Municipal Corporation,
Mangalam Road, Tirupur – 641 604.
5. Vikas Vidyalaya Matricualtion
Higher Secondary School,
Rep. by its Chairman,
Vavipalayam – Uthukuli Road , Post,
Uthukuli Road , Tirupur,

...Respondents

ACTION TAKEN REPORT (WATER RESOURCES DEPARTMENT)

I, A.KANNAN,M.E., Executive Engineer, WRD., Lower Bhavani Basin Division, Konavaikkal, Erode-2 hereby submit the Action Taken Report as follows.

In Compliance of Original Application No. 194 of 2021 (SZ), the Hon'ble National Green 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 has 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 response regarding the allegations made in the application before the next hearing date.

Based on the Order of the Hon'ble National Green Tribunal the following action taken report is submitted.

“As per the direction made in O.A.No.194/2021 by the Hon'ble National Green Tribunal, Our Assistant Executive Engineer, Er.R.Subramaninan with Thasildar, Tirupur North Taluk, made a joint inspection on 22.09.2021. They inspected the sites in Survey Nos.432/A, 432/B of Nerupperchal Village, Palladam Taluk, Coimbatore District in which the water channel is located and construction were also made. 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 of 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 0.81 Acre) and mentioned as channel and the Survey No.432/B2 an extent of 0.44.50 Hectares (Punja 1.10 Acre) is mentioned as Punja Patta lands in Patta No.1120 in the names of R.Viswanathan-1, Paramasivam-2.

The above said lands were 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 had submitted a plan jointly in respect of the encroachment. Upon inspection along with the above said plan, it had come to know that the pattadar had made temporary encroachment by fencing the southern side of the Government Poromboke Nallar river in Survey No.432/A for an area of 64.00 sq.metre, total an extent of 3.63.0 Hectares (8.97 Acres). There were no more encroachment in other places.

In addition to this it is further noticed that the Nallar river passes through this Survey No.432/B1 for an extent of 0.31.0 Hectares (Punja 0.81 Acre). In this area, it is found that Vikas Matriculation School Management had encroached an extent of 178 sq. Meters on the western side of this channel by

constructing a compound wall and a temporary labour shed. Further, the area in Survey No.432/B2 an extent of 0.44.50 Hectares (Punja 1.10 Acre) is Ryot Punja classification and has been used as 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”.

1. It is further submitted that, upon the receipt of the report of the Deputy Inspector of Surveyor, Tirupur North Taluk, the 2nd Respondent submitted a Report to the 1st Respondent on 27.09.2021.
2. It is submitted that thereafter, the Revenue Inspector, Tirupur North Taluk had issued a show cause notice dated 28.9.2021, under Sec.7 of III Chennai Land Encroachment Act, 2005 to the School Administration.
3. It is submitted that, thereafter, on 01.10.2021 as per the direction of this Hon'ble National Green Tribunal dated 02.09.2021, the encroachments made in an extent of 178 Sq. Metre (4 Cents 16 Sq.Metre) in form of compound wall and temporary labour shed in Nallar river Poromboke in Survey No.432/B1 of Nerupperchai Village has been removed. Similarly temporary fencing encroachment in Survey No.432/A in an extent of 64.00 Sq.Metre in Uthukuli Taluk also has been removed by the above said School Management in the presence of the Applicant Mr.Damotharan, and the officials of Water Resources Department and Revenue Department.

4. All the above facts have been submitted by the 1st respondent to the Hon'ble National Green Tribunal Southern zone on 07.10.2021.

5. It is submitted that, based on that the National Green Tribunal in the order dated 15.11.2021 instructed as follows,

“ It is seen from the report that the encroachments found were removed. The counsel representing the counsel for the applicant wanted some time to file their objections, if any, to the report. The 5th respondent has also wanted to file their statements regarding the allegations made in the application. The committee and respondents are directed to file the report and their respective objections as well as the pleadings on or before 03.12.2021. In the mean time the committee is also directed to file their report as directed”.

6. It is submitted that, based on the above directions of this Hon'ble National Green Tribunal, the joint committee members of (i) the District Collector, Tirupur District and (ii) the Executive Engineer, Water Resources Department , Lower Bhavani Basin Division, Erode along with Revenue and Water Resources Department Officials,

7. Inspected the above lands situated in S.F.No.432/A and 432/B1 in Nallar river Poromboke on 23.02.2022.

8. The committee confirmed that the encroachment made in an extent of 178 Sq.Metre (4 Cent 16 Sq.Metre) in the form of compound wall and temporary labour shed in Nallar river Poromboke in S.F.No.432/B1 had been completely removed.

9. The committee confirmed that the encroachment made in an extent of 64 Sq.Metre in the form of temporary fencing in Nallar river Poromboke in S.F.No.432/A was also removed .
- 10.The committee also inspected the S.F.No.124/2 in Nallar river and instructed the Water Resource Department officials to ensure that the flood carrying capacity of the Nallar river is sufficient to discharge the surplus water of Sarkarperiyapalayam Tank which is located across Nallar river, so that the patta lands nearby will not get flooded.
- 11.The committee also inspected the irrigation channel of Sarkarperiyapalayam Tank in S.F.No.121/2 instructed the Water Resource Department officials to clear the bushes, jungles and the silt to ensure the carrying capacity of the Sarkarperiyapalayam Tank Irrigation channel. On the same day the jungles, bushes and silts were cleared effectively and uninterrupted flow in the irrigation channel had been ensured.
13. It is submitted that, as per the directions of this Hon'ble National Green Tribunal dated 15.11.2021 made in O.A.No.194/2021, we had taken appropriate and proper action in accordance with law and the committee concluded that there is no encroachment in Nallar river Poromboke. The supporting documents and the photographs are being filed for the kind perusal and consideration of this Hon'ble National Green Tribunal.

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

Solemnly affirmed at Erode on this the 23rd day of February , 2022 and signed his name in my presence.

J. Anirudh 23/2/2022
Executive Engineer, WRD
Lower Bhavani Basin Division,
Erode-2.