

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

ORIGINAL APPLICATION No. 238 OF 2020 (SZ)

IN THE MATTER OF:

Tribunal on its own motion
Suo Motu based on the news item in
The Times of India Newspaper, Chennai Edition
Dt. 29.10.2020, "Wall of gated community blocks Stream along OMR"

...Applicant(s)

-Versus-

1. Engineer in Chief (Water Resources Organization)
and Chief Engineer (General) Public Works Department
Chepauk, Chennai-600 005

2. The District Collector
Chengalpet District
Collectorate Office, GST Road
Chengalpettu-603 001

3. The Block Development Officer
St. Thomas Mount Panchayat Union
20, Chitlapakkam Main Road
Kamaraj Colony, Nehru Nagar
Chitlapakkam, Chennai-600 064

...Respondent(s)

REPORT FILED BY THE JOINT COMMITTEE

The above case has been Suo Motu registered by this Hon'ble Tribunal on the basis of the newspaper report published in The Time of India, Chennai_Edition dated 29.10.2020 under the caption "Wall of gated community blocks stream along OMR" and thereby flood is being experienced during rainy seasons in certain areas.

2. Taking cognizance of the allegations about that there were large scale encroachment of Ottiyambakkam Kalangal Odai, a stream along Old Mahabalipuram Road near Sholinganallur which results in flooding in that area. A compound wall of a gated community has blocked the flow of water in the stream. The stream carries excess rainwater during monsoon and large stretch encroached areas such as Arasankazhani, Vedanthangal Nagar, Netaji Nagar, Bolinemi Hillside, Perumbakkam Slum Clearance Board and DLF are getting flooded. Further, it was alleged in the newspaper report that this stream carries water from various water bodies in Karanai,

Mambakkam and Ottiyambakkam villages. Though, complaints have been made to the authorities, no action has been taken. Hence, the Tribunal was pleased to a Joint Committee comprising of the District Collector, Chengalpeta District and the Superintending Engineer of Public Works Department (PWD) and Water Resources Organization (WRO) of the respective area to inspect the area in question and submit a factual as well as action taken report regarding the nature of encroachment and the action taken for removal of the encroachment and for restoring the drain so as to enable free flow of rain water during monsoon to avoid flood in that area. If it is found that there is any violation committed by any of the violators, then the committee is directed to assess the environmental compensation apart from taking steps for removal of the same in accordance with law. The Public Works Department (PWD) was appointed as a nodal agency for co-ordination and for providing necessary logistics for this purpose.

3. By the order dated 06.08.2021 in the Original Application herein, the Hon'ble Tribunal had directed the committee as well as official respondents are directed to submit a report as well as independent statements as directed to this Tribunal on or before 31.08.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

5. Pursuant to the order dated 06.08.2021, the Committee Members inspected the impugned site on 26.07.2021 and the report thereon is as follows:

6. During inspection of the Members of the Joint Committee, it is seen that the construction of a wall is in the North West corner of the S.F.No. 184/1 of Karanai Village in Vandalur Taluk of Chengalpattu District. There is a Thangal in S.F.Nos. 60, 107, 108 and 109 and that the thangal portion in S.F.No. 109 is in isosceles shape and have an abrupt end at the corner of the patta land in S.F.No. 184/1 where a wall was constructed.

7. One private flat promoter had developed the patta land in S.F.No. 184/1 along with adjoining lands and promoted as housing colony much long back and the wall was constructed perhaps for the reason of protecting the patta land. It is also understood that the patta lands towards the west of the impugned site is being developed as housing colony/plots and the real dispute is only between the two

owners of the patta lands in S.F.No. 184/1 and S.F.No. 144/2. Hence,, as the portion of the wall built by the private promoter in S.F.No. 184/1, the land owner of S.F.No. 144/2 ought to have prevented the same in the manner known to law. There are no storm water drains or other channels etc., in the disputed site and the news item has been flashed without any basis and without verifying the land ownership with reference to revenue records.

8. It is further stated that the promoter of the housing colony/plots in S.F.No. 184/1 and other adjoining lands has raised the building and the land in between the two blocks which is classified as 'anathenam' was not raised to facilitate draining of the water collected in its own catchment. Hence, the news item was published as to the blocking of the stream is stoutly denied since there are no streams. The disputed site is in the proximity of the Pallikkaranai marsh the portion left out by the promoted while developing the colony/plots is lower than the level of the Pallikkaranai marsh and the rain water collected in its own catchment inundates around the colony itself and this technical fact was not considered in the news item.

9. There are two major tanks, namely, Otiyampakkam tank and Madurappakkam tank and the surplus drainage channels of these two tanks also terminate in the patta land which would indicate that the surplus water during rainy season would remain in the patta lands and would dry up after the rain is abated since the lands were fertile lands.

10. Notwithstanding the above, the Highways Department has formed a road in the drainage source from Madurappakkam tank via patta lands in S.F.Nos. 228, 297 and 298 of Karanai Village was due to conversion of ayacut lands into housing colony/plots.

11. Hence, it is stated that the news item published in the Times of India dated 29.10.2020 was made without verifying the revenue records and the subsequent development as housing colony/plots by private promoters and the allegation that wall of gate community blocks stream along OMR is factually incorrect.

Revenue Divisional Officer,
Tambaram

Executive Engineer, W.R.D., P.W.D.,
Lower Palar Basin Division,
Kancheepuram.

District Collector,
Chengalpattu
District

Handwritten signature of the District Collector, Chengalpattu District.