

IN THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)
CHENNAI

Original Application No. 265 of 2016

In the matter of:

R.Radhakrishnan

--- Applicant

Vs.

Public Works Department /
Water Resource Development
& others

--- Respondents

**REPORT BY 9th RESPONDENT BLOCK DEVELOPMENT
OFFICER**

I K.Venkadesan, Block Development Officer, having office at Lathur Panchayat Union, Pavunjur, Chengalpattu- 603 312 state as follows:

1. I am the 9th respondent herein and as such I am well acquainted with the facts and circumstances of this case from the records available with the office.

2. I humbly state that the application was filed as early as in the year 2016, this Hon'ble Tribunal has appointed a Joint Committee on 16.12.2019. I humbly submit that this Hon'ble Tribunal observed as:

“ There is a duty cast on the State machines and Local Authorities to protect the water bodies against the encroachments thereby reducing its area and altering its flow which indirectly affecting the ground water recharge. The Hon'ble Supreme Court as well as this Hon'ble Tribunal in several decisions has reiterated the responsibility of the State Government as well as the Local Bodies and other Revenue officials to protect the water bodies against encroachments and if there are any encroachments to remove if any to be taken for preserving the water bodies.

4. On the basis of the above order, a Joint Committee was constituted with the following members:

- (a) District Environmental Engineer;
- (b) Executive Engineer, Public Works Department; and
- (c) District Collector, Chengalpattu;

According to the Joint Committee:

... There are two connecting roads (bituminous road) passing through the lake connecting East Coast Road (S.No. 266, 53, 215 and 198) and the roads leading to the patta land near the Coast on the Eastern Side and there is one Eastern Road connecting burial ground on the Eastern Side and habitation on the Western Side (S.No. 278 & 85). As far as lake is concerned, only temporary encroachments in the form of trees and crops are present. In addition to that permanent encroachments in the form of two bituminous road and Eastern Road are present. They are almost like a **common way** connecting habitation on one side and agricultural lands and burial ground on the other side.

With regard to the pond present in the Survey No. 258/1 near the Adhikesava Perumal temple, these permanent encroachments in the form of buildings (8 nos.) are observed.

I sent a letter to the District Collector, dated 25.01.2022 requesting the District Collector, seeking for permission to remove the encroachments at R.S. 258 /1 at the Kuttai in Mugaiyur Village.

Encroachers name

1. Mr. Pandiyan, S/o. Rathinavel (wife living in a concrete house R.S.242/A – Patta No. 1370.
2. Mrs. Lakshmi, W/o. Subramani, living at her son's house.

3. M. Gangadharan, S/o. Ramadass. Mr. Ramadass is a share holder in R.S. 253/1, Hectares 1.08.0
4. Mr. Gothandam, S/o. Mr. Murugesan. He has share in the above land
5. Mr. Munusamy, S/o. Rajagopal. No land in his name nor in his family member's name.
6. Mrs. Santhi, W/o. Govindhan. No land in his name nor in his family member's name.
7. Mr. Muthu, S/o. Perumal. R.S. 409/40A shares among 17 members

I submit that, Mr. Munusamy & Santhi filed a Writ Petition at the Hon'ble Madras High Court, challenging the alternative site provided by us, as W.P. Nos. 23410 & 23413 of 2021. The Hon'ble High Court directed the District Collector to consider their representation regarding alternative site offered.

Present state of lake

I understand, without obtaining No Objection Certificate from the Public Works Department, 2 bitumen roads are constructed on this lake. Neither permission from the Village Panchayat nor a resolution was passed to construct bitumen roads on this lake. Apart from the above, there is also an earthen road is also crossing the lake.

No agricultural activities are carried out at present.

No shed or any permanent structure is in the lake.

No Well or bore well is in the lake.

Total extent of Vanji lake in RS no. 266 is around 116 hectares.

Current state of Kuttai

Kuttai is in R.S. 266. Since Kuttai is fully encroached by the persons above named and a Perumal temple. As soon as permission granted by the District Collector, these encroachments will be removed.

In view of the above, it is therefore prayed that this Hon'ble National Green Tribunal may be pleased to accept this report and pass orders as this Hon'ble National Green Tribunal may deem fit and proper in the fact and circumstances of this case and thus render justice.

Signed



Dated

Block Development Officer (V.P.)
Lathur @ Pavanjur

VERIFICATION

I, K.Venkadesan, Block Development Officer, having office at Lathur Panchayat Union, Pavunjur, Chengalpattu- 603 312, do hereby verify that the contents of paragraphs stated above are true and correct to the best of my knowledge and belief.

Signed


Block Development Officer (V.P.)
Lathur @ Pavanjur