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BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

(Southern Zone)

Original Application No.36 of 2022 (SZ)

Meenava Thanthai K.R.Selvaraj Kumar
Meenavar Nala Sangam, Chennai
Registered under section 10 of the
Tamil Nadu Societies Act, in Sl.No.205
Of 2015 Rep. by its President,
M.R.Thiyagarajan, S/o. Late C.Rajalingam,
Office No.48, East Madha Church Street,
Royapuram, Chennai - 600 013.

... Applicant

Versus

1. State of Tamilnadu,
Through the Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
& others.

... Respondents

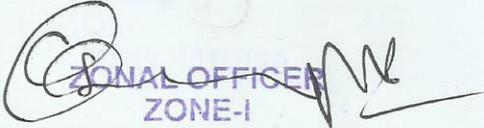
STATUS REPORT FILED ON BEHALF OF
GREATER CHENNAI CORPORATION 6TH RESPONDENT

I, V.Navendhiran, Son of Mr.Vembiyan, Hindu, aged about 37 years, the Joint Director/Zonal Officer, Zone-I, Greater Chennai Corporation, having office at No.947, Thiruvotriyur High Road, Chennai-600 019, do hereby solemnly affirm and sincerely state as follows:-


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ZONE-I
GREATER CHENNAI CORPORATION

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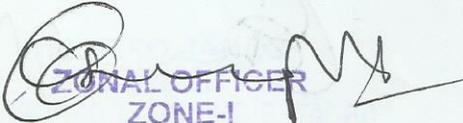
1. I am the Joint Director/Zonal Officer, Zone-I, Greater Chennai Corporation and as such am well acquainted with the facts of the case from the available records.
2. I respectfully submit that the applicant herein has filed the above Original Application paying for;
 - i) Direct the Respondent Nos. 1 to 5 to demolish the illegal and unauthorised constructions erected by the encroachers in the place earmarked as water body namely "Kathivakkam Thamaraiikulam".
 - ii) Direct the Respondent Nos. 1 to 5 to conduct proper survey of the pond with the original maps and to restore the water body to its original position.
 - iii) Direct the Respondents No. 1 to 5 to rejuvenate the water body by constructing the bund, de-silting. Removal of Encroachment, Blockage of Sewage and Removal of Non-active species.
 - iv) Direct the Respondents No. 1 to 5 to initiate penalize action against the encroachers including the authorities permitted the violators to construct the buildings in the region of water body.


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- v) Direct the Respondent Nos. 1 to 5 to recover the cost of remediation including the environmental compensation from the violators to reverse the damaged environment under Sec. 15 of the NGT Act.
- vi) Direct the Respondent No. 3 to create awareness program to the surrounding people about the impacts of encroachment and dumping of solid and liquid into waste into the water bodies.

3. I respectfully submit that the status report dated 18.02.2023 filed on behalf of Greater Chennai Corporation may be read as part and parcel of this status report.

4. I respectfully submit that the Special Tahsildar, Town Settlement, Thiruvottiyur, has filed his status report dated 12.07.2023 before this Hon'ble Tribunal stating that the land in question "Thamaraikulam" is classified as Government Poromboke measuring an extent of 2.1550 Hectares. There are about 55 nos. of encroachments on the said land besides that there is unutilized school building on this land and also a road laid by the Greater Chennai Corporation and the said kulam is situated in the

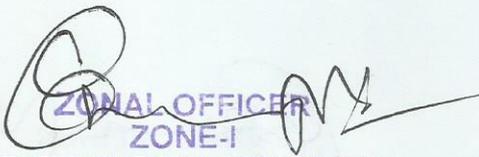

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remaining land. Further, the Special Tahsildar, Town Settlement, Thiruvottiyur, has enclosed the revenue records and a list of names who have encroached the Thamaraikulam.

5. I respectfully submit that based on the above report of the Special Tahsildar, Town Settlement, Thiruvottiyur, action has been taken against all the encroachers of Thamaraikulam by issuing a Notice under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998 dated 26.08.2023.

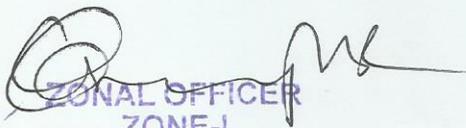
6. I respectfully submit that aggrieved by the above notice one Mr.M.Shanmugam has filed a Writ Petition in W.P.No.25899 of 2023 praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 26.08.2023 Notice No.Z.O.X.C.No./46/2023, passed by the respondents 2 to 4 and to quash the same, consequently direct the respondents to issue patta and to regularize the property of the petitioner bearing Door No.7/4, 1st street, Thiruvalluvar Nagar, Ennore, Chennai - 600 057.


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(5)

7. I respectfully submit that the above Writ Petition was disposed by the Hon'ble First Bench, High Court, Madras in the admission stage itself by order dated 01.09.2023 as follows:-

“...It is evident from the above order that the Government has granted three months to the petitioner to obtain patta and get necessary approval for his building and the same is in force, till 08.09.2023. It is also evident from the communications enclosed at pages 42 to 62 of the typed set of papers filed in the writ petition that the petitioner has been taking diligent steps by approaching the competent authorities in this regard. As such, the notice dated 26.08.2023 issued by the respondents 2 to 4, at this point of time, cannot be allowed to be sustained and hence, the same is set aside. Consequently, the matter is remitted back to the authority concerned for fresh consideration, who inturn, shall act strictly in accordance with the order passed by the Secretary, Housing and Urban Development Department, Chennai vide Letter No.1077/UD VI(1)/2022-3, dated 09.06.2023 and as per law.


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(6)

6. Accordingly, this writ petition stands disposed of...."

8. I respectfully submit that further action against the removal of the encroachment will be taken after the decision taken by the Government with respect to the application filed by Mr.M.Shanmugam.

It is therefore prayed that this Hon'ble Tribunal may be pleased to accept the status report and to pass suitable order or orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of this case and thus render Justice.


COUNSEL FOR 6TH RESPONDENT

Solemnly affirmed at Chennai 0

On this the 4th day of October 2023 0

And signed his name in my presence 0


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ZONE-I
GREATER CHENNAI CORPORATION

Before Me


E.No. 340/96
Advocate : Chennai

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BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.36 of 2022 (SZ)

STATUS REPORT FILED
ON BEHALF OF
GREATER CHENNAI CORPORATION

N. R. RAMESH KANNA

~~Signature~~
Counsel for Chennai Corporation