

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI
Original Application No. 44 of 2024 (SZ)

M.C. Shankar
S/o. M. K. Chenagalvarayan
S1, Moti Apartment,
3rd Cross Street,
Ormes Road, Kilpauk,
Chennai – 600 010 & 4 Ors.

...Applicants

-Vs-

1. The District Collector
Fourth Floor, M.Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai – 600001 & 7 Ors.

...Respondents

STATUS REPORT FILED BY THE 2nd RESPONDENT (CMDA)

I, R.Anusuya, Senior Planner (EC), having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly and sincerely affirm as follows:

1. I am the Senior Planner in Enforcement Cell of Chennai Metropolitan Development Authority (CMDA) and the 2nd Respondent herein. As such, I know the facts of the case as borne out from records.

Anusuya
SENIOR PLANNER
Chennai Metropolitan
Development Authority
Chennai-600008

1/8

2. I submit that the present case relates to an Original Application filed by the Applicants praying for direction against the Respondents 1 to 6 to take appropriate action on the Respondents 7 and 8 including forbearing the Respondents 7 and 8 from carrying on construction activity / laying of foundation activity using Driven-pile method or any other method that causes noise pollution and from carrying on construction activities in the night hours and all seven days of a week and to stop work at least one day in a week, preferably on Sunday at Old Door No.32, New Door No.101, Ormes Road, Kilpauk, Chennai-10.

3. I submit that as regards the present site under reference is concerned, a Planning Permission Application has been submitted by Thiru. Maneesh Parmar & 5 others for the proposed construction of Double Basement Floor (Parking) + Ground Floor (GYM, Multi-purpose Hall, Indoor Games & Prayer Hall + 10 floors (Height 35.95m) residential building with 17 dwelling units availing with Premium FSI in Old Door No.32, New Door No.101, Ormes Road, Kilpauk, Chennai-10 in SBC No.CMDA/PP/HRB/N/768/2023, dt.31.10.2023.

4. I submit that the Planning Permission application is under Process in CMDA. I further submit that Form-I Notice for


SENIOR PLANNER
Chennai Metropolitan
Development Authority
Chennai-600008

2/8

production of document vide Notice No.118/2024 dated 18.01.2024 was issued by Greater Chennai Corporation, Unit-23 for the site under reference and have initiated action, as the GCC is the action taking/enforcing authority against any unauthorized construction within the CMA, under the delegation of powers under the TN T & CP Act. However on the directions of the Hon'ble Tribunal during the hearing on 16.02.2024, the 2nd Respondent has issued notice and stopped the work at the subject site and the photographs are annexed herewith this report.

5. I submit that after receipt of the Application from the Applicants in SBC No.CMDA/PP/HRB/N/768/2023, dt.31.10.2023, the 2nd Respondent inspected the site on 03.11.2023 and the site was found to be empty and no work had commence and the Google Picture of the site was recorded by the 2nd Respondent during the inspection and thereafter the Application was processed and sent to the Government for approval on 28.12.2023. In the meantime the Applicant has commenced constructions unauthorisedly, after the inspection of site by the 2nd Respondent. The GCC has rightly taken action against the unauthorized constructions.

6. I submit that in this regard, officials of CMDA inspected the site under reference on 16.02.2024 and observed that earth work

Anu Rajee
SENIOR PLANNER
Chennai Metropolitan
Development Authority 3/8
Chennai-600008

excavation and pile foundation (partly) are under progress. Hence, the 2nd Respondent - CMDA issued Form - III notice under sub-section (5) of section 56(1) of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for the removal of unauthorized development carried out without Planning Permission vide Notice No. EC/N-I/1792/2024 dated 16.02.2024 to the owner of the site under reference with a copy marked to the Petitioner. I submit that the photographs of the site as inspected and the notice as issued by CMDA are annexed herewith along with the report.

7. It is therefore prayed that this Hon'ble Tribunal may be pleased to consider the submissions of this Respondent and thus, render justice.

Solemnly affirmed at Chennai on this the 19th day of February, 2024 and signed in my presence.

Ano. 4/8
 SENIOR PLANNER
 Chennai Metropolitan
 Development Authority
 Chennai - 600008
BEFORE ME

ADVOCATE: CHENNAI

pushan.10.
 K. KRISHNAN LL.M.,
 Advocate ENRL.No. MS.1145/17
 No.5, Law Chamber,
 High Court Building,
 Chennai - 600 104.
 Mobile : 96000 02110

**BEFORE THE NATIONAL
GREEN TRIBUNAL (SZ) AT
CHENNAI**

**Original Application No.
44 of 2024 (SZ)**

M.C. Shankar
S/o. M. K. Chenagalvarayan
S1, Moti Apartment,
3rd Cross Street,
Ormes Road, Kilpauk,
Chennai – 600 010 & 4 Ors.

...Applicants

-Vs.-

Tmt.R.Anusuya,
Senior Planner(EC)
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan
Building,
No. 1, Gandhi Irwin Road,
Egmore,
Chennai – 600 008. & 7
Others

...Respondents

**STATUS REPORT FILED BY
THE SECOND RESPONDENT**

**P.Veena Suresh., M.L.,
Standing Counsel for
CMDA
Mobile : 9841234454**

EC/N-I/792/2024
THIRU. MANEESH PARMAR & S OTHERS
DOOR NO. 32/101, ORMEER ROAD,
MIL PAIK, CHENNAI - 600 081

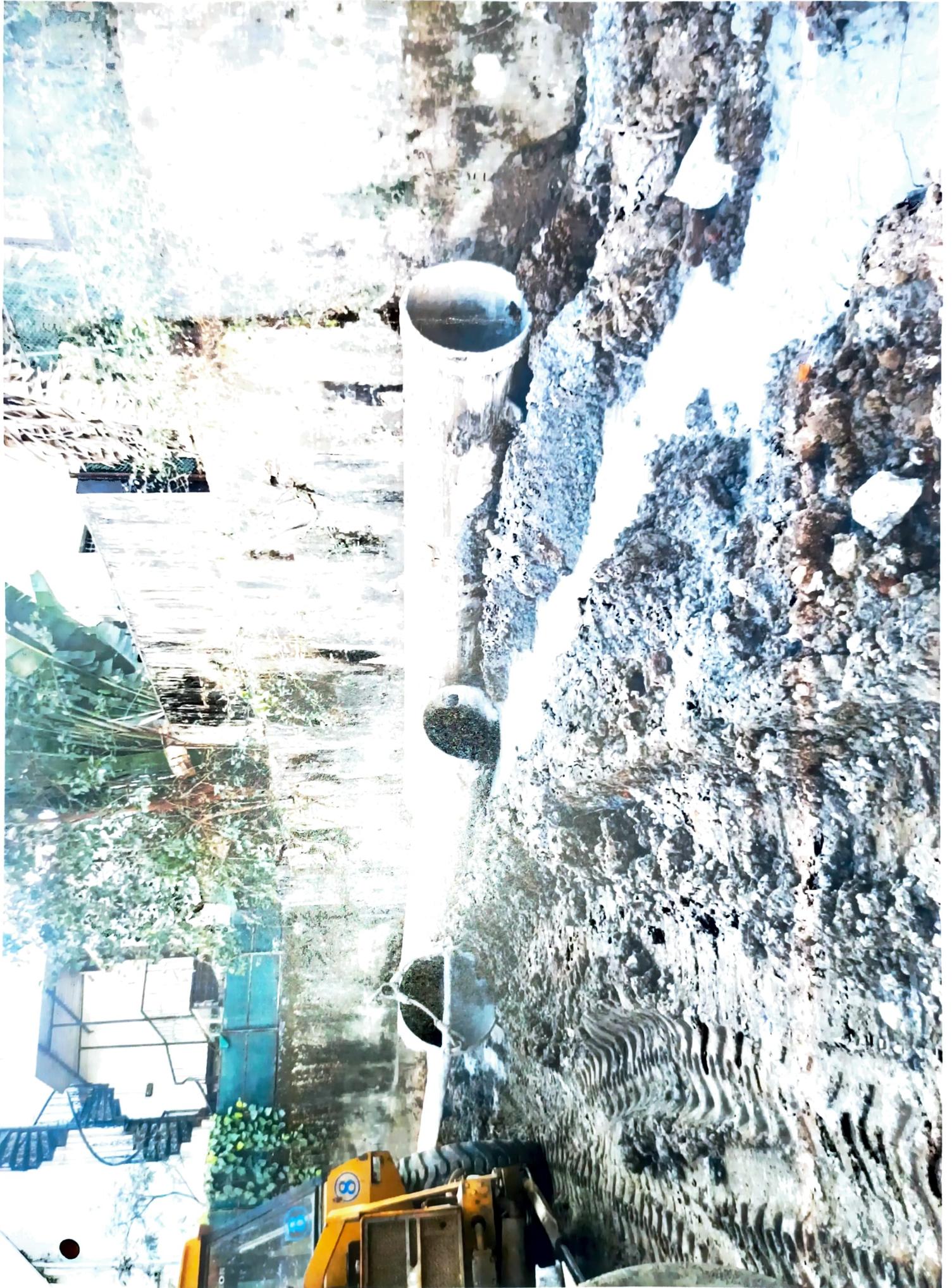
















BY RPAD

 <p>கலைஞர் 1924 - 2023</p>	<p>CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore, Chennai - 600 008 Phone : 28414855 Fax: 91-044-28548416 E-mail: mcmda@tn.gov.in Web site: www.cmdachennai.gov.in</p>	
-----------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

FORM –III
[Sée rule 5(a)]

**NOTICE FOR THE REMOVAL OF UNAUTHORISED DEVELOPMENT
CARRIED OUT WITHOUT PLANNING PERMISSION**

Notice No. EC/N-I/1792/2024

dated: 16.02.2024

Sir / Madam,

Sub: CMDA - Enforcement Cell (North-I) – Planning Permission application submitted for the proposed construction of Double Basement Floor (Parking) + Ground Floor (GYM, Multi-purpose Hall, Indoor Games & Prayer Hall + 10 floors (Height 35.95m) residential building with 17 dwelling units availing with Premium FSI without Planning Permission Old Door No.32, New Door No.101, Ormes Road, Kilpauk, Chennai-10 – Construction works commenced without obtaining Planning Permission – Complaint petition received - Notice under section 56(1) of the Tamil Nadu Town & Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) – Issued – Reg.

- Ref:
1. Planning Permission application received in CMDA/PP/HRB/N/0768/2023 dt.31.10.2023.
 2. Affidavit filed by Thiru. M.C.Sankar before the National Green Tribunal dt.14.02.2024.
 3. Form-I Notice for production of document issued by GCC, Unit-23 by Notice No.118/2024 dt.18.01.2024.
 4. Site inspection held on 16.02.2024.

...

Pursuant to the inspection carried out on 16.02.2024 in the reference 4th cited it is found that the unauthorised construction work such as piling works and other preparation works carried out /being carried out at the under reference situated at Old Door No.32, New Door No.101, Ormes Road, Kilpauk, Chennai-10 without permission.

In the reference 2nd cited, Thiru. M.C.Sankar filed a Affidavit before the National Green Tribunal dt.14.02.2024 against the construction activities i.e. erection of piles ongoing at the site there by violating the provisions of noise pollutions (Regulation & Control) Rules, 2000 and other Laws.

//pto//

You are hereby required to stop the construction activities and to restore the site to its original condition before the said development took place by demolishing the unauthorised construction carried out at the site within 30 days from the date of receipt of this notice.

If the building has not been restored within the above said period, appropriate action will be taken under sub-section (5) of section 56 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for demolition or alteration of any building or work or carrying out of any building or other operations as it may consider necessary without any further notice. The cost incurred for demolition will be recovered from you.

You are also requested to discontinue the use of the site 30 days from the date of receipt of this notice.

If the Owner or Occupier has not discontinued the use of site within the specified period, appropriate action under sub section (2-A) of section 56 of the said Act will be initiated by Locking and Sealing of the subject premises.

Yours faithfully

J. Sankar 16/2/24
for MEMBER – SECRETARY
16/2/24

To

Thiru.Maneesh Parmar and 5 others,
Old Door No.32, New Door No.101,
Ormes Road, Kilpauk,
Chennai- 600 010.

Copy to

Thiru. M.C.Sankar
S/o.M.K. Chengalvarayan,
S1, Moti apartment, 3rd Cross Street,
Ormes Road, Kilpauk,
Chennai-600 010.