

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 06 of 2021 (SZ)

IN THE MATTER OF:

Tribunal on its own motion – Suo Motu

Based on The News item in the Hindu Newspaper Edition Dated: 21.02.2020,

“Vilinjambakkam Lake Shrunk due to Encroachment” ...Applicant(s)

Versus

The Principal Secretary,

Govt. of Tamil Nadu and Others ...Respondent(s)

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Through
Dr. D. Shanmuganathan
Standing Counsel of Tamil Nadu
National Green Tribunal,
Southern Zone

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI
Original Application No. 06 of 2021 (SZ)**

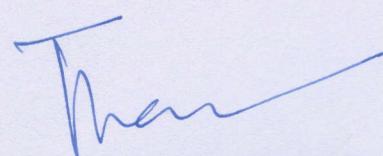
IN THE MATTER OF

Tribunal on its own motion-SUO MOTU
Based on The News Item In the Hindu
Newspaper Edition Dated:21.12.2020,
"Vilinjambakkam Lake shrunk due to
Encroachment.

...Applicant(s)

Versus

1. The Principal Secretary to Government,
Public Works Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu 600009.
2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu - 600009.
3. The Additional Chief Secretary to Govt. of Tamil Nadu,
Revenue and Disaster Management Department,
Govt. Secretariat, Fort St.George.
Chennai, Tamil Nadu - 600009.
4. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu 600032.
5. The District Collector,
Thiruvallur District,
First Floor, Collectorate,
Thiruvallur 602001.
6. The Corporation Commissioner,
Avadi Municipal Corporation Office,
391, New Military Rd. ThirumalaiRajapuram,
NHB Mig V Block, Avadi, Tamil Nadu - 600071. ...Respondents.


**DISTRICT COLLECTOR
TIRUVALLUR**

STATUS REPORT FILED BY THE DISTRICT COLLECTOR
TIRUVALLUR

I, Dr.T.Prabhu Shankar, I.A.S, S/o. Thiru.Thangaraj Gunalan, aged about 40 years, residing at District Collector's Camp Office at Master Plan Complex in Tiruvallur Town, Taluk and District and presently holding the post of the District Collector, Tiruvallur do hereby solemnly affirm and sincerely state as follows:

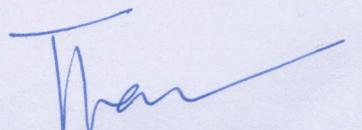
1. I am the 5th Respondent herein and as such I am well acquainted with the facts and circumstances of the case from the records available with this office.

2. The Hon'ble National Green Tribunal in its orders dated 06.12.2023 had directed as follows.

"1. The status report of the District Collector (Respondent No.5) is filed which is not very satisfactory, as there seems to be no progress in the eviction procedure of encroachments.

2. In October 2023, the District Collector has sought for three months time to complete the eviction work. But in the status report filed in December 2023, again two months time is sought for by the District Collector for completing the eviction procedure. Unless some action in progress is shown before the date of next hearing, we will be constrained to pass orders which may not be tenable to the Government."

3. It is submitted that, in order to comply with the order of Hon'ble National Green Tribunal dated:06.12.2023 made in O.A.No.06/2021, necessary instructions had been given to the officials of Revenue & PWD for removal of encroachments in Vilinjiyambakkam and other lake in Avadi Taluk.


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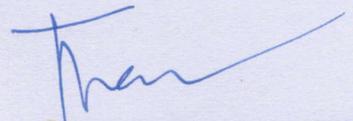
4. It is also submitted that already Vilinjiyambakkam and Ambathur lake (Avadi jurisdiction) have been surveyed and encroachments were enumerated by the Revenue Department and the list of encroachments were communicated through form I & II as per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007. Subsequently, Form III notices have been issued to 293 encroachers in Vilinjiyambakkam Lake. Similarly, for Ambathur Tank, 666 encroachers were enumerated and Form I and II list has been sent to PWD by Revenue Department and form III notice yet to be issued by WRD, Kosasthalaiyaru Basin Division.

5. At the outset, in order to comply with the order of Hon'ble National Green Tribunal dated:06.12.2023 made in O.A.No.06/2021, about 17 encroachments used for commercial purposes viz shops, retail stores, under constructed shops etc. were evicted by the concerned PWD and Revenue Officials on 09.12.2023 and 10.12.2023. As a result of this, 0.13.0 Ares of water course Government land being used for commercial purposes is retrieved back and became free from encroachment.

6. In the meantime, Thiru.Murugesan & 22 others residents of Bharadhidasan Nagar, Vilinjiambakkam Village, Avadi have filed Writ Petition in W.P.No.36193/2023 impleading Registrar General, Hon'ble NGT (SZ), Chennai as the 1st respondent and 5 others as respondents before Hon'ble High Court of Madras with the prayer to call for the records pertaining to the proceedings on the file of NGT (SZ) in O.A.No.06/2021 dt:12.05.2023 and quash the same and restrain the respondents from taking coercive action with respect to Survey No.81, 82, 84 and 92 of Vilinjiambakkam Village, Avadi Municipality.

7. In this regard, the Hon'ble Madras High Court in their Orders, dt:02.01.2024 in W.P.No.36193/2023 have observed and ordered as follows:

"8. It appears that the petitioners were not heard by the NGT. The petitioners can make an application before the NGT and put-forth their case, as contended by them, of the land being assigned to them,



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construction permission being granted; and taxes being paid. It is for the NGT to consider the case put-forth by the petitioners.

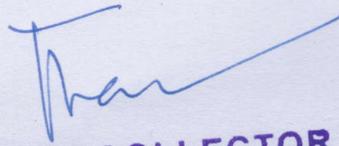
9. State authorities to issue notice under Form III to the petitioners and that unless notice under Form III is issued, demolition would not take place, petitioners have ample time to move the NGT to make an application.

10. The petitioners may make an application before the NGT to put-forth their case. In that event, all contentions raised in the present writ petition are kept open.”

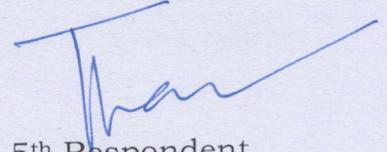
8. In pursuant to the orders, dt:02.01.2024 of the Hon'ble Madras High Court in W.P.No.36193/2023, field survey and enumeration work were made by the officials on 06.01.2024. Based on this, a list of 350 encroachers were enumerated and subsequently form I & form II particulars under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 had been communicated to concerned Water Resource Department (WRD). Accordingly fresh Form III notices have been issued by WRD officials to all 350 encroachers on 12.01.2024 as per the above directions of the Hon'ble High Court.

9. It is submitted that the District Administration is taking serious effective measures to evict the encroachments in the water bodies and complete the eviction process in Vilinjiyambakkam lake and other lake abiding all the legal procedures of eviction of encroachment section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Till date, 17 commercial encroachments were evicted in pursuant to the orders, dated:06.12.2023 of the Hon'ble NGT in O.A.No.06/2021. The hindrance involved in the eviction of remaining residential encroachments is due to the litigations filed against this by the concerned parties.

10. It is submitted that, I request to grant 2 months of time to evict the encroachments.


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Therefore, I pray that the Hon'ble National Green Tribunal, Southern Zone, Chennai may be pleased to accept my action taken report and may be pleased to grant 2 months time to complete the eviction work and pass orders as this Hon'ble National Green Tribunal may deem fit and proper in the circumstances of the case and thus render justice.



5th Respondent
District Collector,
Tiruvallur

**DISTRICT COLLECTOR
TIRUVALLUR**

DISTRICT COLLECTOR
TIRUVALLUR

VERIFICATION

I, Dr.T.Prabhu Shankar, I.A.S, S/o. Thiru.Thangaraj Gunalan, aged about 40 years, working as District Collector, Tiruvallur, do verify that the submissions in Paragraphs 1 to 10 are true and correct to the best of my knowledge as per records and I verify the same at Chennai on this 19th day of January, 2024.



**DISTRICT COLLECTOR
TIRUVALLUR**

12/12

DISTRICT COLLECTOR
TIRUVALLUR